



Oregon

Theodore R. Kubongoski, 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

7/22/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 010-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, July 31, 2009

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

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

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

Cc: Sandra Johnson, City of Medford
Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA

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DLCD

Notice of Adoption

DEPT OF

JUL 15 2009

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-09-037**

Date of Adoption: **7/9/2009**

Date Mailed: **7/10/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **5/8/2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Order granting approval of a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to I-L (Light Industrial) on one 4.96 acre parcel on the east side of Crater Lake Avenue, approximately 1100 feet north of Coker Butte Road. 371W05 TL 1001

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

Plan Map Changed from: **na**

to: **na**

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

to: **I_L**

Location: **4250 Crater Lake Ave., Medford, OR**

Acres Involved: **4**

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 file No. 010-09 (17558) [15619]

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

Jackson County

Local Contact: **Kathy Helmer**

Phone: **(541) 774-2380** Extension: **2375**

Address: **200 S. Ivy St.**

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

City: **Medford**

Zip: **97501-**

E-mail Address:

kathy.helmer@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, 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.

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-09-037 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY DANIEL AND DEBRA ROSS)

ORDER granting approval of a request for changing the zoning from SFR-00 (Single-Family Residential - one dwelling unit per existing lot) to I-L (Light Industrial) zoning district on one 4.96 acre parcel on the east side of Crater Lake Avenue, approximately 1100 feet north of Coker Butte Road.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-00 (Single-Family Residential - one dwelling unit per existing lot) to I-L (Light Industrial) zoning district on one 4.96 acre parcel on the east side of Crater Lake Avenue, approximately 1100 feet north of Coker Butte Road; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented hereby adopts the Staff Report dated June 5, 2009, 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 1W 05 Tax Lot 1001

is hereby changed from SFR-00 (Single-Family Residential - one dwelling unit per existing lot) to I-L (Light Industrial) zoning district.

Accepted and approved this 9th day of July, 2009.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT

Date: June 5, 2009
To: Planning Commission
From: Kelly Akin, Senior Planner *h.*
By: Kathy Helmer, Planner IV
Subject: Ross Zone Change (ZC-09-037)
Dan and Debra Ross, Applicants (Maize and Associates, Inc., Agent)

Background

Proposal

Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to I-L (Light Industrial) on one 4.96 acre parcel on the east side of Crater Lake Avenue, approximately 1100 feet north of Coker Butte Road (Maplot #371W051001)

Subject Site Zoning, GLUP Designation and Existing Uses

Zoning District: Single-Family Residential, one dwelling unit per existing lot (SFR-00)
GLUP Map Designation: General Industrial (GI)
Current Use: Single family home and accessory buildings

Surrounding Property Zoning and Uses

North: *Zone* County Exclusive Farm Use (EFU) outside the Urban Growth Boundary (UGB)
Use Livestock grazing

South: *Zone* Light Industrial (I-L)
Use Storage Yard for Rogue Disposal and Recycling

East: *Zone* County Exclusive Farm Use (EFU) within the UGB
Use No apparent agricultural use

West: *Zone* Light Industrial (I-L)
Use Lithia Auto Sales

Related Projects

The City Council approved the application for a Comprehensive Plan amendment CP-08-121, with conditions, and, adopted the related Ordinance Number 2009-78 on April 2, 2009 (Exhibit M). This Class "A" minor Comprehensive Plan amendment changed the designation of the parcel from Urban Residential (UR) to General Industrial (GI).

Applicable Criteria

Section 10.227 of the *Land Development Code* (Exhibit B)

Issues/Analysis

Staff has reviewed the zone change request and finds that it meets the approval criteria listed in *Medford Land Development Code* §10.227, subject to those conditions included in Exhibit A. The zone change will bring the parcel into compliance with its current GLUP designation of General Industrial. The subject property meets the location standards in Section 10.227(1)(d). The parcel abuts Light Industrial lands to the south and west and lands designated Urban Residential to the east within the UGB. It abuts candidate Urban Reserve lands to the north. Conditions of approval will include transportation facility and storm water drainage improvements, as described below.

Impact on the Transportation System

The 4.96 acre site has the potential to generate 1,488 average daily trips (ADTs), a net increase of 1,479. Therefore, as per §10.461, a traffic impact analysis (TIA) is required.

The applicant submitted a TIA (Exhibit G) in July 2008 with CP-08-121. The TIA and applicant's Findings of Fact (Exhibit C) stipulate that mitigation is required. The applicant shall provide transportation improvements to the intersection of Crater Lake Avenue and East Vilas Road. Said improvements shall include a northbound left-turn lane on Crater Lake Avenue to westbound Vilas Road. The improvements may need to include mitigation on the north side of the intersection to address adequate geometric alignment at the intersection. Required improvements shall be completed before the City of Medford issues permits of occupancy for development on the subject parcel. These conditions have been incorporated into a restrictive covenant placed by the applicant on the subject property.

Oregon Department of Transportation

The Oregon Department of Transportation (ODOT) has reviewed the applicant's TIA (Exhibit G) and concurs with the applicant's Findings of Fact and Conclusions of Law (Exhibit C). Crater Lake Avenue, where it intersects with Vilas Road, is under ODOT jurisdiction. ODOT recommends that the Planning Commission place a condition on the approval of the zone change with the provision of minor intersection improvements (Exhibit L).

Public Works Department

The City of Medford Public Works Department has reviewed the applicant's TIA (Exhibit G) and, with respect to the adequacy of transportation facilities under *City* jurisdiction, recommends approval without condition (Exhibit H).

Drainage

Zone changes are not allowed without adequate storm drain facilities. Prior to the issuance of a development or building permit, Public Works (Exhibit H) will require submission to the City Engineering Division of a report demonstrating a controlled storm water release.

Applicant Stipulations

The applicant includes stipulations on pages 16 and 21-22 of Exhibit C including: minor improvements to the intersection of Vilas Road and Crater Lake Avenue, as recommended in the TIA (Exhibit G); and plans for a controlled storm water release. Staff recommends the Planning Commission include these stipulations as conditions of approval.

No other issues were identified by staff.

RECOMMENDED ACTION

Direct staff to prepare a Final Order for approval of ZC-09-037 per the Staff Report dated June 5, 2009, including Exhibits A through M.

EXHIBITS

- A Conditions of Approval dated June 5, 2009;
- B Approval Criteria, dated June 5, 2009;
- C Applicant's Findings of Fact and Conclusions of Law, received April 13, 2009;
- D Zoning Map, received April 13, 2009;
- E General Land Use Plan Map, received April 13, 2009;
- F Assessor's Map, received April 13, 2009;
- G Executive Summary, Traffic Impact Analysis, received July 15, 2008;
- H Memorandum from the Medford Engineering Division, dated May 14, 2009;
- I Memorandum from the Medford Water Commission, dated May 20, 2009;
- J Memorandum from Medford Fire/Rescue, received May 26, 2009;
- K Letter from Rogue Valley Sewer Services, dated May 15, 2009;
- L Letter from Oregon Department of Transportation, dated May 29, 2009;
- M City of Medford Ordinance No. 2009-78
Vicinity Map

PLANNING COMMISSION AGENDA: JUNE 25, 2009



CITY OF MEDFORD

PLANNING DEPARTMENT

**EXHIBIT "A"
ZC-09-037
CONDITIONS OF APPROVAL
June 5, 2009**

1. Comply with the Memorandum from the Medford Engineering Division (Exhibit "H").
2. Comply with the Letter from Oregon Department of Transportation (Exhibit "L").
3. Comply with the Memorandum from the Medford Water Commission (Exhibit "I").
4. Comply with the Memorandum from the Medford Fire Department (Exhibit "J").
5. Comply with the Memorandum from the Rogue Valley Sewer Service (Exhibit "K").
6. Accepted are applicant's stipulations to provide minor improvements at the intersection of Vilas Road and Crater Lake Avenue, to include a northbound left turn lane and, potentially, mitigation on the north side of the intersection to address adequate geometric alignment. Required improvements shall be completed before the City of Medford issues permits of occupancy for development on the subject parcel.

EXHIBIT "B"

**ZONE CHANGE APPROVAL CRITERIA – INDUSTRIAL ZONES
FROM SECTION 10.227 OF THE MEDFORD LAND DEVELOPMENT CODE
June 5, 2009**

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

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

- (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.
 - (ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) 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.
 - (iii) The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, 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;
 - (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

Zone Change Approval Criteria – Industrial Zones

- (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 of at least 60 feet in width.
- (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

Zone Change Approval Criteria – Industrial Zones

applicant that the improvement(s) will make the street adequate in condition and capacity.

- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

[Amd. Ord. No. 7036, Dec, 5, 1991; Amd. Sec. 1, Ord. No. 1999-88, June 3, 1999; Amd. Sec. 1, Ord. No. 2003-27, Feb. 6, 2003; Amd. Ord. No. 2004-59, March 18, 2004.]

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE CITY OF MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION FOR APPROVAL OF A CHANGE OF ZONE FROM A SFR-00 (SINGLE FAMILY - 1 DWELLING UNIT PER LOT) TO A I-L (LIGHT INDUSTRIAL) ZONING DISTRICT

APPLICANT'S EXHIBIT 1

APPLICATION: Request for a change of zone from a SFR-00 (Single-Family Residential - 1 dwelling unit per lot) to a I-L (Light Industrial) zoning district on an approximate 4.96-acre parcel located on the east side of Crater Lake Avenue, approximately 1100 feet north of Coker Butte Road.

APPLICANTS/ OWNERS: Dan and Debra Ross
4250 Crater Lake Avenue
Medford, OR 97504

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 37-1W-05 as Tax Lot 1001, as depicted on Exhibit "4". The parcel was annexed to the City in August of 2007. The City Council, on April 2, 2009 adopted an ordinance, which amended Medford's General Land Use Plan Map by changing the land use designation on the subject 4.96-acre parcel from Urban Residential to General Industrial.

The subject property is occupied by a single-family dwelling and associated accessory buildings. The applicants are currently utilizing the subject property as their residence.

In May 2008, the Medford City Council approved plans for the reconfiguration to the Crater Lake/Coker Butte Road intersection (File: TF-08-008). That plan will separate new Crater Lake Highway and Crater Lake Avenue intersections on Coker Butte Road by about 600 feet, creating northern and southern Crater Lake Avenue legs. The northern leg is planned to bisect the subject property as shown on Exhibit "7".

RECEIVED

APR 13 2009

Planning Dept.

CITY OF MEDFORD
EXHIBIT # **2C**

2C-09-037

B. SCOPE AND PURPOSE OF THE APPLICATION

The applicants propose to rezone the land in accordance with the Land Development Code and the Medford Comprehensive Plan, to prepare the property for future development to urban standards. The submitted Findings of Fact and Conclusions of Law support the zone change from its present SFR-00 (Single-Family Residential – 1 dwelling unit per parcel), to Light Industrial.

C. APPLICANT’S SUBMITTALS

- Exhibit 1 Findings of Fact and Conclusions of Law dated April 7, 2009;
- Exhibit 2 Traffic Impact Study, dated July 15, 2008, by RDK Engineering, LLC;
- 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 Aerial Vicinity Map showing Subject Area and Crater Lake Avenue realignment;

D. RELEVANT APPROVAL CRITERIA

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

MEDFORD LAND DEVELOPMENT CODE

ZONE CHANGE CRITERIA – SECTION 10.227

1. *The proposed zone is consistent with the 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; (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 of at least 60 feet in width.

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

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

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

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

ii. Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or

iii. If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:

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

OREGON ADMINISTRATIVE RULES

OREGON TRANSPORTATION PLANNING RULE - SECTION 660-012-0060

1. *Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to*

capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - b. Change standards implementing a functional classification system; or
 - c. As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
2. Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:
- a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - b. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
 - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
 - d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
 - e. Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

3. *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*
 - a. *The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*
 - b. *In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
 - c. *Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*
 - d. *The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*
 - e. *For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.*
4. *Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*
 - a. *In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*
 - b. *Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:*
 - (A) *Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*

- (B) *Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.*
 - (C) *Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.*
 - (D) *Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.*
 - (E) *Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.*
- c. *Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:*
- (A) *ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or*
 - (B) *There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.*
- d. *As used in this section and section (3):*
- (A) *Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;*
 - (B) *Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and*
 - (C) *Interstate interchange area means:*
 - (i) *Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or*

(ii) *The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.*

e. *For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).*

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

ZONE CHANGE CRITERIA – SECTION 10.227

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

CRITERION NO. 1

1. *The proposed zone is consistent with the 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.*

CONSISTENCY WITH THE OREGON TRANSPORTATION PLANNING RULE (OAR 660)

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

The Medford TSP addresses the Oregon Statewide Planning Goal 12 and the Oregon Transportation Planning Rule (TPR), which directs cities and counties to develop balanced transportation systems addressing all modes of travel including motor vehicles, transit, bicycles and pedestrians. The TPR envisions development of local plans that will promote changes in land use patterns and transportation

systems that make it more convenient for people to walk, bicycle, use transit, and drive less to meet their daily needs.

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

Overall Transportation System

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

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

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

Findings of Fact

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

Street System

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

Street System – Transportation System Management and Safety

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

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

Findings of Fact

The City has required, and the applicant has provided a Traffic Impact Analysis in conjunction with the subject application. That analysis shows that "... *in the*

existing combined year 2008, six study area intersections exceed performance standards. All but two of the intersections will be improved as a result of planned projects by the year 2010. The two intersections will not be improved by 2010 include Vilas Road & Highway 62 and Vilas Road & Crater Lake Avenue. Both intersections have long range planned improvements in the Regional Transportation Plan (RTP). The unsignalized intersection of Vilas Road & Crater Lake Avenue, however, will require further mitigation to operate no worse under build conditions than no build conditions in years 2010 and 2030 as a result of the proposed zone change. The interim improvement includes the addition of a northbound left turn lane at the intersection of Vilas Road & Crater Lake Avenue. All other study area intersections are shown to either operate within performance standards or are not made worse as a result of the proposed zone change.

The identified improvement needed at the Crater Lake Avenue and Vilas Road intersection will become a condition of this zone change. The applicant has included a stipulation that the improvement will be constructed prior to the generation of additional traffic from the new industrial development on the Light Industrially-zoned property.

Transportation and Land Use

GOAL 8: *To maximize the efficiency of Medford's transportation system through effective land use planning.*

Implementation 8-A(1): *Through revisions to the Medford Comprehensive Plan and Land Development Code, provide opportunities for increasing residential and employment density in locations that support increased use of alternative travel modes, such as along transit corridors.*

Findings of Fact

Crater Lake Highway is a designated transit route for Rogue Valley Transit District's Route #60.

The ITE manual shows that the number of employees for Light Industrial zone uses is generally higher than those uses within the General Industrial and the Heavy Industrial zone.

Conclusion of Law

The Planning Commission concludes that proposed zone change is consistent with the Oregon Transportation Planning Rule since Medford has adopted a Transportation System Plan and the application is consistent with that TSP. Separate findings have been included in this document, which address the Transportation Planning Rule.

CONSISTENCY WITH GENERAL LAND USE PLAN MAP DESIGNATION

Findings of Fact

The General Land Use Plan Map (Exhibit "5") was amended on April 2, 2009 with the approval by the City Council of an application to change the land use designation on the subject property from Urban Residential to General Industrial (File: CP-08-121).

The General Land Use Plan Element of the Comprehensive Plan states that:

***General Industrial** This designation permits the I-L (Light Industrial) and the I-G (General Industrial) zoning districts. The most appropriate zoning district for each site designated General Industrial shall be determined based on the following:*

***The I-L zone** is intended for office uses and light manufacturing. The I-L zoning district is suitable for areas near residential and commercial properties.*

***The I-G zone** provides land for industrial uses in which production and processing activities involve a degree of noise, vibration, air pollution, radiation, glare, and fire and explosive hazards. The I-G zoning district is suitable for areas near the Heavy Commercial and the Heavy Industrial zoning districts due to the higher intensity of uses permitted in this zone.*

The parcels that abut the subject property on the south and west sides are already zoned I-L. To the south is the Rogue Disposal and Recycling facility, and to the west is the Lithia Auto facility. The land to the west is within Medford's Urban Growth Boundary, but is currently outside of the City. It will be developed residentially, since it has a land use designation of Urban Residential. The land to the north is outside of Medford's Urban Growth Boundary, but is identified as one of the areas that Medford has included in its Regional Problem Solving lands as MD-2.

The subject is approximately 3/4 mile to the nearest Heavy Commercial zoning district to the north and approximately 1/2 mile to the nearest Heavy Industrial zoning district.

Conclusion of Law

The Planning Commission concludes that the application is consistent with the General Land Use Plan Map since it shows the subject property has a land use designation of General Industrial, which allows the Light Industrial zoning district.

The Planning Commission also concludes that the proposed Light Industrial zoning district is the most appropriate and suitable zone as it is located near other lands that are zoned Light Industrial; is near lands that are designated to be

developed within residential uses; and is not near lands that are zoned Heavy Commercial or Heavy Industrial.

CONSISTENCY WITH LOCATIONAL STANDARDS

- (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.*

Findings of Fact

As discussed in the section above, the parcels which abut the subject property on the south and west sides are already zoned I-L. To the south is the Rogue Disposal and Recycling facility, and to the west is the Lithia Auto facility. The land to the west is within Medford's Urban Growth Boundary, but is currently outside of the City. It will be developed residentially, since it has a land use designation of Urban Residential. The land to the north is outside of Medford's Urban Growth Boundary, but is identified as one of the areas that Medford has included in its Regional Problem Solving lands as MD-2.

Conclusion of Law

As the subject property abuts I-L zoning along its west and south sides, and abuts land which will be residential along its east side, and as the proposed zone change does not abut the Heavy Industrial zoning district the Planning Commission concludes that the proposed zone change is consistent with the locational standards of Subsection 1d of Criterion No. 1.

CRITERION NO. 2

2. *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."*
- a. *Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*
 - b. *Adequate streets and street capacity must be provided in one of the following ways:*

- i. *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
- ii. *Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
- iii. *If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:*
 - a. *the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
 - b. *when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits. (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
 - c. *In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:*
 - i. *Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,*
 - ii. *Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
 - (iii) *Transportation Demand Management (TDM) measures which*

can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

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

Findings of Fact

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

- Water Service
- Sanitary Sewer and Treatment
- Storm Drainage
- Transportation Facilities

A. Water Service – The subject property can currently be served by the following water lines that are adjacent to the subject site:

- an 8-inch water main in Crater Lake Avenue, terminating approximately 150 feet south of the subject property;
- an 8-inch water main terminating on the common lot line between Tax Lots 1002 and 1600, approximately 650 feet south of the subject property;

The subject site is served by a single pressure zone and is within the City's reduced pressure area as defined by the Medford Water Commission.

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

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

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

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

Conclusions of Law

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

- B. Sanitary Sewer and Treatment – The subject property can currently be served by the Rogue Valley Sewer Services which has 10-inch sanitary sewer line located in Crater Lake Avenue, approximately 70 feet south of the subject property.

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 staff has determined that the sanitary sewer system is adequate in condition and capacity to accommodate development of the subject property with uses allowed in the proposed I-L zone.

Conclusions of Law

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

- C. Storm Drainage – The subject site is located in the Swanson and Midway Creek Drainage Basins and is currently served by roadside ditches along the west side of the 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 representative state that with the prescribed storm water detention, the subject property can be adequately served by the City's storm water drainage system.

Conclusions of Law

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

- D. Transportation Facilities – The subject property has frontage on Crater Lake Avenue, a designated Major Collector street, according to Medford's Medford Street Functional Classification Plan.

The acreage of the subject site is 4.96. In order to analyze the potential traffic impacts of the proposed zone change, the City of Medford has calculated and applies an average traffic generation for the I-L zone at the time of changes to that zone. That average generation rate utilized by the City is 300 Average Daily Trips (ADT) per acre.

Based on the 4.96 acreage of the subject property, the City anticipates that utilizing the average trip generation from the I-L zoned property of 300 ADT per acre, approximately 1488 ADT will be generated. Subtracting the approximate 10 ADT from the existing single-family residential entitlement, a net increase of 1478 ADT will result from the change of zone to Light Industrial.

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 an increase of trips that exceeds 250 ADT, a Traffic Impact Study was performed by RDK Engineering, LLC and submitted as Exhibit "2" of this application.

The Traffic Impact Study states that:

“The findings of the traffic impact study show that in the existing combined year 2008, six study area intersections exceed performance standards. All but two of the intersections will be improved as a result of planned projects by the year 2010. The two intersections will not be improved by 2010 include Vilas Road & Highway 62 and Vilas Road & Crater Lake Avenue. Both intersections have long range planned improvements in the Regional Transportation Plan (RTP). The unsignalized intersection of Vilas Road & Crater Lake Avenue, however, will require further mitigation to operate no worse under build conditions than no build conditions in years 2010 and 2030 as a result of the proposed zone change. The interim improvement includes the addition of a northbound left turn lane at the intersection of Vilas Road & Crater Lake Avenue.

All other study area intersections are shown to either operate within performance standards or are not made worse as a result of the proposed zone change.

Access is proposed from Crater Lake Avenue north of Coker Butte Road. A center two-way left turn lane in front of the site will be provided as part of a project to realign and improve Crater Lake Avenue. Northbound and southbound right turn lane criterion was evaluated at the proposed project access to determine whether right turn lanes would be required as a result of development. Criterion was not shown to be met under design year 2010 or future year 2030.

The traffic impact study concludes that the proposed Crater Lake Avenue zone change can be accommodated on the existing street system to City of Medford, ODOT, and Jackson County standards in the project build year 2010 and future year 2030 with RTP planned improvements and the recommended mitigation in place.”

Conclusions of Law

Based upon the Findings of Fact, the Planning Commission concludes that the transportation facilities which will serve the subject property are adequately sufficient and available to provide transportation service to the subject property with development that is permitted under the proposed I-L zoning, provided that, as stipulated, the addition of a northbound left turn lane at the intersection of Vilas Road & Crater Lake Avenue, be constructed at the time building permits for vertical construction are issued.

CONSISTENCY WITH THE OREGON TRANSPORTATION PLANNING RULE (OAR 660)

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

Transportation Planning – Plan and Land Use Regulation Amendments Section 660-012-0060

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

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

Findings of Fact

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

The applicant commissioned a Traffic Impact Study by RDK Engineering LLC, which has been submitted as part of the zone change application.

The study finds that there will be significant impacts upon the existing transportation facilities because of the impact of the net traffic generation as a result of the proposed zone change. In accordance with provisions of the Oregon Transportation Rule, compliance can be accomplished by minor transportation improvements. Such is the case with the proposed application. According to the traffic study, significant impacts to six study area intersections will be mitigated by planned improvements to those intersections. However, the intersection of Vilas Road and Crater Lake Avenue, where a northbound left turn lane is needed to mitigate the net impacts of the proposed zone change, is not part of planned improvement.

The applicant has included a stipulation that such a northbound left turn lane will be installed prior to the generation of additional traffic from new development on the Light Industrially-zoned property.

Conclusion of Law

The Planning Commission concludes that with the addition of a northbound left turn lane at the intersection of Vilas Road and Crater Lake Avenue, there will not be a significant affect on an existing or planned transportation facility and therefore, the application is consistent with the Oregon Transportation Planning Rule.

F. ULTIMATE CONCLUSION

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

G. STIPULATION

In accordance with, and in order to insure that adequate transportation facilities serving the subject property are available, the applicant agrees to the installation of a northbound left turn lane at the intersection of Vilas Road and Crater Lake Avenue, prior to the generation of additional traffic from the new industrial development on the Light Industrially-zoned property.

Respectively Submitted,

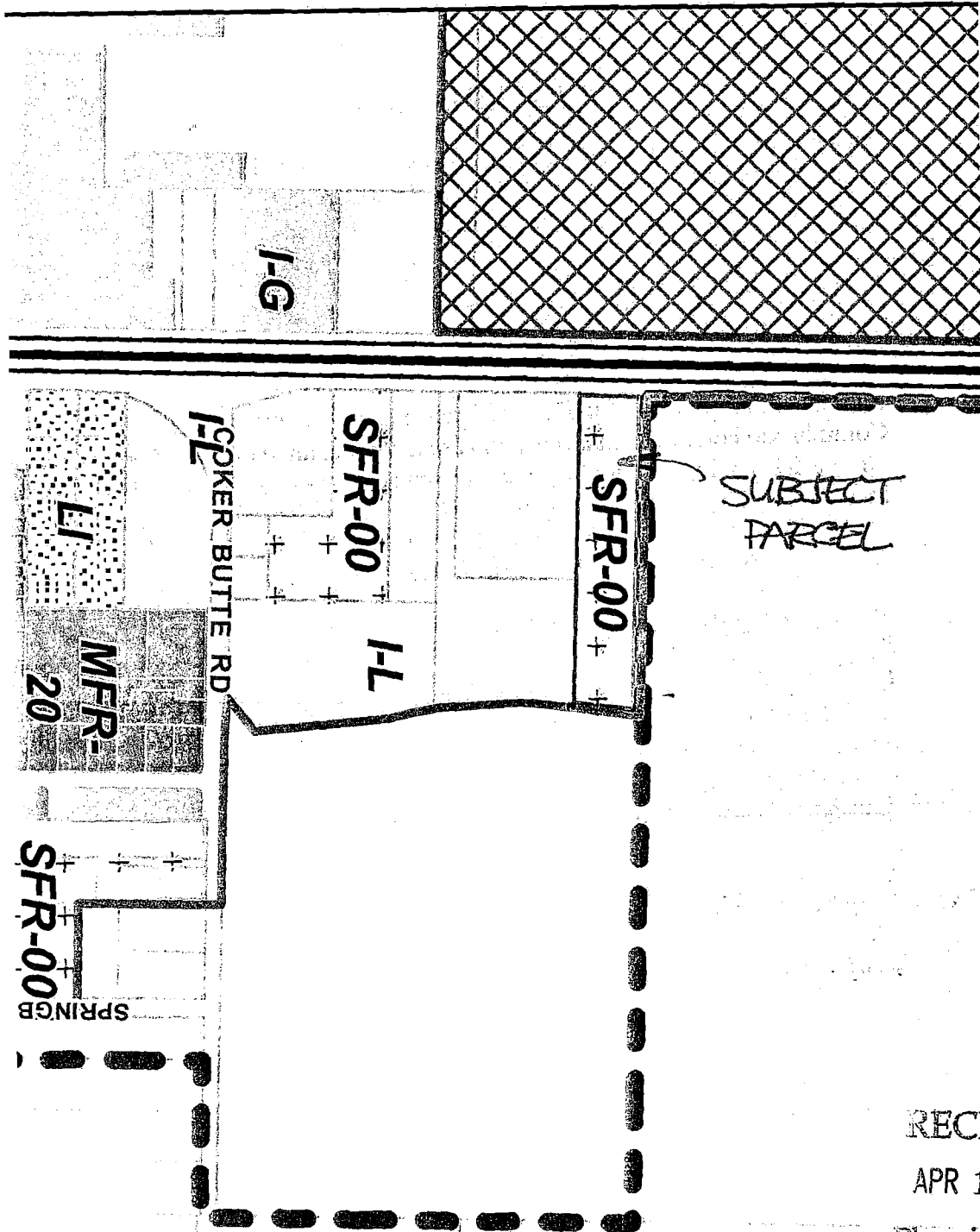
Maize & Associates, Inc.



Jim Maize
Agent for Applicant,
Dan and Debra Ross

Dated: April 7, 2009

MEDFORD ZONING MAP



SUBJECT PARCEL

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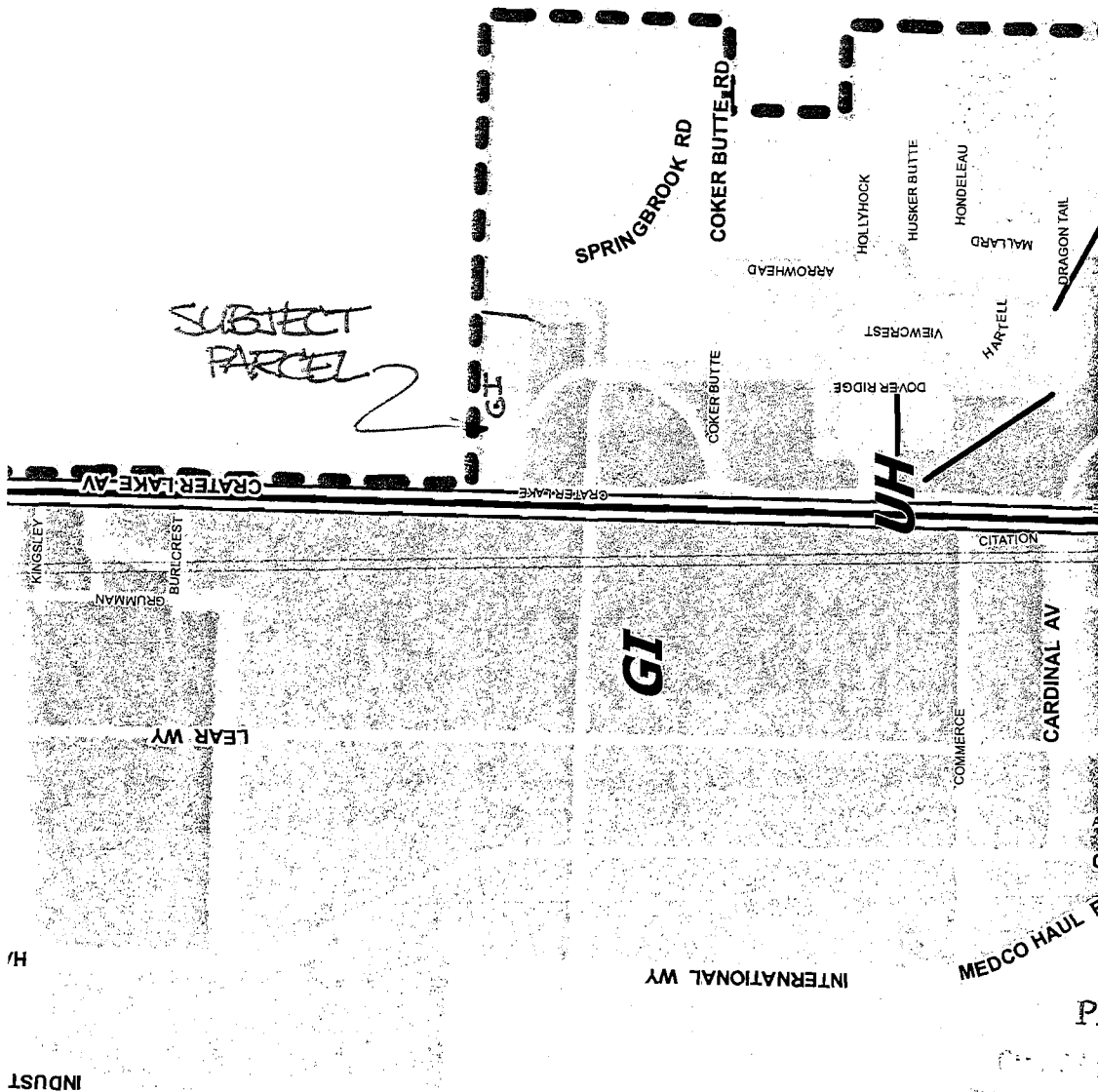
"D"

20-09-037

APPLICANT'S EXHIBIT

"6"

GENERAL LAND USE PLAN MAP



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20-09-037

APPLICANT'S
EXHIBIT
" 5 "

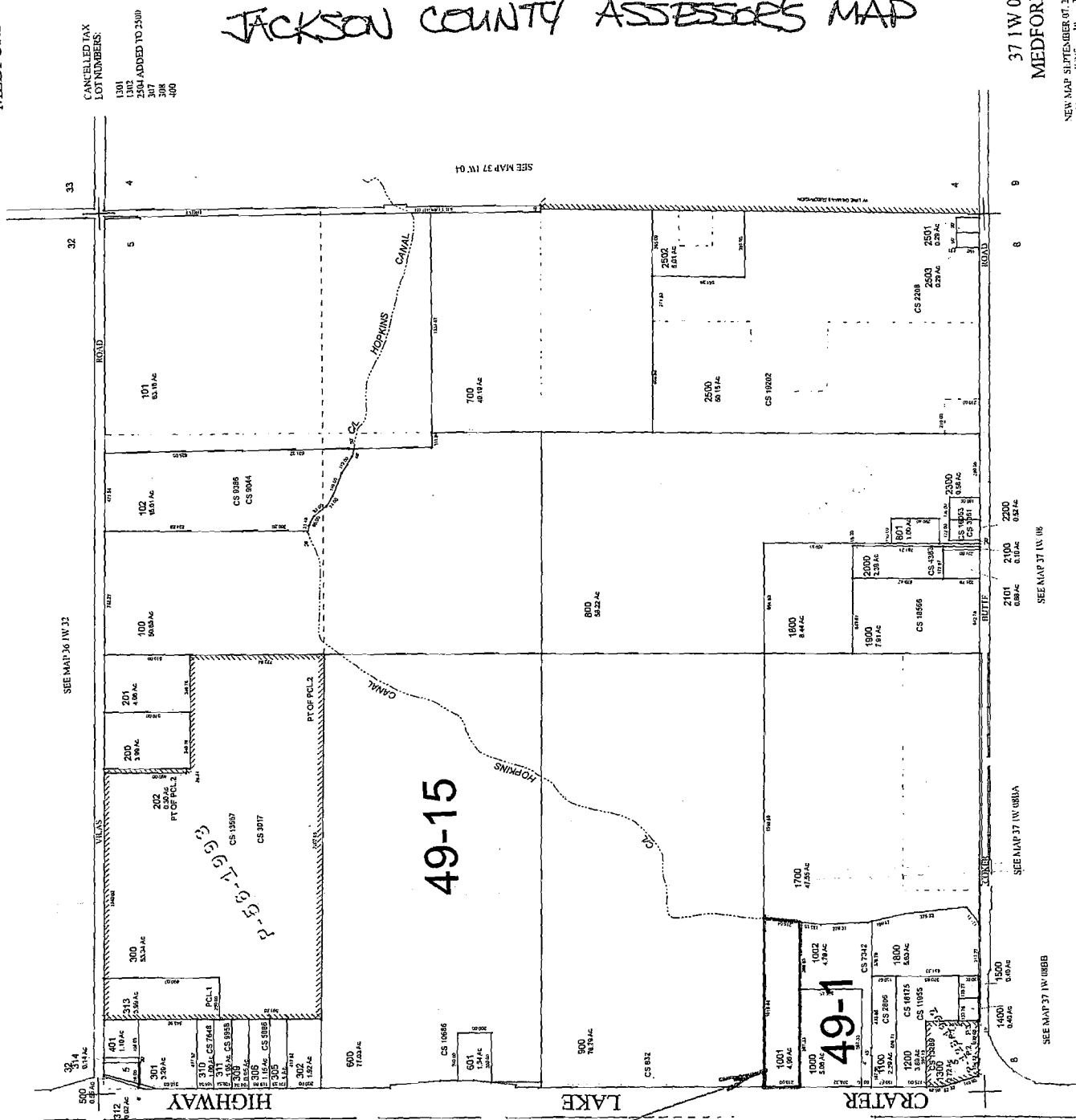
A

JACKSON COUNTY ASSESSOR'S MAP

37 1W 05
MEDFORD
NEW MAP SEPTEMBER 01 2004
REV JUNE 10 2004

SECTION 5, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 400'

FOR ASSESSMENT AND
TAXATION ONLY



49-15

49-1

SUBJECT PARCEL

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APR 13 2009

Planning Dept.

"F"
2009-037

APPLICANT'S
EXHIBIT
" 4 "

I. EXECUTIVE SUMMARY

Study Summary

This study presents the results of RDK Engineering's transportation impact analysis for the proposed Crater Lake Avenue zone change application. The site is located along Crater Lake Avenue, north of Coker Butte Road in Medford, OR.

A zone change is being proposed from City SFR-00 to City I-L (Light Industrial) on 4.96 gross acres. The site is located within the future Coker Butte Road re-alignment area and, according to the City of Medford public works staff, will lose an estimated 0.38 acres in right-of-way acquisition. The net acreage is estimated at 4.58 acres. The City of Medford estimates City I-L to generate 300 average daily trips per acres with 10% occurring during the peak hour of the day for vacant property without a known site plan. The proposed zone change, therefore, is estimated to generate 1374 ADT with 137 trips occurring during the peak hour of the day.

Access to the site will be from Crater Lake Avenue, which is currently under ODOT jurisdiction.

Peak hour impacts were analyzed for five scenarios at study area intersections.

- Combined existing year 2008 P.M. peak hour level of service.
- The year 2010 P.M. peak hour level of service. No Build Option.
- The build-out year 2010 P.M. peak hour level of service with project.
- The future year 2030 P.M. peak hour level of service. No Build Option.
- The future year 2030 P.M. peak hour level of service with project.

Consistency with Comprehensive Plan

The proposed Crater Lake Avenue zone change analysis is in compliance with the Medford Comprehensive Plan pursuant to Medford Land Development Code 10.227(1) and Goal No. 3, Policy 1 of the Public Facilities Element. Streets that serve the subject property will accommodate projected P.M. peak traffic volumes within acceptable levels of service with the recommended improvements in place.

Conclusions

The findings of the traffic impact study show that in the existing, combined year 2008, six study area intersections exceed performance standards. All but two of the intersections will be improved as a result of planned projects by the year 2010. The two intersections that will not be improved by the year 2010 include Vilas Road & Highway 62 and Vilas Road & Crater Lake Avenue. Both intersections have long range planned improvements in the Regional Transportation Plan (RTP). The unsignalized intersection of Vilas Road & Crater Lake Avenue, however, will require further mitigation to operate no worse under build conditions than no build conditions in years 2010 and 2030 as a result of the proposed zone change. The interim improvement includes the addition of a northbound left turn lane at the intersection of Vilas Road & Crater Lake Avenue.

All other study area intersections are shown to either operate within performance standards or are not made worse as a result of the proposed zone change.

Access is proposed from Crater Lake Avenue north of Coker Butte Road. A center two-way left turn lane in front of the site will be provided as part of a project to realign and improve Crater Lake Avenue. Northbound and southbound right turn lane criterion was evaluated at the proposed project access to determine whether right turn lanes would be required as a result of development. Criterion was not shown to be met under design year 2010 or future year 2030 conditions.

The traffic impact study concludes that the proposed Crater Lake Avenue zone change can be accommodated on the existing street system to City of Medford, ODOT, and Jackson County standards in the project build year 2010 and future year 2030 with RTP planned improvements and the recommended mitigation in place.

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CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department

FROM: Engineering Division

SUBJECT: Zone Change Request, File No. ZC-09-037

DATE: May 14, 2009

1. Sanitary Services:

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

2. Streets:

A. Current condition of nearest streets:

Crater Lake Avenue, an existing Major Collector Street is paved with curb and gutter along the frontage of this site.

B: Who has maintenance responsibilities: Oregon Department of Transportation

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 City SFR-00 (Single-Family Residential – 1 unit per existing lot) to City I-L (Light Industrial), on 4.96 acres has the potential to generate 1488 average daily trips (ADT) or produce a net increase of 1479 ADT to the transportation system. Based on this and code sections 10.460 and 10.461, a traffic impact analysis (TIA) will be required.

A Traffic Impact Analysis (TIA) for Ross Property Comprehensive Plan Amendment was prepared by RDK Engineering and submitted to Public Works on July 21, 2008 for review. After Public Works review, a comment letter regarding the TIA was sent to RDK Engineering on December 11, 2008. RDK Engineering Submitted the response on December 30, 2008.

This study analyzed the traffic impact of the proposed Comprehensive Plan Amendment

CITY OF MEDFORD
EXHIBIT # "H"
ZC-09-037

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from SFR-00 to I-L (light industrial) on 4.96 acres. Per City's trip generation rate, the proposed Comprehensive Plan Amendment can generate 1479 ADT. The study evaluated the intersection of Delta Waters and Crater Lake Ave. under the existing Year 2008, Year 2010 no build, Year 2010 and Year 2030 Build conditions. With the Owen extension to Hwy 62 and signalized the intersection, the intersection of Delta Waters and Crater Lake Ave. will operate at the LOS D for 2010 Build and 2030 Build scenario. Therefore, in terms of facility adequacy, no mitigation is required for the studied intersection.

Based on the traffic impact analysis, Public Works recommends the approval without condition.

At the time of any site development the City of Medford will recommend, in conjunction with Oregon Department of Transportation, any necessary improvements and/or dedications for this proposed zone change's frontage on Crater Lake Avenue.

3. Drainage:

This site lies within the Swanson Creek Drainage Basin. This basin drains outside the City limits to areas the City has no jurisdiction. As a zone change is not allowable without adequate storm drain facilities, the following criteria must be met prior to issuance of a development permit or a building permit for vertical construction:

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

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BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-09-037

PARCEL ID: 371W05 TL 1001

PROJECT: Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to I-L (Light Industrial) on one 4.96 acre parcel on the east side of Crater Lake Avenue, approximately 1100 feet north of Coker Butte Road; Dan/Debra Ross, Applicants (Maize & Associates, Inc., Agent). Kathy Helmer, Planner

DATE: May 20, 2009

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water 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.
7. Access to MWC water lines for connection is available. An 8" water line is located in Crater Lake Avenue approximately 150' south of the south property line of this parcel.

CITY OF MEDFORD
 EXHIBIT # I
 # ZC-09-037



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Medford Fire Department

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

LAND DEVELOPMENT REPORT - PLANNING

To: Kathy Helmer

LD Meeting Date: 05/27/2009

From: Kleinberg, Greg

Report Prepared: 05/26/2009

File #: ZC - 09 - 37

Site Name/Description:

Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to I-L (Light Industrial) on one 4.96 acre parcel on the east side of Crater Lake Avenue, approximately 1100 feet north of Coker Butte Road; Dan/Debra Ross, Applicants (Maize & Associates, Inc., Agent). Kathy Helmer, Planner

DESCRIPTION OF CORRECTIONS

REFERENCE

Approved as Submitted

Meets Requirement: No Additional Requirements

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

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

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

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

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

CITY OF MEDFORD
EXHIBIT # 15
File # ZC-09-037

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ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 . www.RVSS.us

May 15, 2009

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

Re: ZC-09-037, Ross Zone Change (371W05 – 1001)

ATTN: Kathy,

The subject property is currently served by a connection to the 10 inch sewer main which crosses Crater Lake Highway approximately 70 feet South of the property.

The proposed zone change will not affect this service, however, additional development will require a main line extension to bring the sewer main to the front of the property.

Sincerely,

Carl Tappert P.E.
District Engineer

**Carl
Tappert**

Digitally signed by
Carl Tappert
DN: cn=Carl Tappert
Date: 2009.05.15
08:18:19 -07'00'

\\BCVSA_TREE\BCVSA41_VOL1.MEDOR.BCVSA\DATA\AGENCIES\MEDFORD\PLANNG\ZONE CHANGE\2009\ZC-09-037_ROSS.DOC

CITY OF MEDFORD
EXHIBIT # **K**
ZC-09-037

23

RECEIVED

MAY 29 2009



Oregon

Theodore R. Kulongoski, Governor

PLANNING DEPT.

Department of Transportation

Region 3 Planning

100 Antelope Road
White City, OR 97503
Phone 541-774-6399
Fax 541-774-6349

May 29, 2009

Mr. David McFadden, Chair
City of Medford Planning Commission
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

**Re: ODOT comments on the proposed Ross Zone Change @ 4250 Crater Lake Ave.
(Medford file no. ZC-09-037)**

Dear Chairman McFadden & Fellow Planning Commissioners:

The Oregon Department of Transportation (ODOT) appreciates the opportunity to review and comment on the proposed Ross Zone Change application, requesting a change of zone district from SFR-00 (Single-Family Residential, one dwelling per lot) to I-L (Light Industrial), located at 4250 Crater Lake Avenue, Medford, OR. The 4.96-acre subject property is described as Map 37-1W-05, Tax Lot 1001. Please include this letter in support of the proposed zone map amendment, with a recommendation for conditioned road improvements consistent with the applicant's traffic impact study (TIS), findings of fact and stipulation for road improvements, within the public hearing record. Our recommendation to approve with conditions is consistent with our participation in the prior approved, Ross Comprehensive Plan Amendment (city file no. CP-08-0121), which utilized the same traffic study.

We have reviewed the Applicant's *Exhibit 1, Findings of Fact and Conclusions of Law*, submitted as evidence to support the zone change. As part of the prior plan amendment, we reviewed the applicant's TIS. We concur with the applicant's findings and conclusions to support the zone change, and recommend the Medford Planning Commission condition approval of the zone map amendment per the applicant's stipulation to provide minor intersection improvements at the intersection of Crater Lake Avenue and Vilas Road discussed in Exhibit 1.

We request the applicant's transportation improvements be coordinated with the Department, at the appropriate time prior to redevelopment and occupancy of the subject property, as allowed within the proposed Light Industrial zone district.

We appreciate this opportunity to provide development review service to the applicant and to the city of Medford. We look forward to working with Medford on future projects. Please contact me at (541) 774-6399, if you have comments, questions or require additional information regarding this correspondence. Thank you.

Respectfully,

David J. Pyles,
Development Review Planner III

Cc: Kathy Helmer, City Planner
Alex Georgevitch, City Traffic Manager
Jim Maize, Maize & Associates (applicant's land use consultant)
Robert Kortt, RDK Engineering (applicant's traffic consultant)
ODOT Region 3

ZC-09-037: Ross Zone Change

CITY OF MEDFORD
EXHIBIT # "L"
2C-09-037

ODOT comments: 05/29/09

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ORDINANCE NO. 2009-78

AN ORDINANCE approving a minor amendment to the General Land Use Plan Map of the Medford Comprehensive Plan changing the land use designation from Urban Residential (UR) to General Industrial (GI), with conditions, on a parcel of 4.96 acres, east of and abutting Crater Lake Avenue, approximately 1,075 feet north of the eastern segment of Coker Butte Road.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. A minor amendment to the City of Medford General Land Use Plan Map of the Medford Comprehensive Plan changing the land use designation from Urban Residential (UR) to General Industrial (GI) with conditions on a parcel of 4.96 acres, east of and abutting Crater Lake Avenue, approximately 1,075 feet north of the eastern segment of Coker Butte Road, is approved.

Section 2. The approval is based upon the Conditions of Approval stated below and the Findings of Fact and Conclusions of Law contained in the Staff Report dated March 18, 2009, attached as Exhibit A and incorporated herein.

Condition #1: The applicant shall provide transportation improvements to the intersection of Crater Lake Avenue and East Vilas Road. Said improvements shall include a northbound left-turn lane on Crater Lake Avenue, to westbound Vilas Road. The improvements may be required to include mitigation on the north side of the intersection to address adequate geometric alignment at the intersection. Required improvements shall be completed before the City of Medford issues permits of occupancy for development on the subject parcel.

Condition #2: The applicant shall produce a restrictive covenant, in a form acceptable to the City Attorney, to be placed on the subject property, which specifies the conditions of this approval.

Condition #3: The applicant shall record the restrictive covenant in #2 above within thirty (30) days of City Council approval of this application. This comprehensive plan amendment shall be effective upon the City receiving proof of the recordation of the covenant.

PASSED by the Council and signed by me in authentication of its passage this 2 day of April, 2009.




ATTEST: /s/Karen M. Spoonts
Deputy City Recorder

/s/Gary H. Wheeler
Mayor

APPROVED April 2, 2009.









/s/Gary H. Wheeler
Mayor

Vicinity Map

-  Zoning Boundary
-  UGB
-  City Limits

Taxlots

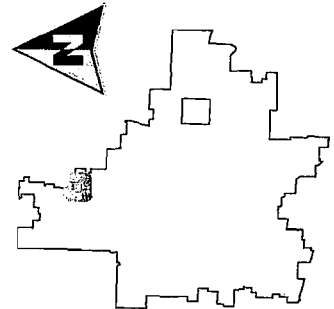
OVERLAY

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

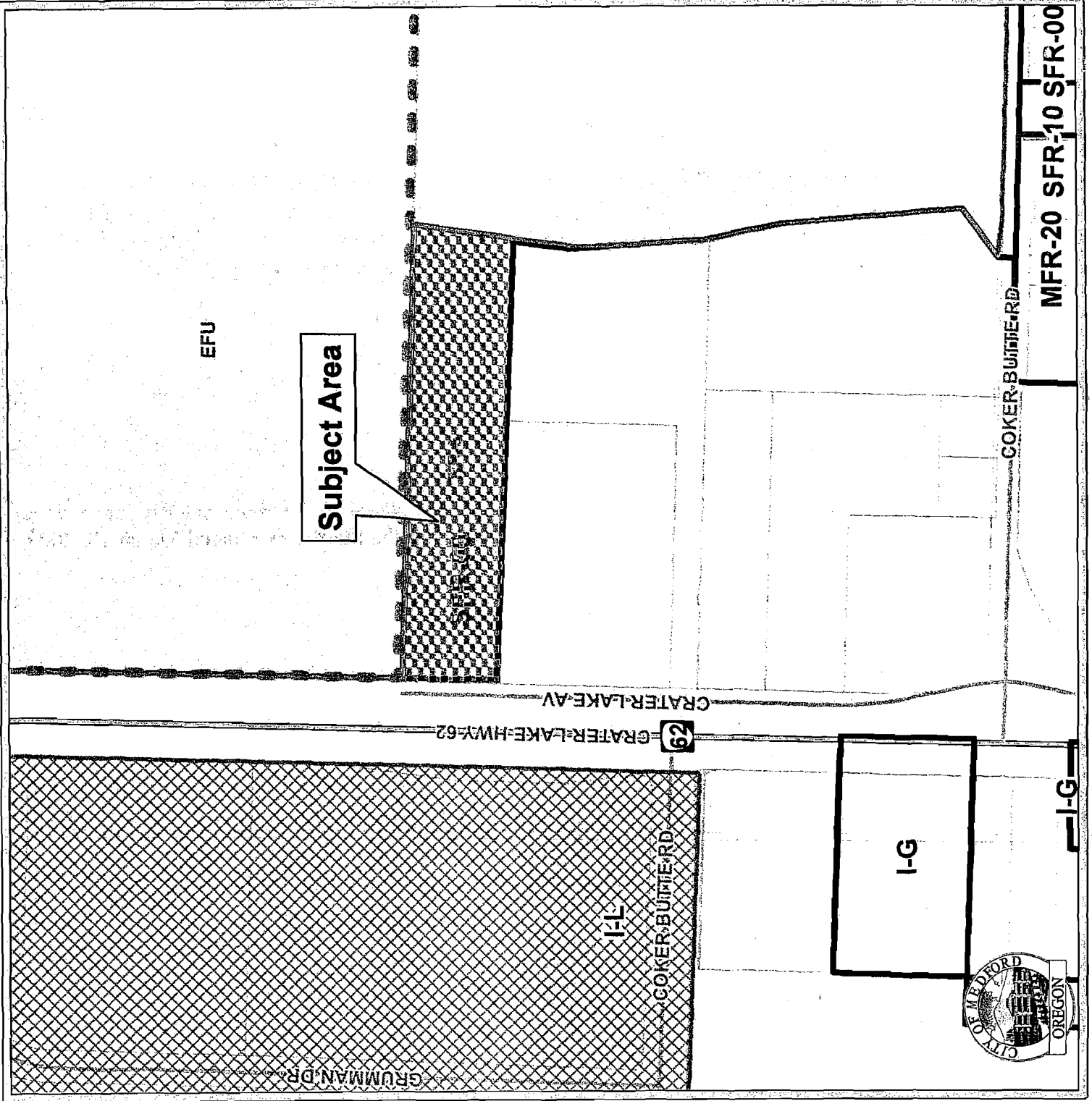
FILE NUMBER:
ZC-09-037

APPLICANT:
Dan and Debra Ross

Map: 371W05
 TL: 1001



4/17/2009



ROSS LEGAL DESCRIPTION

Commencing at a point 28.48 feet North and 2618.93 feet West of the Quarter corner common to Sections 5 and 8 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, thence North 0°03'30" West 1087.65 feet to the true point of beginning; thence East 994.53 feet; thence North 6°24' East 216.4 feet; thence West 1018.84 feet to a point which bears North 0°03'30" West from the true point of beginning; thence South 0°03'30" East 215.0 feet to the true point of beginning.

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APR 13 2009

Planning Dept.

20-08-037

APPLICANT'S
EXHIBIT

" 3 "

7007 0710 0001 0566 7506



US POSTAGE

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

RETURN RECEIPT
REQUESTED

