



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 28, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 007-08

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: August 8, 2008

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

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

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

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

<paa> ya/

FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JUL 21 2008

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

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

Jurisdiction: **City of Medford**

Local file number: **ZC-08-049**

Date of Adoption: **7/10/2008**

Date Mailed: **7/18/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **5/14/2008**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Consideration of a request for a change of zone from City SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) to SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) on a 1.42 gross acre parcel located on the northeast corner of Stewart Avenue and Lozier Lane. More specifically, Township 37 Range 2W Section 35AA, Tax Lot 2200.

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

Plan Map Changed from: **n/a**

to: **n/a**

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

to: **SFR-4**

Location: **1135 Lozier Lane Medford, OR 97501**

Acres Involved: **1**

Specify Density: Previous: **1**

New: **4/acre**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 # 007-68 (16901)

DLCD file No. _____

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

Local Contact: **Cheryl Adams**

Phone: (541) 774-2380 Extension:

Address: 200 S. Ivy St.

Fax Number: 541-618-1708

City: Medford

Zip: 97501-

E-mail Address:

cheryl.adams@CityofMedford.org

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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



CITY OF MEDFORD

PLANNING DEPARTMENT

July 11, 2008

Doris Christian
228 Talent Ave #15
Talent, OR 97540

RE: FILE NO.: ZC-08-049

The Medford Planning Commission at its regular meeting of July 10, 2008, approved the Final Order containing Findings of Fact relating to the approval of the following request: Changing the zoning from City SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) to SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) on a 1.42 gross acre parcel located on the northeast corner of Stewart Avenue and Lozier Lane.

This request was granted as per the Planning Commission Report dated June 26, 2008.

The final date for filing an appeal is 21 days from the date of the decision. The written appeal and filing fee must be received by the City Recorder no later than 5:00 p.m. on July 31, 2008. Appeals must be filed in the form prescribed, and will be decided based upon Medford Code Sections 10.051-10.056 (copies available).

John W. Hoke *et*
Interim Planning Director

kg

Enclosure: Staff Report/Final Order/Legal Description

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

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-08-049 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY DORIS CHRISTIAN)

ORDER granting approval of a request for changing the zoning from City SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) to SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) on a 1.42 gross acre parcel located on the northeast corner of Stewart Avenue and Lozier Lane.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from City SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) to SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) on a 1.42 gross acre parcel located on the northeast corner of Stewart Avenue and Lozier Lane; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented hereby adopts the Planning Commission Report dated June 26, 2008, Applicant's Findings – Exhibit "A," and Legal Description – Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

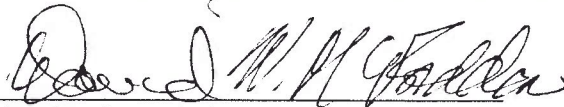
The zoning of the following described area within the City of Medford, Oregon:

37 2W 35 AA Tax Lot 2200

is hereby changed from City SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) to SFR-4 (Single-Family Residential – 4 dwelling units per gross acre).

Accepted and approved this 10th day of July, 2008.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

PLANNING COMMISSION REPORT

Date: June 26, 2008

Subject: Christian Zone Change (ZC-08-049)
Doris Christian, Applicant (Richard Stevens & Associates, Inc., Agent)

Background

Proposal

Consideration of a request for a change of zone from City SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) to SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) on a 1.42 gross acre parcel located on the northeast corner of Stewart Avenue and Lozier Lane. (37 2W 35AA, Tax Lot 2200)

Subject Site Zoning, GLUP Designation and Existing Uses

The Medford General Land Use Plan (GLUP) Map designation for the subject property is UR (Urban Residential). The subject property is developed with a single family dwelling, accessory structures, and a convenience market.

Surrounding Property Zoning and Uses

North: Developed land with single family, County zoned SR-2.5 (1 dwelling per 2.5 acres)

South: Developed land with single family, County zoned RR-5 (1 dwelling per 5 acres)

East: Developed land with mini-storage, County zoned RR-5

West: Vacant land zoned SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot)

Related Projects

Christian Annexation (A-07-059) approved December 20, 2007 and effective May 21, 2008.

Applicable Criteria

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

Issues/Analysis

Staff has reviewed the zone change request and found that it meets the approval criteria listed in *Medford Land Development Code* Section 10.227(d). There are adequate infrastructure facilities available to serve the site with the exception of storm drainage. The Public Works Department requires the preparation of a report demonstrating controlled storm water release (Exhibit D). A traffic study was not required.

Findings of Fact

Decision: During the public hearing of June 26, 2008, the Commission identified two items for correction in the applicant's Findings of Fact (Exhibit C). On Page 2, the current zoning is incorrectly identified as a County designation. The property carries the City SFR-00 (Single Family Residential, one dwelling unit per existing lot) designation.

On Page 7 of Exhibit C under Item 3 Streets, the first paragraph should read, "The area requested for the zone change is located within the City of Medford ..." (change underlined).

No other issues were identified by staff.

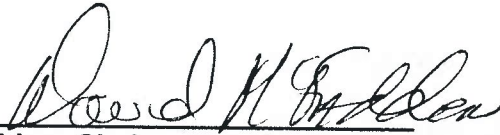
ACTION TAKEN

Directed staff to prepare a Final Order for approval of ZC-08-049 per the Planning Commission Report dated June 26, 2008, including Exhibits A through I.

EXHIBITS

- A Conditions of Approval;
- B Approval Criteria;
- C Applicant's Findings of Fact and Conclusions of Law received April 11, 2008;
- D Memorandum from the Medford Engineering Division dated May 23, 2008;
- E Memorandum from the Medford Water Commission dated May 22, 2008;
- F Letter from Rogue Valley Sewer Services dated May 15, 2008;
- G Letter from Jackson County Roads dated May 22, 2008;
- H City of Medford Zoning & General Land Use Maps;
- I Jackson County Assessor's Map & Aerial Photograph;
Vicinity Map

MEDFORD PLANNING COMMISSION

A handwritten signature in black ink, appearing to read "David McFadden", written over a horizontal line.

David McFadden, Chair

PLANNING COMMISSION AGENDA:

June 26, 2008

July 10, 2008



CITY OF MEDFORD
PLANNING DEPARTMENT

EXHIBIT "A"
ZC-08-049
CONDITIONS OF APPROVAL
June 13, 2008

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

CITY OF MEDFORD
EXHIBIT # "A"
File # ZC-08-049



CITY OF MEDFORD

PLANNING DEPARTMENT

ZC-08-049
ZONE CHANGE CRITERIA
Section 10.227
Medford Land Development Code

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

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

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

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

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

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

CITY OF MEDFORD
EXHIBIT # "B"
File # ZC-08-049

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

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

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

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

IN THE MATTER OF:

FILE No. ^{ZC-} 08-49

ZONE CHANGE REQUEST

I. BACKGROUND INFORMATION:

Nature and Scope of the Application:

This application is submitted as a request for a change of Zoning Designation for real property recently annexed into the corporate limits of the City of Medford (File A-07-59) consistent with the Comprehensive Plan General Land Use Plan Map designation as applied by the City of Medford.

Property Owner & Applicant:

Doris Christian, Trustee, the H.M. Christian Revokable Living Trust
228 Talent Avenue, #15
Talent, OR 97540

Agent:

Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(503) 773-2646

RECEIVED
APR 11 2008
Planning Dept.

CITY OF MEDFORD
PROJECT # "C"
304 ZC-08049

Legal Description:

Map, Tax Lot Number & Address	Acreage
37-2W-35AA, TL 2200: 1135 Lozier Lane Medford, OR 97504	1.42

A metes and bounds description of this property is also attached as an exhibit to this application for the zone change (See attachments).

Current Zoning: (Jackson County) Urban Residential, 2.5 acre minimum parcel size; adopted 1982

Comprehensive Plan

Designation: Urban Residential (City of Medford)

Proposed Zoning: Single Family Residential, 4 units per acre (SFR-4)

Public Facilities:

- Water:** Jacksonville Highway Water District /Medford Water Commission; (water service to the site currently exists)
- Sewer:** RVSS: Sewer service exists on the site
- Drainage:** Roadside Ditches/Jackson County
- Streets:** Lozier Lane and Stewart Avenue; City and County jurisdiction
The property in question take access from Lozier Lane and Stewart Avenue, being located on the northeastern corner of that intersection.

The information contained on the application, and otherwise noted herein demonstrates compliance with the provisions of Section 10.227, i.e, the requirements on the application form and supporting information, including the legal description, land uses within the area, zoning, and other requirements are consistent with the Ordinance requirements of the City of Medford.

Property Description:

The subject property consists of a single tax lot containing 1.42 acres, more or less. The property is developed with a single family dwelling of 1344 square feet, built in 1940, and has several outbuildings.

The site is also developed with a 3168 square foot convenience market, which was built also in 1940, as well as a Butler metal building for storage. This portion of the property has been commercial in nature since 1940, but was not zoned as such by Jackson County, resulting in the market becoming a legal, but non-conforming use with the adoption of the 1982 JCLDO and successor ordinances.

Current Zoning:

Recently, zoning was via Jackson County, and designated as Urban Residential, 2.5 Acre minimum parcel size. As the property is within the Urban Growth Boundary for the City of Medford and was recently annexed (see File A-07-059), upon annexation the City zoned the site SFR-00.

Proposed Zoning:

The applicant is submitting an application for SFR-4 subsequent to annexation for this site, due to the nonconforming commercial orientation of the corner lot, and the fact that current levels of development that exist in the vicinity do not provide the ability of this tract to conform with the provisions of Section 10.227 (b), i.e., SFR-6 or SFR-10. Further, the City of Medford Comprehensive Plan Map does NOT designate the area for any commercial use, so the store will remain a pre-existing, legal, non-conforming use with this zone change.

Land Use:

The property contains an existing convenience market and single family residence. The site is not completely developed, and contains land that can be further developed to an urban standard. The property, as stated above, is located within the Medford City Limits and is singularly available for urban expansion. There is a demand, due to a significant and healthy growth rate in the area, for urban land and there is a need to utilize the lands contained in the UGB for urban purposes, particularly for commercial and residential infill uses in this particular area.

II. APPLICABLE CRITERIA:

The following discussion and proposed Findings of Fact have been developed to support this application, consistent with the requirements of Section 10.227 of the Medford Land Development Code (MLDC). This section of the MLDC provides that the Planning Commission shall approve a quasi-judicial zone change if it finds the zone change complies with subsections (1) and (2) below:

1) The zone change is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map Designation; street capacity must be provided by streets that exist and have adequate capacity, or, new streets will be improved and constructed; and,

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

III. DISCUSSION: COMPLIANCE WITH SECTION 10.227, MLDO:

Consistency with Section 10.227, MLDC:

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

This section of the MLDC requires a review of the General Land Use Plan Map (Comprehensive Plan) for this area to determine the acknowledged land use categories for the subject tract. In this case, a review indicates the site, despite the pre-existing character of the existing convenience market, is noted as UR (Urban Residential). The SFR-4 zoning district is consistent with the UR designation, as demonstrated by the copy of the GLUP map attached as an exhibit to these findings.

10.227.(1)(b) Compliance with the Oregon Transportation Planning Rule:

Compliance with the Oregon Transportation Planning Rule (OTPR; authorized by OAR 660-Division 12) provides for implementation of the Statewide Transportation Planning Goal (Goal 12). At the local level, the Oregon Transportation Planning Rule is implemented by the Medford Transportation Systems Plan (TSP). The OTPR directs local governments to incorporate transportation planning into the Comprehensive Plan, and adopt a TSP that will

A) Consider all modes of transportation, including rapid transit, air, water, rail, highway, bicycle and pedestrian;

- B) *Inventory local, regional, and state transportation needs;*
- C) *Consider the social consequences that would result from using different combinations of transportation modes;*
- D) *Avoid total reliance on any one mode of transportation;*
- E) *Minimize adverse social, economic and environmental impacts and costs;*
- F) *Conserve energy;*
- G) *Meet the needs of the transportation disadvantaged by improving services;*
- H) *Facilitate the flow of goods and services so as to strengthen the local and regional economies;*
- I) *Conform with local and regional comprehensive plans.*

OAR 660-012-0060 provides for specific provisions that apply to Comprehensive Plan and land use (zoning) amendments. Section 1 of that rule provides that amendments to functional plans, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the designated function, capacity and performance standards (e.g., levels of service, volume to capacity ratio, etc.) of the facility. Subsection 2 of OAR 660-012-0060 provides that a plan or land use regulation amendment 'significantly' affects a transportation facility if it

- A) *Changes the functional classification of an existing or planned transportation facility;*
- B) *Changes standards implementing a functional classification system;*
- C) *Allows types or levels of land use which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;*
or,
- D) *Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

In this case, since the zone change is for properties that already exist, and the potential for development of the site is limited due to the existing store and home on the property, the applicant submits that this zone change, for a tract of 1.42 acres, has the potential for, at the most, 3 new dwelling units, and a total potential increase in traffic generation of 29 ADT ($3 \times 9.57=28.71$).

It is clear that the existing development and the limited potential for additional traffic arising from this zone change is not going to significantly affect the existing transportation facilities. This assessment is based upon the fact that Stewart Avenue is designated as a Major Arterial, with Lozier being noted as a Major Collector street.

These streets have traffic capacity levels and levels of service that are high enough that they are NOT even being considered in the STP for Tier 1 or Tier 2 improvements (See Table 6-9, Summary of Recommended Street System Capacity and Operations Improvements, Medford Transportation Systems Plan).

Further, ODOT and the City of Medford have, for some years, used an average traffic generation rate of 250 ADT or higher to be considered significant enough to require a TIS (Traffic Impact Analysis). Finally, a review of the information contained in Chapter 7 of the TSP as it relates to mass transit, it should be noted that Medford is served by RVTD (Rogue Valley Transportation District) for public transit options. A review of Figure 7-1 from that chapter clearly indicates that RVTD does not serve this specific intersection, but it is also obvious that Route 2 could be expanded to come down Lozier from Jacksonville Highway if ridership demanded such a change.

In this case, given the location, current levels of development and the capacity and orientation of the street system in the vicinity, it is clear that this zone change request will not have any significant effect on the transportation facilities that serve this site.

Section 10.227 (2): Do Adequate Public Facilities Exist To Serve The Site:

Class A Public Facilities required to serve an urban development are:

1. Sewer (collection and treatment)
2. Water (supply, treatment and distribution)
3. Streets (classification and related transportation issues)
4. Storm Drainage

1. Sewer:

Sanitary Sewer facilities are provided to the properties by RVSS (Rogue Valley Sewer Service, formerly BCVSA). The territory proposed for the zone change is served by an 18" sanitary sewer line in Lozier Lane, and a 12" standard service line in Stewart Avenue. The existing sanitary sewer system is adequate to serve the site as it has been developed in accordance with the Medford Master Wastewater Facilities plan.

Cost of extension of the sanitary sewer lines has already been paid by owners within the annexed territory.

Sanitary Sewer Treatment is available from the Regional Water Reclamation Plant. The regional plant is located near Bybee Bridge, where Table Rock Road crosses the Rogue River. The regional plant serves BCVSA (Bear Creek Valley Sanitary Authority) and the cities of Central Point, Jacksonville, Medford, Phoenix, Talent and Eagle Point.

The charges and rate structures are reviewed annually by the Regional Rate Committee, and rate adjustments are made as necessary to maintain and serve. Systems development charges for new construction are allocated for plant expansion. The regional facility was constructed in 1970, and average dry weather plant capacity is 20.0 million gallons per day (MGD), and average dry weather flow is estimated for 1999 at 18.0 MGD. Peak hydraulic capacity is 60 MGD. A facilities plan, developed in 1992, has established a capital improvement program to meet growth to the year 2010, and the ultimate population that the plant can serve is estimated by the consulting engineers Brown and Caldwell at 190,800 persons. The property is currently served by the RVSS lines, and treatment from the Regional Treatment Facility.

2. Water:

Water supply on the subject site is provided by the Jacksonville Highway Water District, with connection to the Medford Water Commission (MWC) facilities for potable water. The property is served by a connection to the 6" cast iron line located in Lozier Lane. Connection can also be effected to the 16" ductile iron line located in Stewart Avenue if necessary. The current City water system, which involves supply points at Big Springs at the base of Mt. McLaughlin, as well as an intake and treatment plat at Bybee Bridge (upstream from the wastewater facility), currently serves approximately 80,000 persons, both inside and outside the city limits.

Present maximum daily use is 45 MGD, and an existing capacity of 56.5 MGD exists from Big Springs, and 35 MGD from the Rogue River plant. Facilities are estimated to be adequate to serve the area until the year 2050. The property is served by an 8-inch line located in Stewart. Both existing structures (home and the market) are currently served by the system.

3. Streets:

The area requested for the zone change is located within the Medford UGB, and one of the elements of the City Comprehensive Plan is a "Circulation and Development" element within the Transportation Plan.

According to that plan, the site will be accessed from Stewart Avenue and Lozier Lane, which are existing designated arterial and collector streets (Figure 3-1, Transportation Plan Classification System). The noted intersection accommodates approximately 5,000 to 10,000 average daily trips (2000 counts, reflected in Figure 3-3, Daily Traffic Volumes).

No traffic impacts have been assessed as a result of this request for the zone change. Since the property is essentially already developed, the applicable SIC codes apply.

Based upon the existing and proposed use, as well as the requested SFR-4 zoning, we can calculate potential additional traffic generation at approximately 29 ADT, based upon approximately one acre of developable land (at 4 units per acre, 1 existing home, 9.58 ADT per dwelling unit).

Since this tract contains commercial development as well, and used by various lessees in the past, the existing traffic counts on Stewart and Lozier are valid for the mix of uses on the property. Further, since the property has been long developed, the zone change will not result in extensive or significant development, and no new trips beyond the 29 noted above are anticipated. Both Lozier Lane and Stewart Avenue have adequate capacity to serve this site, including potential development.

4. Storm Drainage:

The annexation area slopes gently to moderately from north to south, and east to west, with a drainage ditch located on the eastern side of Lozier Lane, and along the Stewart Avenue ROW as well. According to the Medford Master Drainage Plan, the flow from this area will flow generally into the improved underground storm drains in the vicinity as those facilities are extended north. Ultimate development of the site will likely include improvements or construction of underground storm drains to serve future needs.

All storm drainage improvements are required to be consistent with the Medford Storm Drain Master Plan, which has been adopted by reference and incorporated into the Medford Comprehensive Plan. Since no development plan is submitted consistent with the proposed zone change, the applicant stipulates to compliance with the Master Plan at the time of development.

Special Districts:

Category "B" facilities that are generally provided as municipal services include public safety (police and fire), parks, and public schools. In general, category "B" facilities are responsive in nature, rather than conducive; in other words, as the area grows, these facilities are amended, improved or restructured to provide adequate levels of service. The following special districts serve the subject property:

1. School District 549C will continue to provide school services. The school district will not require removal as a result of the annexation and, therefore, there is no fiscal impact to the City.
2. The site is served by the WM Lateral for irrigation, and will be withdrawn from the appropriate irrigation district.
3. Fire District #2 serves the site. The fire district will require removal from the property as a result of the annexation. The fire services will, thereafter, be provided by the City of Medford.
4. The property is within the Rogue Valley Sewer Service District (RVSS). The property will not be withdrawn from the sanitary district and the District will continue to serve the property.
5. The property is served by the Jacksonville Highway Water District, which purchases and distributes potable water from the MWC. The property was withdrawn from this district at the time of annexation.

V. FINDINGS AND CONCLUSIONS OF LAW:

FINDING:

The City of Medford finds that this zone change request has demonstrated compliance with the specific criteria contained within Section 10.227 of the MLDC, specifically,

- a. **The enclosed copy of the General Land Use Plan Map (the Comprehensive Plan Map) clearly indicates that the area is planned for Urban Residential (UR) uses. The proposed zone change is consistent with the Urban Residential designation, and thus consistent with Section 10.227(1) of the MLDC.**
- b. **The information in the discussion above demonstrates that this application for a zone change request could result in a maximum of 29 new additional trips at full build-out. This level of traffic generation does not rise to the level of a 'significant' impact, thus the change can be found to not have an impact on the functional classification of Lozier or Stewart; that the change will not reduce the performance standards of the facility below the minimum service levels of the TSP, or have an effect on the capacity of the system to accommodate the use.**

This information thus demonstrates consistency with the Transportation Planning Rule, and Section 10.227(1) of the MLDO.

- c. **A review of the existing public facilities (water, sewer, storm drainage and street facilities) indicates that the subject property, a 1.42 acre site that is developed with an existing SFR and a convenience market, is already developed and served by the Medford Water Commission for water, as well as RVSS for sewer and by the City and County for transportation facilities, as discussed above. The City can find that adequate public facilities exist; they currently serve the property, and the potential build-out (3 more homes) can be adequately served by the existing facilities, thus demonstrating that Category 'A' facilities are available or can be made available, and the application is consistent with Section 10.227(2).**

V. SUMMARY AND CONCLUSIONS:

Based upon the information submitted with this application and these findings, the City of Medford can find that:

1. The applicant has provided all of the requested information contained in Section 10.226 of the Medford Land Development Code.
2. The applicant has provided a discussion that demonstrates the property is consistent with the provisions of Section 10.227 (Criteria) of the Medford Land Development Code, and that (a) the property is designated for Urban Residential Use on the GLUP Map, and the requested zoning of SFR-4 is consistent with that designation; (b) the application has demonstrated consistency with the OTPR, and (c) that adequate public facilities exist to serve (and do serve) the site.

Respectfully Submitted:

RICHARD STEVENS & ASSOCIATES, INC.

J. Michael LaNier

EXHIBITS:

1. Metes and Bounds description of the property
2. Assessor's Map of the property
3. GLUP Map
4. Mailing Labels

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department

FROM: Engineering Division

SUBJECT: Zone Change Request, File No. ZC-08-049

DATE: May 23, 2008

1. Sanitary Services:

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

2. Streets:

A. Current condition of nearest streets:

Stewart Avenue, an existing Major Arterial Street, is paved without curbs and gutters along the frontage of this zone change.

Lozier Lane, an existing Major Collector Street, is paved without curbs and gutters along the frontage of this zone change.

B: Who has maintenance responsibilities:

City of Medford

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

Land Development Code Section 10.461 governs traffic impact analyses (TIA) required to determine development impacts on the street system. The proposed zone change from City SFR-00 (Single-Family Residential – 1 unit per existing lot) to City SFR-4 (Single-Family Residential – 4 units per acre) on 1.42 acres (1.75 gross acres) has the potential to develop up to 7 SFR dwelling units or generate 66 average daily trips (ADT). The net increase in ADT to the transportation system is 57 ADT. Based on this and code sections 10.460 and 10.461, a traffic impact analysis (TIA) will not be required.

At the time of site development the City of Medford will recommend any necessary dedications and improvements on Stewart Avenue and Lozier Lane along this proposed zone change frontage.

3. Drainage:

This site lies within the Elk Creek Drainage Basin. The City's current Drainage Master Plan indicates improvements are required in the downstream storm drainage system to meet current design standards for this basin. As a zone change is not allowable without adequate storm drain facilities, the following criteria must be met prior to issuance of a development permit or a building permit:

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



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: ZC-08-049
PROJECT: Consideration of a request for a change of zone from City SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) to SFR-4 (Single-Family Residential – 4 dwelling units per gross acre) on a 1.42 gross acre parcel located on the northeast corner of Stewart Avenue and Lozier Lane. More specifically, Township 37 Range 2W Section 35AA, Tax Lot 2200; Doris Christian, Applicant (Richard Stevens & Associates, Inc., Agent). Summer Williams, Planner

PARCEL ID: 372W35AA TL 2200
DATE: May 22, 2008

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does exist to this property. One ¾" water meter and 1" copper service line provide domestic water to the existing buildings on this parcel.
7. Access to MWC water lines for connection is available. A 6" cast iron water line is located in Lozier Lane, and a 16" ductile iron water line is located in Stewart Avenue.



ROGUE VALLEY SEWER SERVICES

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

May 15, 2008

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

Re: ZC-08-49 Doris Christian Zone Change (372W35AA-2200)

ATTN: Summer

The subject property is currently served by two connections to the 18 inch sewer main on Lozier Lane. The proposed zone change will not affect these services. There is adequate capacity to serve the proposed density.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Tappert".

Carl Tappert, PE
District Engineer/Assistant Manager

CITY OF MEDFORD
EXHIBIT # "E"
File # ZC-08-049



JACKSON COUNTY

Roads

Roads

Mike Kuntz, PE
County Engineer

200 Antelope Road
White City, OR 97503
Phone: 541-774-6228
Fax: 541-774-6295
kuntzm@jacksoncounty.org
www.jacksoncounty.org

May 22, 2008

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

RE: Zone Change off Lozier Lane - a county-maintained road.
Planning File: ZC-08-049.

Dear Summer:

~~Thank you for the opportunity to comment on this request for a change of zone from~~
City SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot) to SFR-4 (Single-Family Residential - 4 dwelling units per gross acre) on a 1.42 gross acre parcel located on the northeast corner of Stewart Avenue and Lozier Lane. Roads has the following comments:

- ~~1. Lozier Lane, County Collector, is a county-maintained road with a variable right-of-way.~~
2. All proposed access roads, or frontage improvements shall be permitted and inspected by the City.
3. Future construction plans shall be submitted to Roads, so we may determine if county permits will be required.
4. New development shall provide detention to pre-development levels. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that the construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.

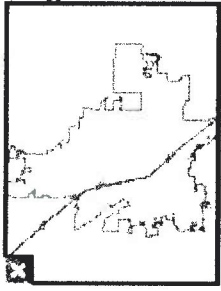
If you have any questions or need further information feel free to call me at 774-6228.

Sincerely,

Mike Kuntz, PE
County Engineer



CITY OF MEDFORD
 EXHIBIT # "H" (1042)
 File # ZC-08-049



STDALE PL

LOZIER LN

Urban Residential

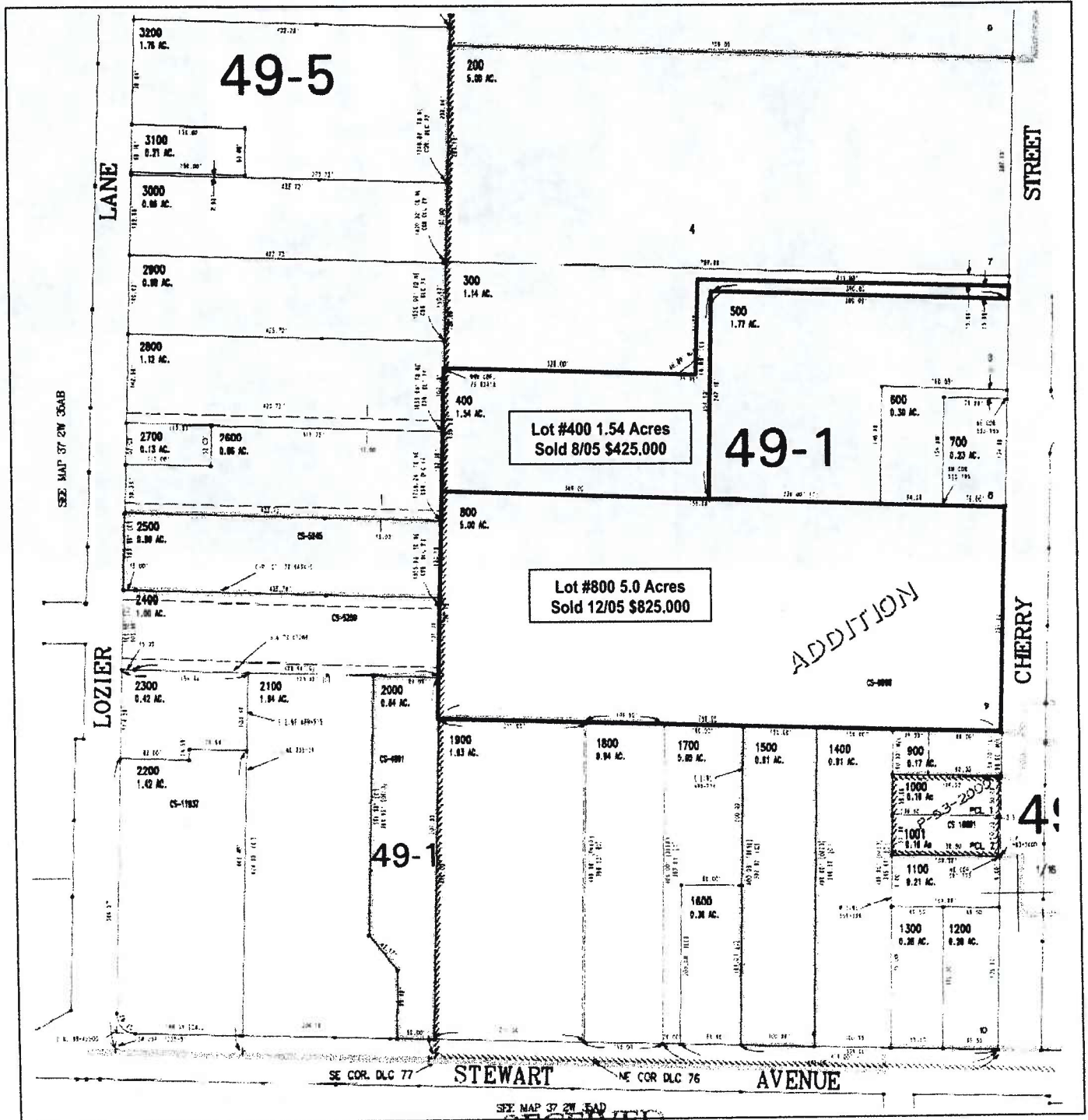
STEWART AV



Urban Medium Density Residential Urban High Density Residential

CITY OF MEDFORD
 EXHIBIT # "H" (2&2)
 File # 2008-049

SUBJECT PROPERTY HIGHLIGHTED

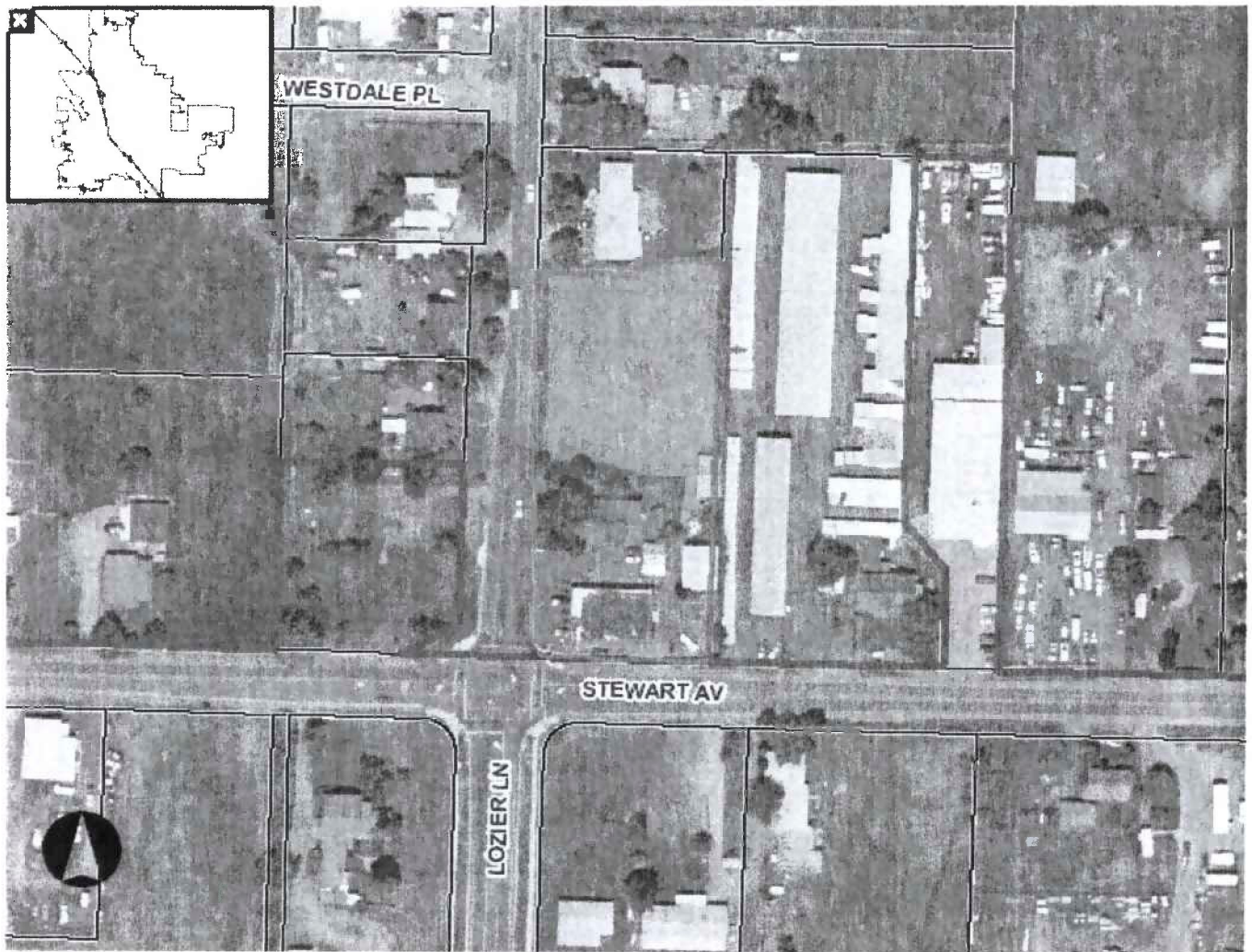


RECEIVED

APR 11 2008

Planning Dept.

ITD - LAMESFORD
 "F" (1&2)
 ZC-08-049



CITY OF MEDFORD
EXHIBIT "I" (292)
20-08-049

Vicinity Map

- UGB
- City Limits

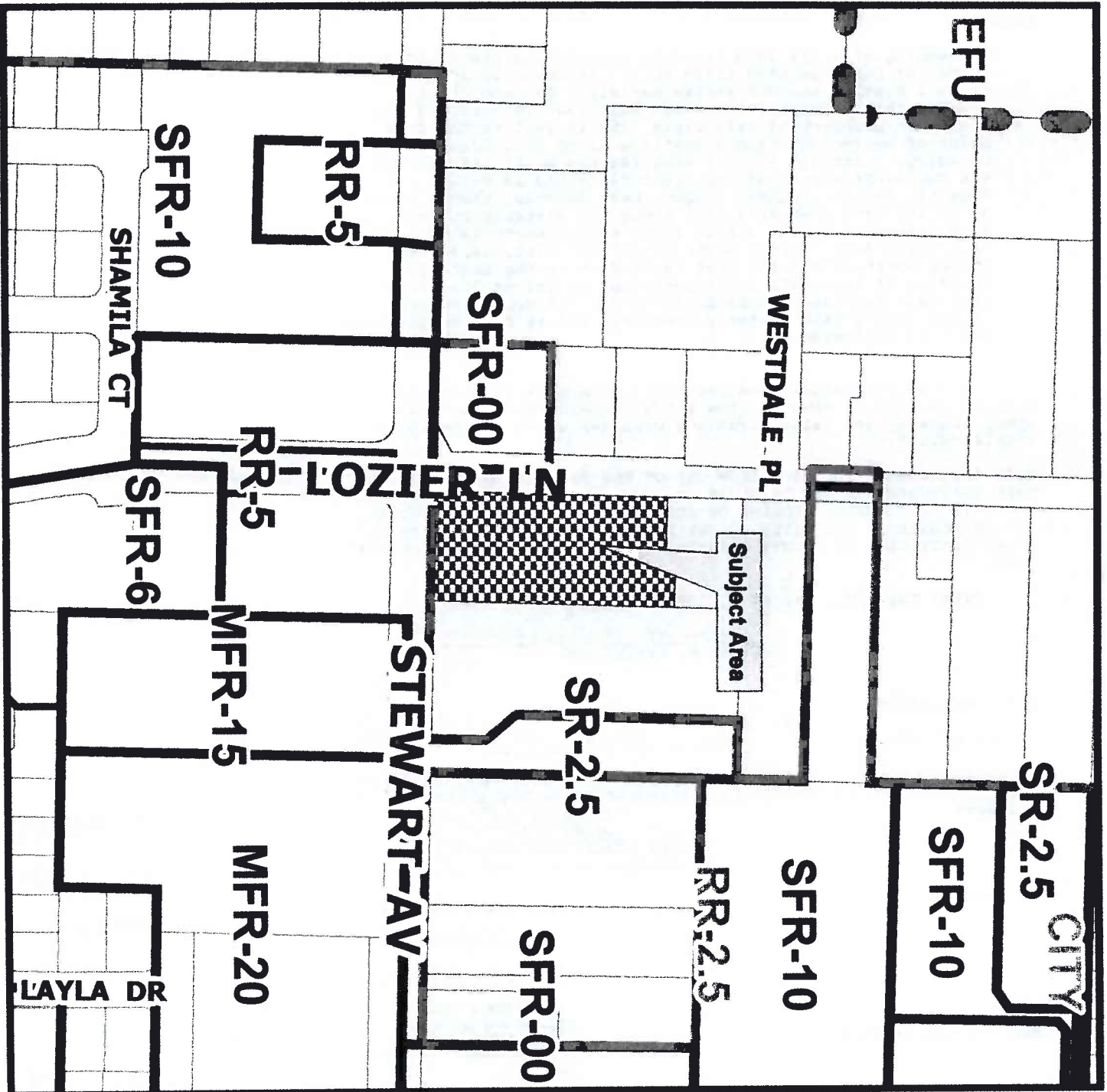
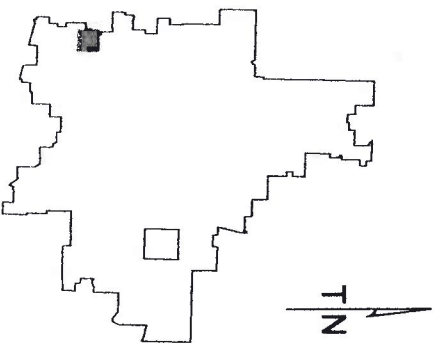
OVERLAY

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

FILE NUMBER:
ZC-08-49

APPLICANT:
Doris Christian

Map: 372W35AA
TL: 2200



92-01904

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:
Helen M. Christian
1135 Lozier Lane
Medford, OR 97501-2816

5.00
10.00
20.00
11.20

BARGAIN AND SALE DEED

Helen M. Christian, Grantor, conveys to HELEN M. CHRISTIAN
REVOCABLE LIVING TRUST, dated November 25, 1991, Helen M.
Christian, Trustee, Grantee, any and all interest she may have to
the following real property situated in Jackson County, Oregon,
to wit:

Commencing at a 5/8 inch iron pin monumenting the Southeast
corner of Donation Land Claim No. 77 in Township 37 South,
Range 2 West of the Willamette Meridian, Jackson County,
Oregon; thence North 89° 53' 20" West (Record West), along
the South boundary of said Claim, 254.10 feet to the true
point of beginning; thence continue along said Claim
boundary, North 89° 53' 20" West (Record West) 169.62 feet to
the Southwest corner of the tract described in Volume 225,
Page 51, Jackson County, Oregon, Deed Records; thence North
00°00'35" East (Record North) along the Westerly boundary of
said described tract, 386.07 feet; thence North 89°07' 45"
East 93.00 feet; thence North 00°00' 35" East, 14.5 feet;
thence North 89°07' 45" East 76.64 feet to the Easterly
boundary of aforesaid tract described in Volume 225, Page 51,
said Deed Records; thence South 00°00' 35" West, (Record
South), along said Easterly boundary, 403.48 feet to the true
point of beginning.

The true consideration for this conveyance in terms of
dollars is none. However, the actual consideration consists of
other property and value given and promises which is the whole
consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN
THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND
REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE
PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED
USES.

Dated this 14 day of JAN, 1992.

Helen M. Christian
HELEN M. CHRISTIAN

STATE OF OREGON)
County of Jackson) ss

Date: JAN 14, 1992

Personally appeared before me the above named HELEN M. CHRISTIAN
and acknowledged the foregoing instrument to be her voluntary act
and deed.

[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6/20/92

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

11:20 JAN 23 1992 A.M.

KATHLEEN S. BECKETT
CLERK and RECORDER
[Signature] Deputy

BARGAIN AND SALE DEED



RECEIVED
APR 11 2008
Planning Dept.

ZC 08-49
LEGAL DESCRIPTION

RD
ARTMENT
STREET
7501

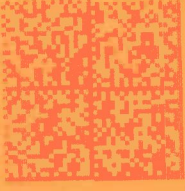
CERTIFIED MAIL™



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07/18/2008
Mailed From 97501
US POSTAGE

Hasler



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