



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT



June 2, 2006

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 001-05

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: June 16, 2006

This amendment was submitted to DLCD for review 45 days 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

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

<paa> ya/

2 Notice of Adoption

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

DATE STAMP	DEPT OF
	MAY 30 2006
	LAND CONSERVATION AND DEVELOPMENT
	For DLCD Use Only

Jurisdiction: City of Medford Local file number: CP-04-253
 Date of Adoption: 5/5/2005 Date Mailed: 5/25/06
 Date original Notice of Proposed Amendment was mailed to DLCD: 3/8/2005

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

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

General Land Use Plan Map Amendment

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".
If you did not give Notice for the Proposed Amendment, write "N/A".

Same

Plan Map Changed from: Commercial to: High Density Residential

Zone Map Changed from: _____ to: _____

Location: NW corner of Hiltion Rd. & Corona Av. Acres Involved: 3.4

Specify Density: Previous: NA New: 30 du/ac

Applicable Statewide Planning Goals: 9, 10, 11, 12

Was and Exception Adopted? YES NO

DLCD File No.: 001-05 (14220)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (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

Affected State or Federal Agencies, Local Governments or Special Districts:

ODOT, Rogue Valley Sewer Services

Local Contact: **Robert Scott, Director** Phone: **(541) 774-2380** Extension: _____
Address: **200 S. Ivy St.** City: **Medford**
Zip Code + 4: **97501-** Email Address: **planning@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 (2) Copies 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. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
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 copy this form on to 8-1/2x11 green paper only; or 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.

ORDINANCE NO. 2005-74

AN ORDINANCE approving a minor amendment to the General Land Use Plan Map of the *Medford Comprehensive Plan* changing the designation from Commercial to Urban High Density Residential on two parcels totaling 3.39 acres, located at the northwest corner of Corona Avenue and Hilton Road, and within an SFR-6 (Single-Family Residential – six units per acre) zoning district and the airport Approach Overlay.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The minor amendment to the City of Medford General Land Use Plan Map of the *Medford Comprehensive Plan* changing the designation from Commercial to Urban High Density Residential on two parcels totaling 3.39 acres, located at the northwest corner of Corona Avenue and Hilton Road, and within an SFR-6 (Single-Family Residential – six units per acre) zoning district and the airport Approach Overlay is approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law contained in the Staff Report dated December 3, 2004, which are on file in the Planning Department and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this 5th day of May, 2005.

ATTEST: /s/Glenda Owens
City Recorder

/s/Gary H. Wheeler
Mayor

APPROVED May 5th, 2005.

/s/Gary H. Wheeler
Mayor

3

60.4

BEFORE THE CITY COUNCIL
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

IN THE MATTER OF A MINOR)
COMPREHENSIVE PLAN AMENDMENT)
TO CHANGE THE GENERAL LAND USE)
PLAN (GLUP) MAP DESIGNATION)
FROM COMMERCIAL TO URBAN HIGH)
DENSITY RESIDENTIAL FOR A 3.39)
ACRE AREA CONSISTING OF TWO)
PARCELS (2.34 AND 0.49 ACRES) PLUS)
ADJACENT RIGHT-OF-WAY (0.56)
ACRES) LOCATED AT THE)
NORTHWEST CORNER OF CORONA)
AVENUE AND HILTON ROAD AND)
WITHIN THE CORPORATE LIMITS OF)
THE CITY OF MEDFORD, JACKSON)
COUNTY, OREGON)
Applicant: Art Osbourn)
Owners: Paul A. Fitchner Revocable)
Trust; Cecilia Fitchner)

CITY OF MEDFORD
EXHIBIT # A
File # CP-04-253

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicants' Exhibit 1

RECEIVED

OCT 19 2004

PLANNING DEPT.

NATURE, SCOPE AND INTENT OF APPLICATION

Applicant Art Osbourn requests consideration and approval of a proposed *minor* comprehensive plan map amendment as a procedural class "B" application for two parcels and the adjacent street right-of-way located at 2547 and 2511 Corona Avenue in north Medford. The parcels are 2.34 and 0.49 acres in area, respectively, an aggregate 2.83 acres. The adjacent street right-of-way to centerline is approximately 0.56 acres in area. The plan amendment would change the General Land Use Plan (GLUP) map designation of approximately 3.39 acres from Commercial to Urban High Density Residential. Applicant contends that the property is ill located to accommodate commercial uses. Should the plan amendment be approved, Applicant intends to subsequently request approval of a consolidated applications to re-zone the property from SFR-6 to MFR-20 and for Site Plan and Architectural Review approval for multiple family housing.

The subject property is currently designated as Commercial land by the GLUP and is zoned for single-family residential use (SFR-6). The Commercial designation includes all the land

area — roughly triangular in shape — delineated to the south by Hilton Road, to the east by Corona Avenue, and to the northwest by Oregon Highway 62. Although the subject property is designated for future commercial use — a prerequisite for a zone change to commercial — criteria for a change to any commercial zoning district cannot be met given the construction of the city's Land Development Code language. Medford Land Development Code (MLDC) 10.227, *Zone Change Criteria*, requires arterial street or state highway frontage for C-H or C-R zoning districts, and collector or arterial street or state highway frontage for C-C zoning districts. Although a re-zone of the subject property to C-H would effectively be an expansion of the adjacent C-H zoning district which fronts upon Highway 62 to the northwest, the subject property itself can be accessed only by way of Hilton Road or Corona Avenue (neither of which are designated as collector or arterial streets on the Medford Street Functional Classification Plan adopted as part of Medford's Comprehensive Plan).

Senior Assistant City Attorney John HuttI provided a legal opinion to Planning Director Rob Scott on June 7, 2004 (included herein as part of Exhibit 18) indicating that the subject property would need to have direct frontage on an arterial or state highway to permit expansion of the abutting C-H zone to include the subject property.¹ If the abutting commercial zone were C-C or C-R, the subject property could qualify for inclusion because the city's code for those districts requires only that "the overall area" of the zoning district front upon a qualifying roadway. The subject property does not abut either district, and would therefore requires direct frontage on a collector or arterial street to permit establishment of a new C-C or C-R zoning district. Finally, the C-N (Neighborhood Commercial) zoning district, while qualifying under the MLDC zone change approval criteria, cannot be found appropriate based on the Comprehensive Plan described purpose for that zone which provides:

"The C-N zone provides land for the development of small integrated commercial centers servicing the frequent and daily convenience requirements and service needs of adjacent neighborhoods. The C-N zone shall be located in commercial designations which are under three acres in size and are within residential neighborhoods."

The commercial GLUP designation in which the subject property is located is more than three acres in size, including the adjacent and nearby C-H and C-C zones. Moreover, the gross acreage of the subject property alone is greater than three acres. Consequently, Medford's Comprehensive Plan precludes C-N zoning for the subject property.

Given the combination of factors previously discussed, the subject property is in the peculiar situation of being planned for future commercial use but unable to qualify for any commercial zone to implement the city's GLUP map. However, construction of multi-

¹ In the memorandum, Mr. HuttI stated: "...for applications requesting a zone change to C-H under 10.227(1)(c)(iv), the Planning Commission reviews whether the subject property sought to be changed fronts a highway or arterial, not whether the proposed newly-formed zoning district has any frontage on a highway or arterial."

family housing (as a permitted use in a commercial zoning district) can still be accomplished through a GLUP map amendment to Urban High Density Residential. The Medford Land Development Code Zone Change Criteria in Section 10.227 would permit an appropriate Multi-Family Residential zoning district to be subsequently established even for property with only standard residential street frontage where found to be consistent with the Oregon Transportation Planning Rule.

This application is made to provide a GLUP designation for the subject property that can actually be implemented pursuant to the City's zoning regulations.

II

EVIDENCE SUBMITTED WITH THE APPLICATION

Applicants herewith submit the following evidence:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) demonstrating how the map amendment application complies with the applicable substantive criteria
- Exhibit 2.** Vicinity map
- Exhibit 3.** Current City GLUP map depicting the subject property
- Exhibit 4.** Current City Zoning Map depicting the subject property
- Exhibit 5.** Site map illustrating the development pattern of the subject property and surrounding area
- Exhibit 6.** Airport Overlays Map
- Exhibit 7.** Wetland mapping of the subject area
 - a. National Wetlands Inventory Map depicted by Jackson County GIS
 - b. Medford Local Wetland Inventory, Map 2
- Exhibit 8.** Flood Hazard Map
- Exhibit 9.** Vernal Pools Map
- Exhibit 10.** Photo Key Map, site and surrounding area photos
- Exhibit 11.** Jackson County Assessor's Plats:

- a. 37-1W-18BD
- b. 37-1W-18CA

Exhibit 12. Aerial Maps

- a. 1998 Black and White Aerial Map, Annotated with Land Uses
- b. 2003 Color Aerial Map

Exhibit 13. JRH Transportation Engineering Traffic Analysis and scoping letters;

Exhibit 14. Adopted Medford Transportation System Plan Maps:

- a. Medford Street Functional Classification Plan
- b. Previous Medford Street Functional Classification Plan
- c. North Medford Interchange Plan
- d. 2002-2023 Street Deficiencies Map
- e. Tier 1 Transportation Improvements Map
- f. RVTD Transit Services and Facilities Map
- g. Freight Facilities Map

Exhibit 15. Medford Water Commission Information:

- a. Facility plan diagram
- b. Systems Operations summary

Exhibit 16. Medford Public Works facility plan diagrams:

- a. Storm water lines
- b. Sanitary sewer lines

Exhibit 17. *Medford Economic Market Analysis*, by E.D. Hovee & Company (Economic Development Services), dated March 2003

Exhibit 18. City Staff Correspondence:

- a. June 7, 2004 memorandum to Planning Director from Senior Assistant City Attorney – Interpretation of 10.227(1)(c) for commercial zone change applications
- b. July 28, 2004 letter from Planning Department to Applicant's agent regarding commercial zone change issues

Exhibit 19. A completed application form accompanied by limited powers of attorney authorizing Craig A. Stone & Associates, Ltd. to represent the property owners and applicants for matters relating to land use applications for the subject property.

III

**PROCEDURAL REQUIREMENTS AND RELEVANT SUBSTANTIVE APPROVAL
CRITERIA**

MLDC Article II of the establishes the procedural requirements for planning and development reviews. Minor Comprehensive Plan Amendments are categorized as Procedural Class "B" Plan Authorizations pursuant to MLDC 10.102. The City Council is designated as the approving authority pursuant to MLDC 10.111. The Planning Commission's designated role is to act as the advisory agency pursuant to MLDC 10.122.

MLDC Section 10.191, Application Form, identifies submittal requirements for a minor comprehensive plan amendment application. The required written findings addressing consistency with applicable Statewide Planning Goals, the goals and policies of the Comprehensive Plan, and the applicable provisions of the Land Development Code have been provided herein as applicant's Exhibit 1. The required vicinity map, drawn at a scale of 1" = 1,000" has been provided herein as applicant's Exhibit 2.

In addition to the procedural requirements outlined in Article II of the MLDC, local governments are required to forward proposed amendments of an acknowledged comprehensive plan to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption pursuant to post-acknowledgment procedures in ORS 197.610 and OAR 660-018-0020.

Medford's adopted substantive approval criteria governing minor comprehensive plan amendments, are contained in the Review and Amendments section of the Medford Comprehensive Plan.² The approval criteria are set forth as follows and again in Section V where each is followed by the conclusions of law and ultimate conclusions of the City Council (the Council). Applicable state law is addressed in context with the related local approval criteria.

MEDFORD COMPREHENSIVE PLAN
Review and Amendments Section

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings

² MLDC, Section 10.192 (Minor Comprehensive Plan Amendment Criteria), states only: "See the Review and Amendment section of the Comprehensive Plan Text." It does not contain the actual approval criteria, but instead directs the review authority to the specific criteria adopted as part of the Comprehensive Plan.

Findings of Fact and Conclusions of Law
Comprehensive Plan Map Amendment
Art Osbourn, Applicant

supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

- (1) A significant change in one or more Goal, Policy, or Implementation Strategy.
- (2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
- (3) The orderly and economic provision of key public facilities
- (4) Maximum efficiency of land uses within the current urbanizable area.
- (5) Environmental, energy, economic and social consequences.
- (6) Compatibility of the proposed change with other elements of the City Comprehensive Plan.
- (7) All applicable Statewide Planning Goals.

IV

FINDINGS OF FACT

The Findings of Fact in section IV support the Conclusions of Law in section V. The City Council reaches the following facts and finds them to be true with respect to this matter:

1. **Property Location:** The subject property is located at 2547 and 2511 Corona Avenue, at the northwest corner of the Corona Avenues intersection with Hilton Road, in north Medford. The property is within the corporate limits of the City of Medford and its adopted and acknowledged urban growth boundary. *See*, Exhibits 3 through 5.
2. **Subject Property Description, Acreage and Ownership:** The subject property is mapped by the Jackson County Assessor as Tax Lots 1800 and 1900 in Township 37 South, Range 1 West (Willamette Meridian), Section 18BD (Southeast Quarter of the Northwest Quarter). The parcels are 2.34 and 0.49 acres in area respectively, an aggregate 2.83 acres. The adjacent street right-of-way to centerline is approximately 0.56 acres in area. Tax Lot 1800 is owned by Cecilia S. Fichtner, and Tax Lot 1900 is owned by the Paul A. Fichtner Revocable Trust.
3. **Existing Land Use:** Tax Lot 1800 is residentially improved with a two-story five-bedroom home (2,676 square feet) built in 1900 and a smaller one-story one-bedroom home (531 square feet) built in 1920 that is used as guest quarters. Tax Lot 1900 is residentially improved with a single story two-bedroom home (1150 sq ft) built in 1952, an attached garage, and a detached garage. Graveled driveways provide access to both homes from Corona Avenue.
4. **Existing GLUP Map Designation:** Commercial.

Findings of Fact and Conclusions of Law
 Comprehensive Plan Map Amendment
 Art Osbourn, Applicant

5. **Proposed GLUP Map Designation:** Urban High Density Residential.
6. **Existing Zoning:** SFR-6.
7. **Proposed Zoning:** No change at this time. A dependant zone change application will subsequently be submitted if the proposed GLUP map amendment is approved and before development plans are approved by the City.
8. **Site Characteristics:** The property slopes and drains from east to southwest, from approximately 1,315 feet to 1,342 feet above mean sea elevation.³ The existing residences are sited on a bench above the lower southeast portion of the property. Vegetation is primarily annual grasses and oak savannah. Storm-water drains to the southeast to the open ditch located along the north side of Hilton Road. Both tax lots are currently accessed by Corona Avenue, which exists as a gravel road north of its intersection with Hilton Avenue.
9. **Airport Approach Overlay:** The subject property lies wholly within the Airport Approach (A-A) Overlay an overlay zoning district designed to mitigate adverse impacts upon the Rogue Valley International Airport.
10. **Surrounding Land Uses:** Exhibit 12, attached to the application, visually depicts the surrounding land uses on an aerial map. Table 1, below, summarizes the uses by tax lot.

Table 1

Land Uses in Surrounding Area

Source: Craig A. Stone & Associates, Ltd.

Map and Tax Lot	Existing Land Use	Existing Zoning
371W18A-4200	Vacant Land – airport owned property	SFR-6
371W18BD-700	371W18West side of Poplar Drive: Taco Bell	C-R
371W18BD-700	East side of Poplar Drive: Umpqua Bank parking lot	C-H
371W18BD-800	Umpqua Bank	C-H
371W18BD-900	ODOT ROW (formerly a service station)	C-H
371W18BD-1000	Lakeway Veterinary Hopsital	C-H
371W18BD-1100	Abby's Legendary Pizza restaurant	C-H

³ See, Exhibit 16, Medford Public Works facility plan diagrams which depict ground elevations on the site at 2-½foot contours.

Findings of Fact and Conclusions of Law

Comprehensive Plan Map Amendment
Art Osbourn, Applicant

371W18BD-1200	Portion of Abby's parking area	C-H
371W18BD-1300	Sherwin Williams Co. (paint store)	C-H
371W18BD-1400	Commercial lease building: spa sales; piano studios and sales; guitar sales	C-H
371W18BD-1500	Butler Imports Auto Sales	C-H
371W18BD-1600	Butler Imports Auto Sales	C-H
371W18BD-2000 to 2500	Nineteen residential subdivision lots	SFR-6
371W18BD-2600 & 2700	Poplar Square retail center (GI Joe's and Ross Dress-for-Less anchor tenants)	C-C

Within ¼ mile north of the immediate area and across Highway 62 are I-L and I-G zoned lands and the Rogue Valley International Airport. Across Poplar Drive to the west is a Regional Commercial (C-R) zone which includes the Fred Meyer shopping center, Sherm's Food-4-Less, and several hotels, restaurants, and service stations. Further south along Poplar Drive are apartments and residential care facilities. Single family residential development predominates further east of the multi-family residential development along Poplar Drive. A Light Industrial zoning district is located along Highway 62 to the north and east of the subject property. Development in the I-L zoned area includes mini-storage facilities, building and auto supply stores, offices, and the Lava Lanes bowling facility.

11. **Wetlands:** There are no jurisdictional wetlands indicated either on the National Wetlands Inventory or on Medford's Local Wetlands Inventory. *See*, Exhibit 7.

12. **Essential (Category 'A') Public Facilities:** The comprehensive plan defines Category "A" public facilities as: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; and (4) Transportation Facilities.

A. Sanitary Sewer Collection Lines: The sanitary sewer service for the subject property is within the jurisdiction of the City of Medford. An 8-inch sanitary sewer line exists along the western boundary of the subject property within the Corona Avenue right-of-way. The City also maintains an 8-inch sanitary sewer line located along the north side of the Hilton Road right-of-way along the southeast corner of the subject property.

B. Sanitary Sewer Service (Treatment): Wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation Plant. The plant serves the Bear Creek Valley Sanitary Authority (BCVSA) and the cities of Central Point, Jacksonville, Medford, Phoenix and Eagle Point. The regional treatment plant was constructed in 1969-1970. The present average dry weather plant capacity is 20.0 million gallons per day (MGD). The peak hydraulic capacity is 60 MGD. Plant capacity was doubled between years 1980-1990 through several

incremental expansions. A treatment plant facilities plan, developed in 1992, established a capital improvement program to meet growth need to Year 2010. Average dry weather flow into the treatment plant was 13.2 MGD in 1988, increasing to 14.1 MGD in 1994. Sewerage flows in 1997 were approximately 18.0 MGD. The population receiving sewer service in 1988 was 77,475. Sewer connections since 1988 have increased the residential population served by sewers to approximately 94,000. The regional plant has a capacity for a population equivalent of approximately 115,000, including commercial and industrial flows. The population forecasts by consulting engineers Brown and Caldwell, including analysis of rural as well as urban population densities, estimate the ultimate population that the plant would serve at 190,800.

- C. Water Distribution Lines:** There is a 6-inch die-cast water main within the right-of-way of Corona Avenue. A 6-inch cast iron lateral line located in the Hilton Road right-of-way originates at a T-joint with the Corona Avenue line.
- D. Water Supply:** According to the Medford Water Commission, as of 2004, the Medford water system presently serves a population of $\pm 129,000$.⁴ Peak demands reach 50 million gallons per day (MGD). The present source and distribution system has an existing capacity of 71.4 MGD. There is an additional water source capability of 15 MGD available.
- E. Storm Drainage:** The subject property is located in the Bear Creek East Drainage Basin.⁵ The Bear Creek East Drainage Basin is described in the Public Facilities Element of Medford's Comprehensive Plan as being 2,400 acres in area, relatively flat, in a fully developed area east of Bear Creek within the city. Though this basin includes several sub-basins that drain directly into Bear Creek, it has no major tributaries. The Hopkins Irrigation Canal provides for much of the stormwater conveyance system in the northeast portion of the basin. The basin has an extensive system of short pipe segments, many of which are undersized. Storm-waters across the subject property are drain to an open ditch, originating from the Hopkins Irrigation Canal to the east, located on the south side of the subject property along the Hilton Road right-of-way. The ditch conveys the water to a city-maintained 12-inch storm drainpipe inlet located approximately 85 feet west of the subject property on the north side of Hilton Road. A stormwater management plan for the subject property, designed to city specifications, will be prepared for the city's review prior to development of the subject property.

⁴ See, Exhibit 15 attached hereto, Medford Water Commission System Operations. Source: www.medfordwater.org, dated September 29, 2004.

⁵ See, Figure 2 – Medford Area Drainage Basins - on page 24 of the City of Medford Public Facilities Element in the city's adopted comprehensive plan.

F. Access; Streets; Traffic: The subject property has frontage on two city streets, Corona Avenue along its east property boundary and Hilton Road along its south boundary. Hilton Road is a city owned and maintained roadway. Corona Avenue, from Roberts Road to 720 feet north of Hilton Road, is a county owned and maintained roadway. Both contain two lanes and are functionally classified as "Other Streets" in Medford Transportation System Plan (TSP), which was adopted by City Ordinance No. 2003-299 on November 20, 2003. *See*, Exhibit 14a. This is equivalent to the former "Standard Residential" classification that existed prior to adoption of the current TSP. *See*, Exhibit 14b. Hilton Road along the subject property's southern frontage is paved with two lanes but is not currently improved with sidewalk, curb, gutter, or a piped storm-water system (open ditch only). However, the south side of the Hilton Road right-of-way is improved with sidewalk, curb, gutter, and storm drains. Corona Avenue along the eastern frontage of the subject property is graveled and also has no frontage improvements. Applicant is aware that development of the subject property will require frontage improvements to Hilton Road to be provided at the time of land division or development in coordination with the City of Medford's Public Works Department. Applicant will also provide frontage and minimum half-street plus 12-foot surface improvements for Corona Avenue to Medford urban residential standards in coordination with Jackson County Roads and the City of Medford's Public Works Department pursuant to existing intergovernmental agreements.

G. Traffic Impacts: JRH Transportation Engineering was engaged by the applicant to assess the traffic impact of the proposed GLUP map amendment, and to assess the traffic impact of a subsequent zone change from SFR-6 to MFR-30 that will be requested if the GLUP Map Amendment is approved. The study was completed by Kimberly Parducci, PE, PTOE, a State of Oregon Registered Professional Engineer (License No. 53200PE). A copy of the traffic impact analysis, and the written requests to ODOT and the City of Medford Public Works Department for scoping letters to establish the extent of the study area pursuant to MLDC Section 10.461, is included herein as Exhibit 13.

Traffic Impacts from GLUP Amendment: JRH determined that the existing Commercial Plan designation for the subject property would have a maximum impact of 4,245 Average Daily Trips if the land were fully developed with the most intensive commercial uses allowed by Medford's commercial zoning standards.⁶ The maximum resulting traffic impact that could occur if the subject property were

⁶ Commercial uses allowed are based on net acreage, and average daily trips are calculated at 1,500 Average Daily Trips per acre pursuant to the ITE Trip Generation Manual, 6th Edition. There are 2.83 net acres available. 2.83 acres X 1,500 ADT/acre equals 4,245.

designated as Urban High Density Residential would be 670 Average Daily Trips.⁷
The net result of the proposed GLUP Map Amendment will be to reduce the maximum potential traffic impact by 3,575 Average Daily Trips.

Traffic Impacts the would result from a subsequent zoned change to MFR-20: Although a zone change application to MFR-20 cannot be submitted at this time because the existing GLUP Map Designation is not Urban High Density Residential, a traffic impact analysis was conducted in accordance with Medford Land Development Code Section 10.460 through 10.462 to determine the feasibility of a future zone change request. The study area was scoped out to the point at which project trip distribution falls to 25 PM peak hour trips. Project trips were distributed to intersections of Corona Avenue/Hilton Road and Corona Avenue/Roberts Road before falling to 25 PM peak hour trips. The analysis indicates that no arterial or collector roadways will be affected within the scoping area. Consequently, pursuant to MLDC Section 10.461, no further level of service analysis was conducted.

V

CONCLUSIONS OF LAW

The City Council reaches the following conclusions of law with respect to this matter:

Procedural Review Type; Nature of the Amendment

MLDC 10.185, requires Minor Comprehensive Plan Amendments to be processed through a Class "B" Action. Section 10.187 characterizes such an amendment as one typically focused on specific individual properties and therefore considered quasi-judicial. The Comprehensive Plan Review and Amendments section characterizes minor amendments those that do not have significant effect beyond the immediate area of the change. The proposed GLUP map amendment affects only 3.39 gross acres currently designated Commercial on the GLUP map. The amendment will ultimately enable an MFR-20 or MFR-30 zoning district to be established and permitting the future development of multi-family housing.

MLDC 10.837 provides that dwelling units shall be allowed in all commercial districts except the Neighborhood Commercial (C-N) zone.⁸ However, as explained in Section I hereinabove, the property cannot be rezoned to any Commercial zoning district as required by the comprehensive plan. The Urban High Density GLUP map designation,

⁷ The MFR-30 zoning district provides the highest available residential density in Medford for Urban High Density Residential lands. Residential density is calculated based on gross acreage available. The subject property is 3.39 gross acres in size. The maximum number of dwelling units would be 30 units/acre X 3.39 acres equals 101 units, rounded off. 101 units X 6.63 ADT/unit (ITE standards) equals 670 ADT.

⁸ Subject to the dwelling type standards established for housing within the MFR-30 district.

however, is appropriate within residential street network which serves the property and fact that the property is in close proximity to transit routes and employment centers.⁹ Multi-family housing could then be developed to the same density standard as the existing Commercial GLUP plan designation.

Based the evidence and the foregoing discussion, the Council concludes that the change, due to its size, will not produce widespread and significant impacts beyond the immediate area. The evidence in Section II and the Findings of Fact in Section IV provide further support that the impacts of the proposed change will be neither widespread nor significant. It is therefore established that the proposal is considered to be a Minor Comprehensive Plan Amendment that may be initiated by a property owner a Class "B" Action.

LDC Section 10.191, Application Form, requires that an application for a minor Comprehensive Plan amendment contain a vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area to be changed on the General Land Use Map, and written findings which address (a) Consistency with the Statewide Planning Goals; (b) Consistency with the goals and policies of the Comprehensive Plan; and, (c) Consistency with the applicable provisions of the Land Development Code.

LDC Section 10.192, Minor Comprehensive Plan Amendment Criteria, directs the Council to the Review and Amendments section of the Comprehensive Plan text.

The Review and Amendments section of the city's Comprehensive Plan contains "Criteria for All Plan Amendments", is prefaced, in part, with the following language:

"While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not."

The Council construes the above language to mean that not all criteria may apply to any given application, but all must be considered. The Council further understands that if it finds that some of the criteria do not apply it must explain why. The criteria listed in the Comprehensive Plan *Review and Amendments* section, pertaining to map designation amendments, require that amendments shall be based on the following:

Criterion 1

- 1) A significant change in one or more Goal, Policy, or Implementation Strategy.

⁹ The Oregon Transportation Planning Rule encourages and requires cities to establish high density housing in areas near public transportation and employment centers.

Conclusions of Law: The Council concludes that Criterion 1 is applicable to the extent that newly adopted provisions of the MLDC represent an "implementation strategy" of the comprehensive plan and the Council so construes this term. As explained in Section I, Applicant contends and the Council agrees and concludes, that the subject property cannot be placed in any commercial zoning district in order to comply with the Commercial GLUP map designation because of the locational criteria for zone changes adopted by the Council in 2004. The proposed Urban High Density Residential GLUP map designation corresponds to zones, the locational criteria for which the Council believes can be satisfied for this property. Therefore, the Council concludes that there has been a significant change in an implementation strategy (the MLDC) in satisfaction of Criterion 1.

Criterion 2

- 2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

Discussion; Conclusions of Law: The Housing Element of the City's adopted Comprehensive Plan, beginning at page 24 of that document, addresses housing costs and employment trends. The Council concludes that the following excerpt is directly related to Criterion 2:

"The Oregon Employment Department projects that overall job growth in Jackson County will increase by 14% between 1988 and the year 2000; however, overall state job growth is predicted to increase by 20% during the same time period. It predicts that jobs in "goods-producing sectors" will actually decrease, and that those in "service producing" sectors will increase by 18%. The project decrease is based on reductions in natural resource-based employment, especially the timber industry, which is predicted to decline by 25%."

"Non-timber related manufacturing jobs are predicted to increase, but not enough to make up for the loss. Retirement and recreation will spur expansion in the non-manufacturing sectors: services, construction, and trade. The largest increases are projected in sales, services, and precision production. The expanding service and retail sectors tend to provide jobs with lower wages than industry, resulting in increased demand for affordable housing."

"Since Medford is a major center of commercial and industrial activity in the region, there are more employees in the city than dwelling units to house them. Many of those employed in lower-paying service jobs seek housing in surrounding communities with lower housing costs such as White City, Central Point, Phoenix, etc. Based on the current and projected employment outlook, an unsatisfied demand within the city for affordable housing to serve those employed in service-producing sectors already exists, and will increase. Many of those employed in service economy jobs find it difficult to

purchase a home in spite of the recent drop in mortgage rates. High rents exacerbate the problem of saving a down payment necessary to secure a mortgage.”

The Housing Element analysis includes a vacant residential land inventory and vacant land needs assessment, which appears at pages 21 through 23 of that document. The Housing Element analysis found that there was more than adequate single-family residential land designated to satisfy demand projections over the planning period, but that there remained a need to designate more land for multiple family use. The analysis underpinned the adoption of Medford’s Housing Goal 3 and its related Policy 3-C and Implementation 3-C(1) which provide:

Housing Goal 3: *“To ensure a coordinated balance among the provision of public services, the location of employment centers, and the production of appropriate housing within the City of Medford.”*

Housing Policy 3-C: *“The City of Medford shall designate areas that are or will be conveniently located close to pedestrian, bicycle, and transit or high capacity transportation routes, and community facilities and services, for higher density residential development.”*

Housing Implementation 3-C (1) follows: *“Identify areas where upzoning would best support infrastructure improvements, including transit.”*

The Council finds that although the Housing Element was adopted on September 21, 1995, the trends, projections and conclusions contained therein remain valid. The projected transition from “goods-producing” to “service-producing” sectors became very evident through the recent economic recession followed by what has been commonly characterized as a “jobless recovery”. The *Medford Economic Market Analysis*, recently prepared for the City by E.D. Hovee & Company, attached to the application as Exhibit 17, states that Services represent the largest sector, providing 12,980 jobs of the almost 37,900 employed (at the time of the report) by firms within Medford’s urban growth area¹⁰. It also finds that there is a large new retiree and senior population, consistent with the trends projected in the Housing Element. The Council concludes that the adopted housing policies continue to support the need to identify areas appropriate for urban high-density residential development. The subject property is located at a transitional area between a large single-family residential area (generally to the south and east) and the regional commercial center to the west. It is conveniently located near the industrial employment areas in north Medford, and within a quarter-mile of RVTB bus route 1¹¹ along Poplar Drive (a collector street) and Highway 62 (an arterial roadway). The Council ultimately concludes that the subject property is well suited to satisfy existing urban multiple family housing needs consistent with Housing

¹⁰ See, *Medford Competitive Advantages*, page (ii) of the analysis.

¹¹ See, applicant’s Exhibit 14(f).

Element Policy 3-C and Implementation 3-C (1). Therefore, the Council concludes that Criterion 2 is met because the proposed change has been demonstrated to satisfy urban housing needs.

Criterion 3

- 3) The orderly and economic provision of key public facilities.

Discussion; Conclusions of Law: Adequate public facilities already exist at the subject property in adequate condition and capacity to serve multi-family housing as reported in the Findings of Fact. However, the subject property can only be accessed directly by standard residential streets. Although it is within a quarter-mile of collector and arterial roadways, the City's newly adopted locational zone change criteria have been found and concluded to preclude the application of all commercial zoning districts, except for Neighborhood Commercial, on this basis. The C-N zoning district is further concluded to be precluded because the subject property is within a GLUP designated area of more than three acres in size and because the subject property itself is larger than three acres. Moreover, the Council concludes that the subject property is improperly designated for Commercial use because neither the City's adopted Comprehensive Plan nor its adopted (but not yet acknowledged) Transportation System Plan contain any provision that contemplates the improvement of either Corona Avenue or Hilton Road to arterial or collector street standards. The Council also concludes that multi-family housing districts are appropriate zones to provide an orderly and economic transition from single-family residential to community and regional commercial areas. Based on the findings of fact and the preceding discussion, the Council concludes that the proposed change supports the orderly and economic provision of key public facilities consistent with Criterion 3, which is satisfied.

Criterion 4

- 4) Maximum efficiency of land uses within the current urbanizable area.

Discussion; Conclusions of Law: Based on the findings of fact, and conclusions of law for Criterion 1 through 3 (which the Council herewith incorporates by reference and adopts), the Council concludes that the present Commercial GLUP map designation does not maximize the efficiency of land uses within the current urbanizable area because the subject property cannot be converted, as planned, to commercial use due to the fact that it cannot be rezoned to any commercial zoning district. However, the subject property is located immediately adjacent to one of the region's major – and arguably the largest – employment/market areas. Merchants and large array of other businesses rely on a nearby customer base and access to labor. Their employees, in turn, desire affordable housing opportunities in desirable areas near places of employment. Residents who are retired, single, or “empty nesters” also tend to favor low maintenance housing choices near stores and frequently used services. It is general

knowledge that multiple family housing is housing which has lower maintenance requirements than single family detached housing. It is also general knowledge that multiple family housing is a more efficient use of land in the delivery of housing. For these reasons, the Council concludes that Urban High Density Residential is the GLUP map designation that maximizes the efficiency of land uses within this urbanizable area. Therefore, Criterion 4 is satisfied.

Criterion 5

- 5) Environmental, energy, economic and social consequences.

Discussion; Conclusions of Law: For the proposed development to occur the property must be rezoned and an application for Site Plan and Architectural Review must be approved by and through the City of Medford. Through the zone change process, applicant and the property will be made to comply with provisions of the MLDC which deal with issues connected with the potential for environmental, social, energy and economic (ESEE) consequences. The Council considers the anticipated ESEE consequences that will result from the map amendment to be the following:

Environmental Consequences: Commercial or multi-family residential developments of any magnitude produce some environmental impacts that are anticipated and unavoidable. The primary difference between urban development permitted under the City's Commercial versus its Urban High Density Residential GLUP map designations relates to the volume of automobile traffic generated and its resultant generation of airborne pollutants. In this regard, it is concluded that potential automobile traffic for Urban High Density Residential will be less than that produced by the present potential under the existing Commercial GLUP map. See, Exhibit 13.

Energy Consequences: Reducing the length of travel trips by locating high-density housing near market and employment areas, and in close proximity to transit service, will consequently reduce fuel consumption. Building Code energy efficiency requirements equally apply to new commercial and multi-family residential development. Multi-family development use less water per capita for irrigation, and consequently reduce energy consumption related to the transport and treatment of municipal water supplies.

Economic Consequences: Provision of affordable multi-family housing near employment centers will provide affordable housing opportunities for employees of the rapidly growing economic services sector. It is recognized that available land for commercial development is also in short supply. However, the subject property is precluded from commercial zoning as a result of revised locational zoning standards adopted by the City in 2004. Consequently, the subject property's removal from the commercial land inventory will have no consequential effects on the actual supply of commercial land.

Social Consequences: The Housing Element of Medford's Comprehensive Plan, at page 21, describes these consequences as they relate to increased housing density:

"Increasing density in terms of the number of persons per square mile, as has been occurring in Medford, has many benefits over the long term. These include reducing travel movements, reducing the cost of the infrastructure, increasing the feasibility of mass transit, and decreasing the cost of housing. These benefits can then lead to a reduction in future fuel consumption, a decrease in air pollution, and a reduction in future traffic congestion. Transit use tends to increase sharply at densities greater than seven dwelling units per acre. Clustering higher density uses within one-third of a mile of a transit corridor or transit stop results in a higher rate of use."

However, the Council concludes that it is not a given that high-density residential uses will always provide beneficial consequences, or that such land use will always have more desirable consequences than other uses (in this situation, the existing Commercial designation). The challenge is to juxtapose land uses in a beneficial and complementary manner. To that extent, the City has adopted locational zone change approval criteria (discussed in Criterion 1 and 3) to identify those areas well suited for high-density residential use. To ensure that such development is compatible with surrounding uses, the following policy was adopted:

"Policy 1-D¹²: *The City of Medford shall encourage innovative design in multiple-family development so that projects are aesthetically appealing to both the tenants and the community."*

"Implementation 1-D(1): *Review the Land Development Code to assure that the standards and requirements relating to multiple-family development do not inhibit innovative design, but, at the same time, require an adequate level of aesthetics and amenities, particularly neighborhood compatibility and functional open space, including useful private outdoor living areas."*

Because the subject property is located at an apex of residential, commercial, and light industrial land uses, and within a quarter-mile of mass transit service, it is appropriate to provide for multi-family housing there pursuant to the City's adopted findings and housing policies in the Comprehensive Plan. The City will require a review of future project architecture and design to ensure that development is aesthetically appealing to both the tenants and the community pursuant to the above cited Policy 1-D.

¹² Implementing Housing Element Goal 1: *"To enhance the quality of life of all residences of the City of Medford by promoting a distinctive community character and superior residential environment, emphasizing the unique natural setting of the community."*

The Council further concludes that future Site Plan and Architectural Review, pursuant to MLDC 10.290 (Site Plan and Architectural Review Criteria), requires that:

- (1) The proposed development complies with the applicable provisions of all city ordinances.
- (2) The proposed development is compatible with uses and development that exist on adjacent land.

The Council observes that the Site Plan and Architectural Review (SPAR) Commission, pursuant to MLDC 10.291 (Conditions of Approval) is entitled to impose with its approval, any standards set forth in the MLDC. Under that section, the SPAR Commission is also entitled to impose conditions it may determine are reasonably necessary to ensure compliance with the standards of the MLDC and the [compatibility] criteria in Section 10.290, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. The ordinance lists the types of conditions that can be imposed and states, that conditions are not necessarily limited to these:

- (1) Limiting the number, height, location and size of signs;
- (2) Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;
- (3) Limiting the visibility of mechanical equipment through screening or other appropriate measures;
- (4) Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;
- (5) Limiting or altering the location, height, bulk, configuration or setback of buildings, structures and improvements.
- (6) Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;
- (7) Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;
- (8) Requiring the retention of existing natural features;
- (9) Modifying architectural design elements including exterior construction materials and their colors, roofline, fenestration and restricting openings in the exterior walls of structures;
- (10) Restricting the height, directional orientation and intensity of exterior lighting.

The Council concludes that while the GLUP amendment requires the Council to consider social impacts, it must do so in context to Medford's stepped process, of which this GLUP amendment is but the first step. The Council concludes that in seeking actual development of the property as anticipated by this GLUP amendment, applicant will be required to proceed under Medford's Site Plan and Architectural Review ordinance. Of the potential social consequences to be considered, the Council concludes traffic generation, street connectivity and visual appearance are the most significant. The Council also concludes that by operation of the SPAR ordinance, the potential social consequences can and will be appropriately minimized and mitigated.

Summary Conclusions: The Council concludes that Criterion 5 is applicable. Based on the foregoing findings of fact and conclusions of law, the Council also concludes that it has appropriately considered the ESEE consequences connected with the proposed GLUP map amendment. The Council concludes that while most ESEE consequences will be considered in greater detail at the time development plans for this property undergo Site Plan and Architectural Review, the tools in the comprehensive plan and MLDC and the stipulations of applicant, ensure that the anticipated ESEE consequences will be no more than minimal.

The Council concludes that Criterion 5 has been demonstrated to provide a basis for the proposed amendment.

Criterion 6

- 6) Compatibility of the proposed change with other elements of the City Comprehensive Plan.

Discussion; Conclusions: The Council concludes that the criteria are applicable and that the term, "other elements of the comprehensive plan," as used in Criterion 7, are the plan's goals and policies.

The fact that the Review and Amendments section of the comprehensive plan requires map amendments to comply with the comprehensive plan does not serve to make all goals and policies decisional criteria. *See, Bennett v. City of Dallas*, 17 Or LUBA 450, *aff'd* 96 Or App 645 (1989). In that case the court held that approval criteria requiring compliance with a comprehensive plan does not automatically transform all comprehensive plan goals and policies into decisional criteria. The court further held that a determination of whether particular plan policies are approval criteria must be based on the language used in the policies and the context in which the policies appear. The Council believes, and concludes, that only the goals and policies of the comprehensive plan identified below as criteria may be properly construed as independent approval criteria under *Bennett v. City of Dallas*. The Council concludes that all other plan goals and policies do not operate as approval criteria and, therefore, they are not. However, the Council has also identified aspirational goals and policies that may be achieved as a result of the proposed amendment.

Environmental Element

Goal 9 (criterion): To assure that future urban growth in Medford occurs in a compact manner that minimizes the consumption of land, including class I through IV agricultural land.

Goal 10 (criterion): To assure that urban land use activities are planned, located, and constructed in a manner that maximizes energy efficiency.

Discussion; Conclusions of Law (Continued): The subject property is located within the municipal limits of the City of Medford, and is not agricultural land of any class. This property is underdeveloped and there is no method available to qualify it for a commercial zoning district as intended under the existing Commercial GLUP map designation. Multiple-

family housing that will be enabled by the proposed GLUP map amendment will maximize the use of this property, in a compact urban form, and thereby promote the objective to minimize the overall consumption of land in Medford. A compact urban form of appropriately located high-density residential lands near market and employment areas will reduce trip distances, thereby maximizing energy efficiency. Therefore, the Council concludes that this application is consistent with Environmental Element Goals 9 & 10.

* * * * *

Economic Element

Goal 2 (criterion): Assure an adequate commercial and industrial land base to accommodate the types and amount of economic development and growth anticipated in the future, while encouraging efficient use of land and public facilities within the city.

Policy 1 (criterion): Maintain at least a five-year supply of commercial land within the city that is currently served or readily serviceable with a full range of urban public facilities and services.

Discussion; Conclusions of Law (Continued): Although the subject property is currently zoned for residential use, it is designated on the GLUP map as Commercial. It is therefore considered to be part of the City's commercial land inventory. However, as previously concluded, a zone change to a commercial district is precluded by the express language of the Medford Land Development Code because the subject property is not located along a collector or arterial roadway. While the Council notes that the Medford Economic Market Analysis recently commissioned by the City identifies a continued need to provide opportunities for development of employment lands, it serves no purpose to hold land in the Commercial inventory that can not legally be zoned for commercial use. The provision of high-density housing in close proximity to market areas has been found to be an essential factor in promoting economic development by providing both a labor supply and ready market for local businesses. The Council concludes that the proposal is consistent with Goal 2 of the Economy Element.

* * * * *

Housing Element

Goal 1: To enhance the quality of life of all residents of the City of Medford by promoting a distinctive community character and superior residential environment, emphasizing the unique natural setting of the community.

Policy 1-A : The City of Medford shall promote a community design that emphasizes aesthetics, alternative transportation modes, and pedestrian-scale development.

Policy 1-D : The City of Medford shall encourage innovative design in multiple-family development so that projects are aesthetically appealing to both the tenants and the community.

Findings of Fact and Conclusions of Law
Comprehensive Plan Map Amendment
Art Osbourn, Applicant

Goal 2: To ensure that residential development in the City of Medford is designed to minimize the consumption or degradation of natural resources, promote energy conservation, and reduce the potential effects of natural hazards.

Policy 2-A: The City of Medford shall strive to prevent sprawl and provide a compact urban form that preserves livability and adjacent resource lands.

Policy 2-B: The City of Medford shall assure that residential development or redevelopment includes energy conservation considerations, and is designed and located to reduce transportation energy demand.

Goal 3: To ensure a coordinated balance among the provision of public services, the location of employment centers, and the production of appropriate housing within the City of Medford.

Policy 3-B: The City of Medford shall plan for regional transportation facilities and other major public facilities and services in advance of needed residential development.

Policy 3-C: The City of Medford shall designate areas that are or will be conveniently located close to pedestrian, bicycle, and transit or high capacity transportation routes, and community facilities and services, for higher density residential development.

Goal 5: To ensure opportunity for the provision of adequate housing units in a quality living environment, at types and densities that are commensurate with the financial capabilities of all present and future residents of the City of Medford.

Goal 6: To ensure opportunity for the provision of Medford's fair share of the region's needed housing types, densities, and prices, with sufficient buildable land in the city to accommodate the need.

Discussion; Conclusions of Law (Continued): The Council has addressed housing policies in its previous conclusions of law pertaining to Criteria 2 through 5, and provides further discussion here. Housing Goal 1 and the implementing policies provide aspirations to enhance the quality of life. The Goal and policies are primarily implemented at the time of actual development review. The Council considers Goal 1, at this stage, only to determine that the site is in a location that will enable its practical implementation under the Urban High Density Residential GLUP map designation. Similarly, Housing Goal 2 and its policies are primarily aspirations implemented at the time of development review. However, Policy 2(B), as it relates to the reduction of transportation energy demand, is directly related to the how the General Land Use Plan arranges residential land uses. The Council has previously concluded that the subject property is well suited in its location to reduce transportation energy demand by multi-family residents. In the same manner, Housing Goal 3 and its policies are achieved. Placing Urban High Density Residential land in close proximity to commercial and employment areas achieves the Housing Element Goals by promoting a compact urban form. The subject property is served by existing Category "A" public facilities and services appropriate to the proposed land use, as evidenced in the findings of fact and previous discussion. Housing Goals 5 and 6 complement one another. By accommodating the City's prescribed policies to provide opportunities for multiple family

Findings of Fact and Conclusions of Law
Comprehensive Plan Map Amendment
Art Osbourn, Applicant

housing in appropriate areas, Medford will further its role in providing a fair share of the region's need housing types, densities, and prices commensurate with Goals 5 and 6 above. Therefore, the Council concludes that the proposal is consistent with the overall Housing goals and policies.

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Public Facilities Element
General Section

Goal 1 (criterion): To assure that development is guided and supported by appropriate types and levels of urban facilities and services, provided in a timely, orderly, and efficient arrangement.

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Goal 2 (criterion): To assure that land use plan designations and the development approval process remain consistent with the ability to provide adequate levels of essential public facilities and services.

Policy 2-A (criterion): * * * A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

Sanitary Sewers: Sufficient to serve any proposed development consistent with the general land use plan (GLUP) map designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the applicable sewer plan document as listed in Table B of the Public Facilities Element, as interpreted by the City Engineer.

Domestic water: Sufficient to provide any proposed development with a permanent urban domestic water system capable of supplying the minimum pressure and volume necessary for projected domestic and fire control needs consistent with the general land use plan (GLUP) map designation. Water facilities shall be considered adequate if they are consistent with the applicable water system plan document as listed in Table B of the Public Facilities Element, as interpreted by the as determined by the Water Commission Manager.

Storm drainage facilities: Sufficient to serve any proposed development consistent with the general land use plan GLUP map designation. Storm drainage facilities shall be considered adequate if they are consistent with the adopted drainage plan document, as listed in Table B of the Public Facilities Element, as interpreted by the City Engineer.

Streets: Sufficient to serve any proposed development consistent with the general land use plan GLUP map designation and to accommodate average weekday traffic volumes at a minimum service level of "D" or as indicated by any applicable adopted plan.

Discussion; Conclusions of Law (Continued): The City Council concludes as follows with respect to the above cited Public Facilities Element (General Section) Goal 1 and 2:

1. Notwithstanding the language in goal and policy, the City has consistently interpreted this goal and policy to apply *only* to zone changes and has *only* applied it at that time. The City has never applied the goal and policy to the approval of applications that seek to change GLUP map designations. Based thereupon above, the Commission concludes that Public Facilities Element Goal 3 and its related Policy 1 are not approval criteria and are, therefore, inapplicable to this application.

2. If plan Public Facilities Goal 3 and its related Policy 1 are approval criteria, the

Findings of Fact and Conclusions of Law

Comprehensive Plan Map Amendment
Art Osbourn, Applicant

Commission alternatively concludes as follows, based upon the findings of fact in Section IV of this document and evidence contained in the whole record:

- A. **Sanitary Sewer Service (Collection):** Based upon the findings of fact in Section IV, the Council concludes that the existing sanitary sewer system serving the area is found to be adequate in condition and capacity and sufficient to serve the subject property consistent with the proposed Urban High Density Residential GLUP map designation and consistent with the *Sewer System Plan (1990)*. Actual on-site improvement will be reviewed for compliance with the City's design standards through a subsequent development review
- B. **Sanitary Sewer Service (Treatment):** The municipal and regional wastewater treatment plant has adequate capacity and is sufficient to serve the subject property consistent with the proposed GLUP map designation and consistent with the *Sewer System Plan (1990)* and the *Contracting Strategy Plan for Expansion of the Vernon G. Thorpe Water Quality Control Plant (1980)*, as specified in Table "B" of the Public Facilities Element. Therefore, the Council concludes that the project is consistent in all respects with the requirements of Public Facilities Element Goal 3, Policy 1 as the same relates to elements of the sanitary sewer system connected with sewer treatment.
- C. **Water Distribution Lines:** Based upon the findings of fact in Section IV, the Council concludes that the existing water distribution system is found to be adequate and sufficient to provide the subject property with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the proposed GLUP map designation as the same has been determined by the Medford Water Commission and consistent with the *Water System Plan (1987)*, as specified in Table "B" of the Public Facilities Element. Therefore, the Council concludes that the project is consistent in all respects with the requirements of Public Facilities Element Goal 3, Policy 1 as the same relates to the water distribution system.
- D. **Water Supply and Treatment:** Based upon the evidence, there is adequate water supply and treatment capacity to provide the subject property with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the proposed GLUP map designation as the same has been determined by the Medford Water Commission and consistent with the *Water System Plan (1987)*, as specified in Table "B" of the Public Facilities Element. Therefore, the Council concludes that the project is consistent in all respects with the requirements of Public Facilities Element Goal 3, Policy 1 as the same relates to elements of the water system connected with supply and treatment.
- E. **Storm Drainage:** Based upon the findings of fact in Section IV, the Council concludes that the storm drainage system is sufficient to serve the subject property

Findings of Fact and Conclusions of Law

Comprehensive Plan Map Amendment
Art Osbourn, Applicant

consistent with the proposed GLUP map designation and consistent with the *Medford Area Drainage Master Plan (1981 and as amended)* and the *Drainage Utility Study (1981)* as specified in Table "B" of the Public Facilities Element. Therefore, the Planning Commission concludes that the project is consistent in all respects with the requirements of Public Facilities Element Goal 3, Policy 1 as the same relates to storm drainage.

- F. **Streets:** Based upon the findings of fact in Section IV and the analysis provided by JRH Engineering attached as applicant's Exhibit 13, the Council concludes that the surrounding street facilities are adequate, or can be made so at reasonable and proportional cost by the property owner through frontage and surface improvements concurrent with site development, to serve the proposed GLUP map designation. Fair-share improvements by the developer will be required to both Hilton Road and Corona Avenue through a subsequent development review.

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**Public Facilities Element
Storm Water Drainage**

Goal 1: To protect the citizens of Medford from the potential damage caused by flooding.

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Discussion; Conclusions of Law (Continued): The subject property is not within an identified flood hazard area. On-site storm-drainage will be designed in accordance with the city standards to include required detention facilities and ultimate connection to the nearby and available city storm-drain system along Hilton Road. Based upon the findings of fact and evidence, the Council concludes that the property can be developed in accordance with the City's adopted stormwater management plan with a properly engineered drainage plan to be reviewed at the development phased.

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**General Land Use Plan Element
GLUP Map Designations (all criteria)**

Urban High Density Residential: This designation permits higher density urban residential uses (15 to 30 units per gross acre), and provides for multiple-family development, including duplexes, apartments, and group quarters. The zoning districts permitted in this designation are MFR-20 and MFR-30 (Multiple-Family Residential - 20 or 30 units per gross acre). When a Planned Unit Development (PUD) is approved, the maximum residential density per gross acre can be increased.

Goal 1: To maintain and update the City of Medford General Land Use Plan Map.

Policy 1-A: The City of Medford General Land Use Plan Map shall be reviewed at least every five years, and may be amended whenever it is determined that a change is warranted. Amendment criteria are contained in the *Review and Amendment* section of the *Comprehensive Plan*, and procedural requirements are contained in "Article II" of the *Land Development Code*.

Discussion; Conclusions of Law (Continued): Applicant has submitted this minor GLUP map amendment application consistent with the procedural requirements in "Article II" of the

"Land Development Code", and has provided substantive evidence and findings to determine that the requested change is warranted and the Council concludes that the change is warranted.

Ultimate Conclusions for Criterion 6: Based upon the foregoing findings of fact and conclusions of law, the Planning Commission ultimately concludes that, except for the comprehensive plan goals and policies specifically cited and addressed under Criterion 6, there are no other plan goals or policies which, by their language or context, were intended to function as approval criteria for GLUP map amendments pursuant to Criterion 6. The Council concludes that the proposed amendment is consistent with the applicable goals and policies of the Medford Comprehensive Plan that have been identified as approval criteria. The Council further concludes that the proposal is also supported by and consistent with the identified aspirational goals and policies of the Medford Comprehensive. Criterion 6 is met.

Criterion 7

7) All applicable Statewide Planning Goals.

Conclusions of Law: The Council concludes that criterion 7 is applicable.

There are fourteen Statewide Planning Goals applicable in Medford. The scope and nature of the change does not suggest the direct applicability of goals other than Goal 1 (Citizen Involvement), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation) and the Council concludes that all other goals are inapplicable.

Regarding **Goal 1**, the Council concludes that citizen involvement consistent with the goal is assured through methods used by the City to notify affected parties of public hearings during which the application was considered and by opportunities afforded parties to present evidence and argument. The notification and hearing procedures are in the land development ordinance and these are found to be consistent with Goal 1 and the requirements of Oregon Revised Statutes (ORS) 197.763.

Goal 9 (Economic Development), requires cities:

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

Generally, findings of compliance with the adopted policies in an acknowledged comprehensive plan intended to implement a Statewide Planning Goal (SWPG) are sufficient to demonstrate compliance with the particular Statewide Planning Goal. However, Oregon Administrative Rules, Chapter 660, Division 9 – the Oregon Industrial and Commercial Development Rule – requires additional analysis whenever a jurisdiction re-designates

Findings of Fact and Conclusions of Law

Comprehensive Plan Map Amendment
Art Osbourn, Applicant

commercial or industrial land in excess of two acres.¹³ The rule requires that an economic opportunities analysis be provided to support the change. Applicant has attached, as Exhibit 17, an economic opportunities analysis prepared for the City of Medford by E. D. Hovee & Company and this, in combination with the Council's previous conclusions, establishes that the subject property is cannot be rezoned to any commercial district. However, it will serve to provide additional high-density affordable housing for employees of local firms. Exhibit 17 and the City's adopted Housing Element both identify a need to provide affordable housing opportunities in appropriate areas to support local economic development. Indeed, the City of Medford has adopted provisions in its land development code to permit residential use within any commercial district (other than C-N) and subject to the City's urban high-density residential (MFR-30) standards. Based on the findings of fact in Section IV, the Council concludes that the change is consistent with Goal 9's expressed objective of providing for the state's economic opportunities. Therefore, the Council concludes that the proposed change is consistent with Goal 9.

Goal 10, (Housing), requires cities:

"To provide for the housing needs of citizens of the state."

Based on the findings of fact in Section IV, the proposed amendment will contribute to the City's adopted and acknowledged Housing objectives, goals and policies which urge the provision of adequate housing choices to its citizens. Therefore, the Council concludes that the proposed amendment is consistent with Goal 10.

Goal 11, (Public Facilities and Services), requires cities:

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The GLUP map amendment does not raise issues or require findings of fact or conclusions of law different from those presented for related goals and policies of the comprehensive plan

¹³ Pursuant to OAR 660-009-0010(2), Comprehensive plans and land use regulations shall be reviewed and amended as necessary to comply with this rule at the time of each periodic review of the plan. However, OAR 660-009-0010(4) states:

"Notwithstanding paragraph (2), above, a jurisdiction which changes its plan designations of lands in excess of two acres to or from commercial or industrial use, pursuant to OAR 660, division 18 (a post acknowledgment plan amendment), must address all applicable planning requirements; and:

- (a) Demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to explain the proposed amendment, pursuant to OAR 660-009-0015 through 660-009-0025; or
- (c) Adopt a combination of the above, consistent with the requirements of this division."

under Criteria 7 which the Council herewith adopts by reference and incorporates. The Council concludes that the proposed amendment is consistent with Goal 11.

Goal 12 (Transportation) is more precisely addressed through its implementing administrative rule OAR 660-12-060, addressed herein below as Criterion 8.

Ultimate Conclusions: Based upon the foregoing findings of fact and conclusions of law, the Council concludes that the proposed GLUP map amendment is consistent with all applicable Statewide Planning Goals.

Criterion 8

COMPLIANCE WITH THE OREGON TRANSPORTATION PLANNING RULE

OAR 660-12-060: Plan and Land Use Regulation Amendments

- (1) 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 identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:
 - (a) Limiting allowed land uses to be consistent with the planned function, capacity and performance standards of the transportation facility;
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
 - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:
 - (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing functional classification system;
 - (c) Allows types or levels of land uses 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.

Conclusions of Law: Based on the Traffic Impact Analysis by JRH Transportation Engineering (Exhibit 13) and the comments received in response to notice from ODOT, the City of Medford Public Works Department, and the Jackson County Roads Department, the proposed amendment will not (a) change the functional classification of an existing or planned transportation facility; (b) change standards implementing functional classifications systems; (c) allow types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional transportation facility; or (d) would reduce the performance standards of the facility below the

minimum acceptable level identified in the TSP. The Council concludes that the proposed amendment is consistent with the Transportation Planning Rule because existing and planned transportation facilities will not be significantly affected by this proposed GLUP map amendment pursuant to Section (2) of the OAR 660-012-0060.

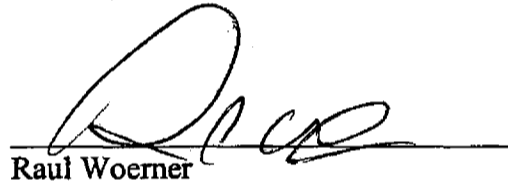
VI

ULTIMATE CONCLUSIONS

In summary conclusion, it is found that the comprehensive plan map amendment can and has been substantiated under each of the relevant criteria enumerated and discussed above as Criteria 1 through 8. Therefore, the application to amend the General Land Use Plan Map Designation from Commercial to Urban High Density Residential can be, and the same hereby is, *approved*.

Respectfully submitted on behalf of applicants:

CRAIG A. STONE & ASSOCIATES, LTD.



Raul Woerner
Consulting Planner

Dated: September 30, 2004
Revisions dated: October 19, 2004

5

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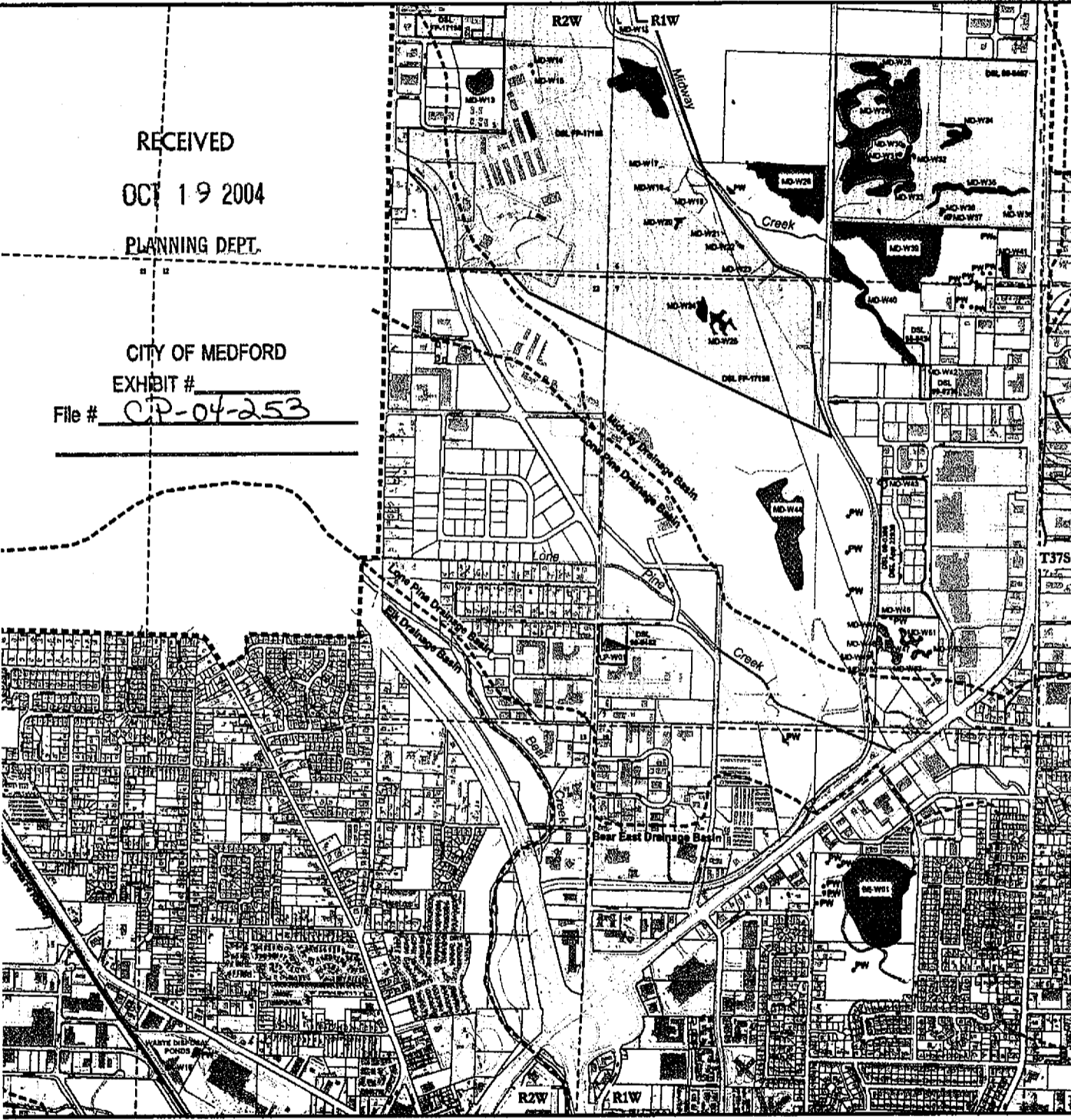
OCT 19 2004

PLANNING DEPT.

CITY OF MEDFORD

EXHIBIT #

File # CP-04-253



**MEDFORD
LOCAL WETLAND INVENTORY**
September 2002

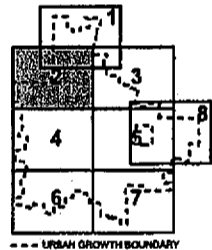
LEGEND

- URBAN GROWTH BOUNDARY
- - - DRAINAGE BASINS
- - - SECTION LINES
- RAILROADS
- ▨ PAVED/GRAVEL AREAS
- ▤ STRUCTURES
- ▥ YARLOTS
- ▧ AREAS WITH DSL-APPROVED WETLAND DELINEATIONS
- DSL 91-0991 DSL FILE NUMBER
- POND (less than 0.5 acres)
- STREAMS
- IRRIGATION CANALS
- DITCHES, OTHER WATERS
- WETLANDS**
- ▨ WETLANDS
- ▤ WETLANDS (LOCALLY SIGNIFICANT)
- ▥ FIELD VERIFIED
- ▧ WETLAND/UPLAND MOSAIC
- PW POSSIBLE WETLANDS
- SW-W61 WETLAND CODE

Note: Wetlands 0.5 acres and larger were mapped. Wetlands smaller than 0.5 acres with DSL-approved wetland delineations were also included on the inventory maps. Possible Wetlands (PW) are areas noted during inventory development that appear to meet wetland criteria but are less than 0.5 acres in size. Possible Wetlands were not field verified.

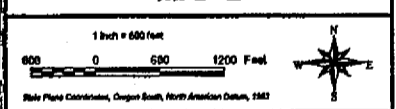
DISCLAIMER:
Information shown on this map is for planning purposes only and wetland information is subject to change. There may be unmapped wetlands subject to regulation and all wetland boundary mapping is approximate. In all cases, actual field conditions determine wetland boundaries. You are advised to contact the Oregon Division of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

LOCATOR MAP



The Medford Local Wetland Inventory includes a 1:24,000 inch map, eight 1:7200 inventory maps and a map of potential wetland mitigation and restoration sites.

MAP 2



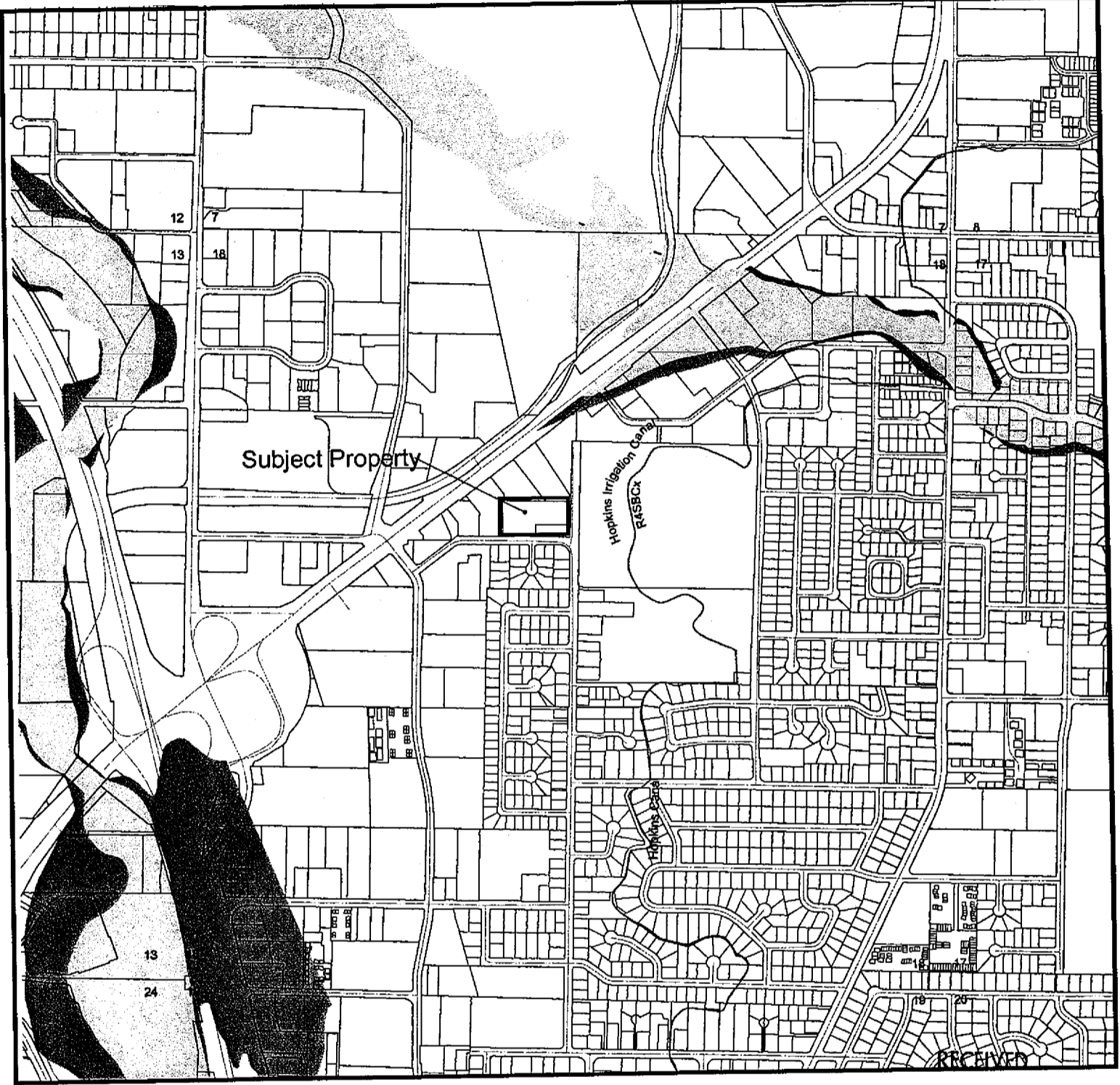
SOURCES:
City of Medford Planning and Public Works Departments
Jackson County Geographic Information System Services
Local Wetlands Inventory (LWI) and Oregon Fishwater Assessment Method (OFWAM) Analysis, City of Medford, October 1995, Brown and Colwell, Hoveland-Cycle Consultants
Private wetland delineation reports approved by DSL

An Oregon Watershed Enhancement Board grant partially funded this project.

The map was prepared by:
WETLAND CONSULTING
2714 NE Dexter Street
Portland, OR 97214
(503) 224-8622

EXHIBIT 7b

16



CITY OF MEDFORD

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EXHIBIT #

File # CP-04-253

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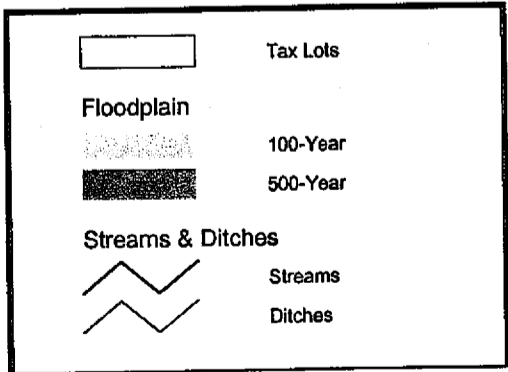


Exhibit 8

Flood Hazard Map

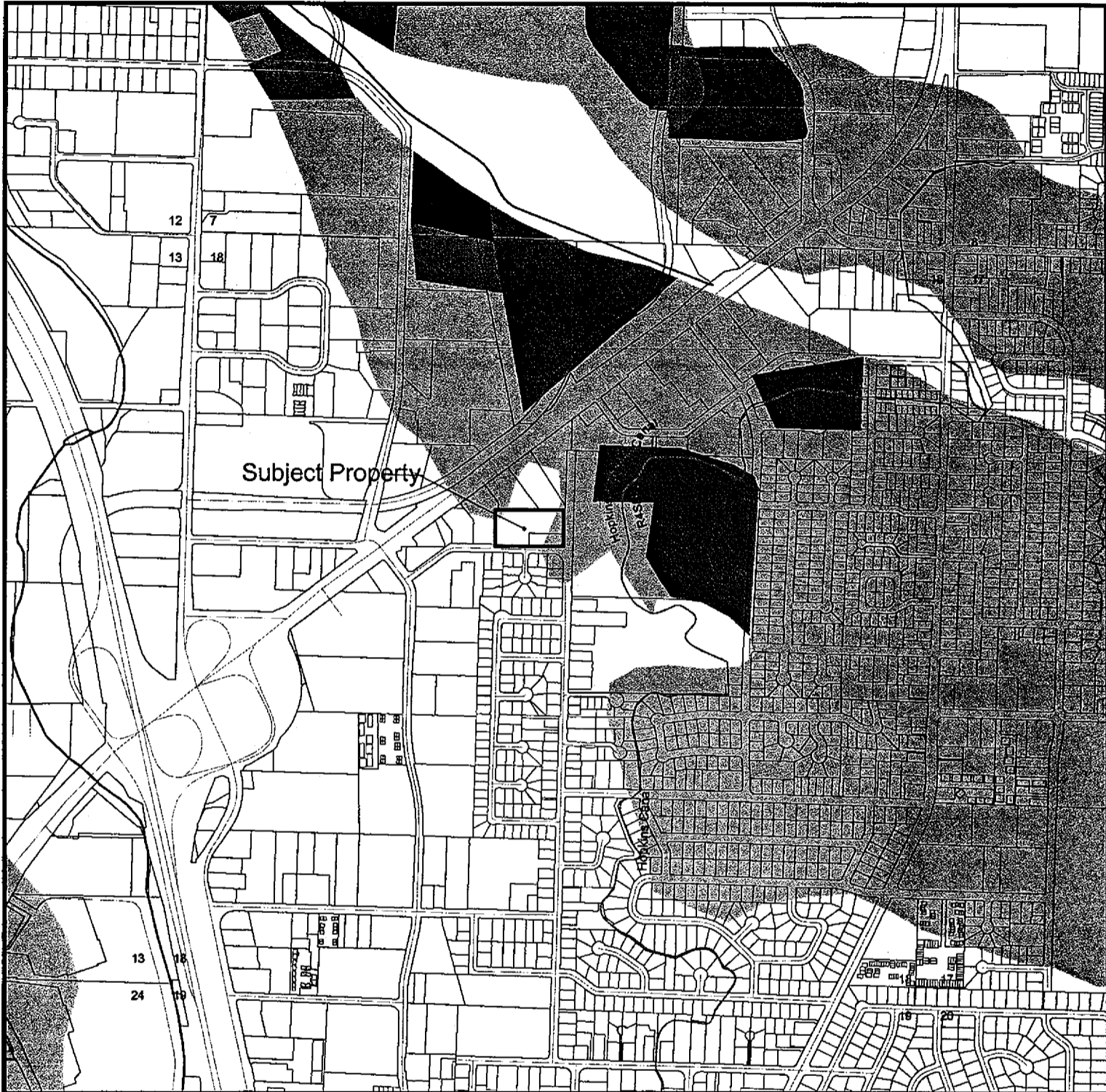
Source: Jackson County GIS Services

Art Osbourn, Applicant

September 30, 2004

Craig A. Stone & Associates, Ltd.
Medford, Oregon





CITY OF MEDFORD

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File # CP-04-253

OCT 19 2004

	Tax Lots
Vernal Pools By Conservation Code	
TOPO/HYDRO VEG.	
	Intact Altered
	Intact Severly Altered
	Weak Altered
	Altered Severly Altered
	Leveled Severly Altered
	Developed Developed
	Undetermined

Exhibit 9

Vernal Pools Map

Source: Jackson County GIS Services

Art Osbourn, Applicant

September 30, 2004

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Medford, Oregon



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1000 0 1000 Feet

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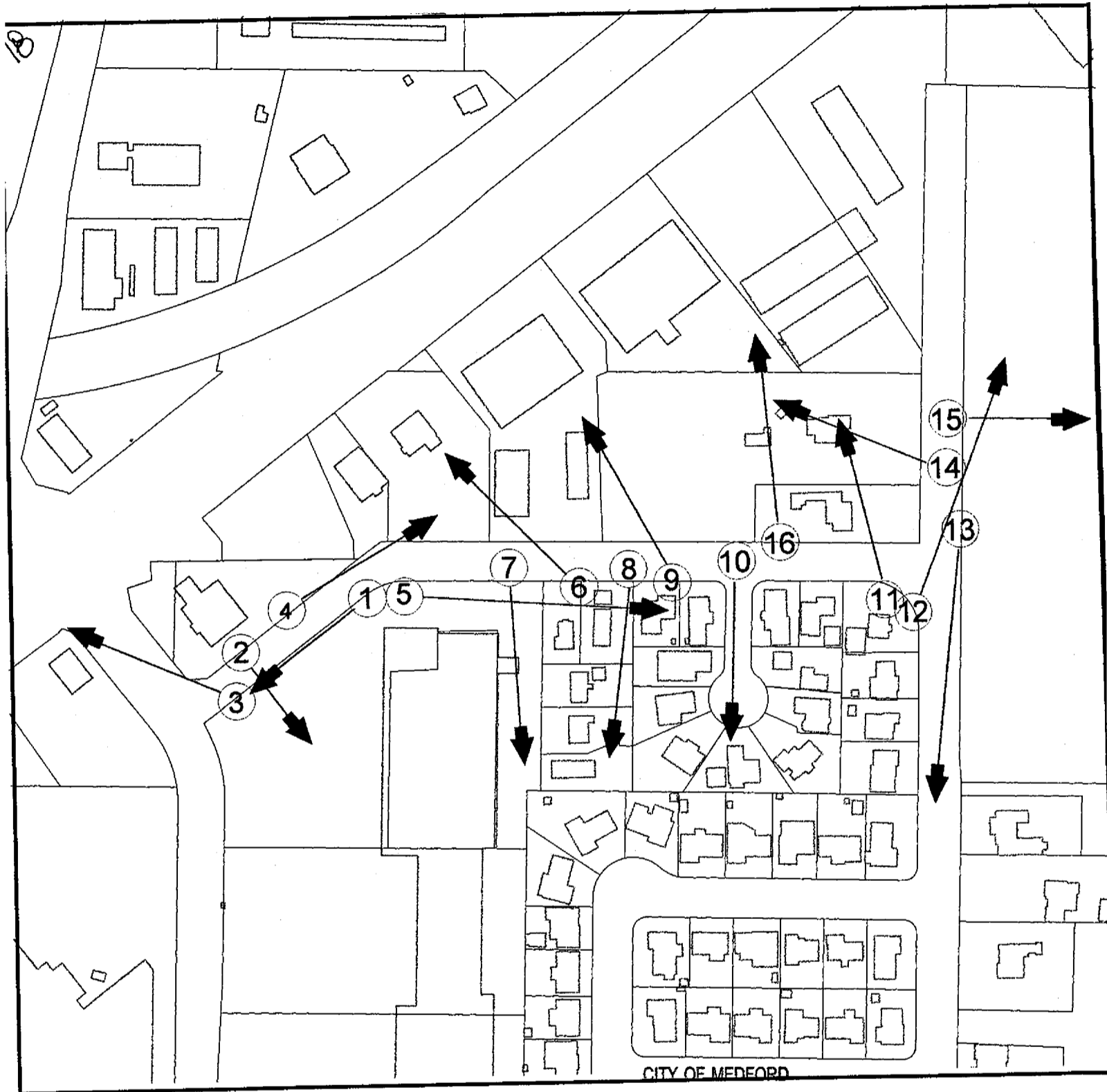







EXHIBIT # _____

File # CP-04-253

 Building Outlines
 Tax Lots
 Streams & Ditches
 Streams
 Ditches


 Photo Reference Point

Exhibit 10

Photo Key Map

Source: Jackson County GIS Services

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September 30, 2004

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Medford, Oregon

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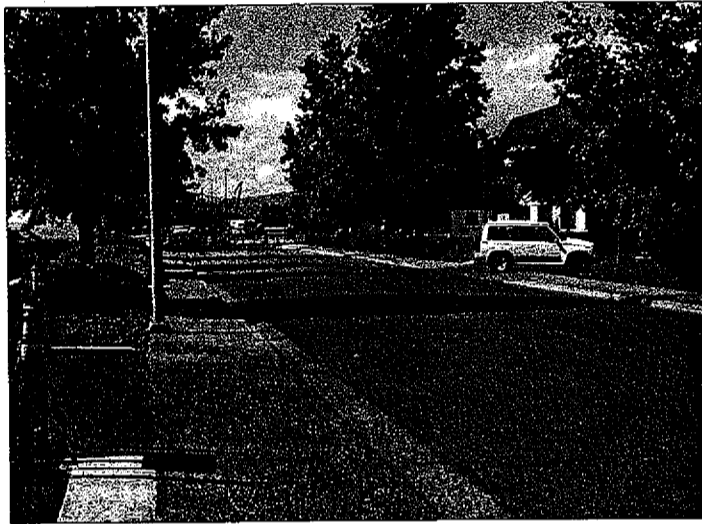
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100 0 100 200 300 Feet



Exhibit 10



1:

2:



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3:

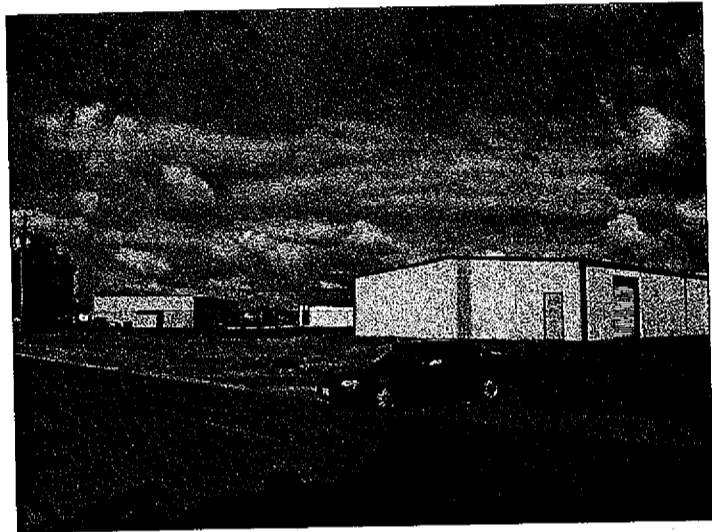
CITY OF MEDFORD
EXHIBIT # _____
File # CP-04-253

4:

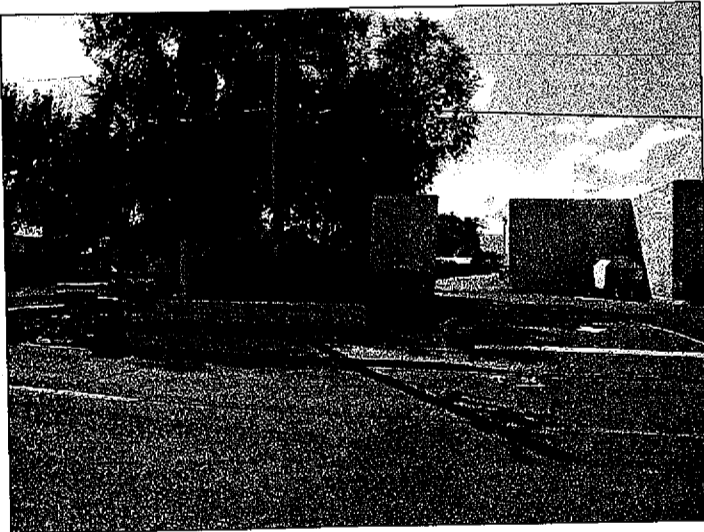
Exhibit 10



5:



6:



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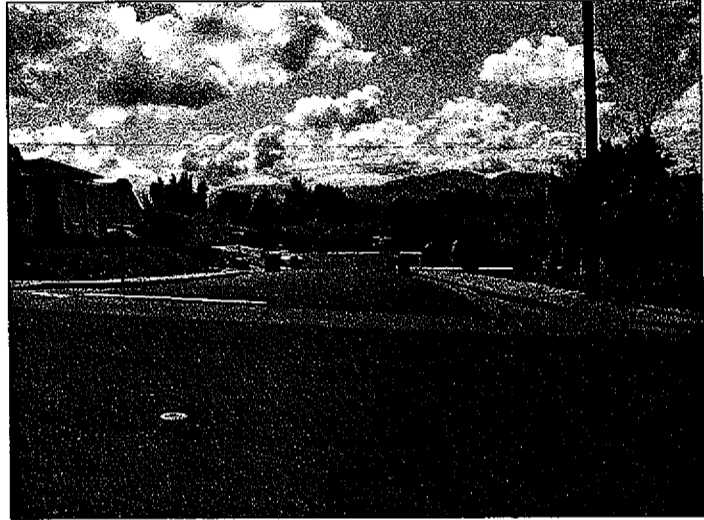


8:

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EXHIBIT # _____
File # CP-04-253

Exhibit 10



9:

10:



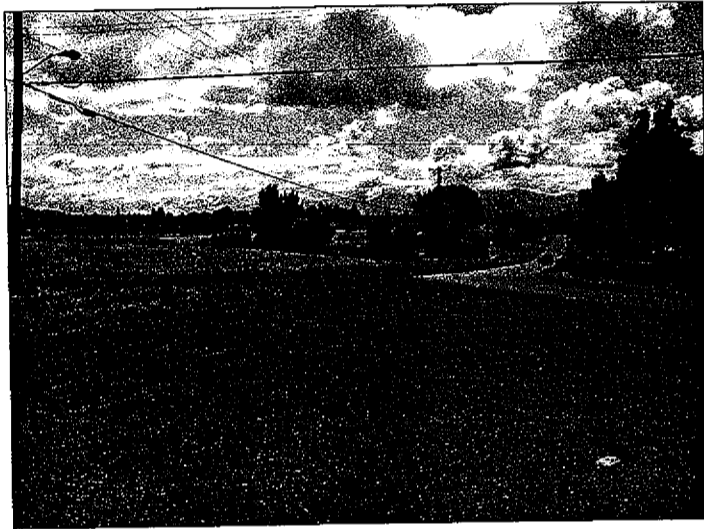
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11:

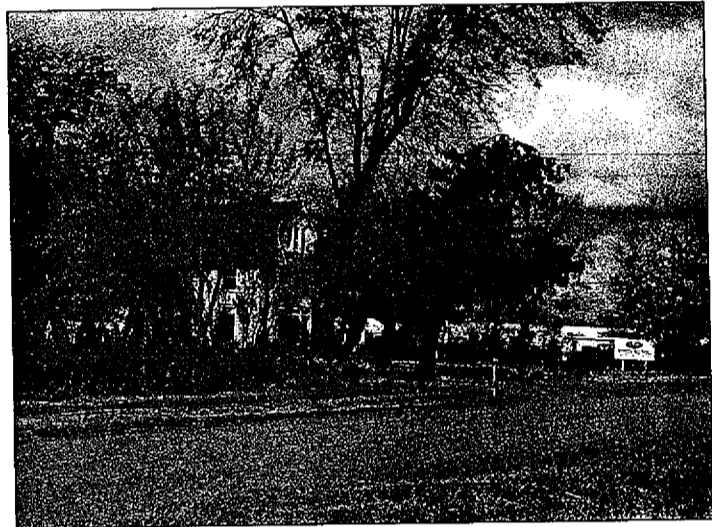
CITY OF MEDFORD
EXHIBIT # _____
File # CP-04-253

12:

Exhibit 10



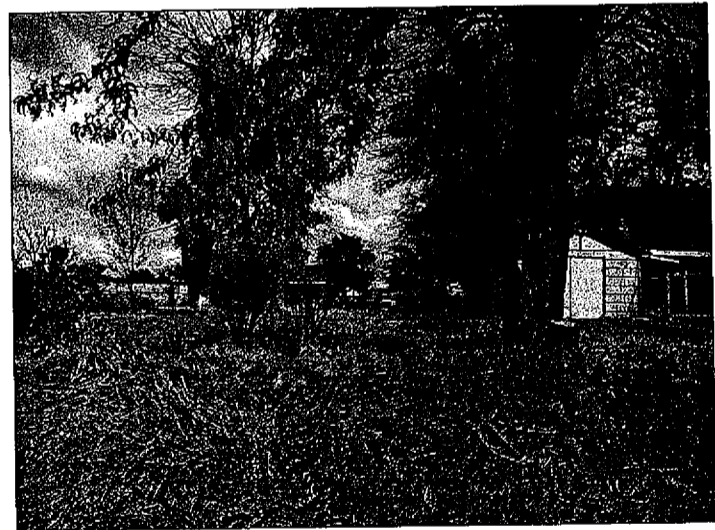
13:



14:



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File # CP-04-253

371W18BD
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THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

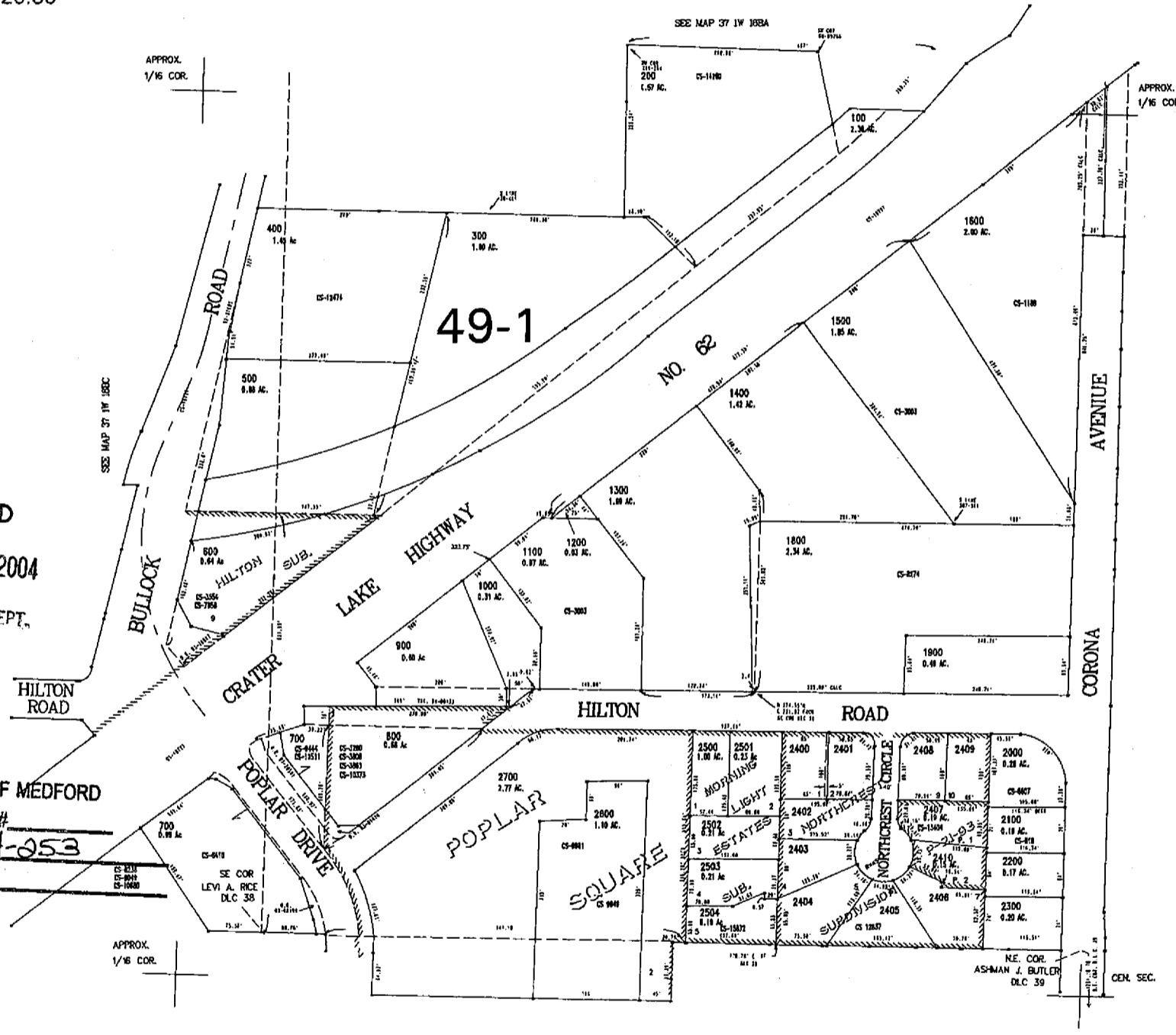
SE1/4 NW1/4 SEC18 T37S R1W.
JACKSON COUNTY
1" = 100'

37 1W 18BD
MEDFORD

EXHIBIT 11a

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CANCELLED NO.
100



SEE MAP 37 1W 180A

37 1W 18BD
MEDFORD
FOR COUNTY RECORD
10 FEBRUARY 2005

MAPFILE C:\WORKSPACE\371W18BD PLAT20A
CREATED FRIDAY FEBRUARY 12, 2004 10:49 AM BY FRANCIS

371W18CA
pdf created
09/20/2004 06:26:32

NE1/4 SW1/4 SEC18 T37S R1W. WM
JACKSON COUNTY

37 1W 18CA
MEDFORD

IMPORTANT
THIS MAP FOR ASSESSMENT
AND TAXATION PURPOSES
ONLY

SCALE 1 INCH = 100 FEET

SE COR.
LEVI A. RICE
DLC 38

NE COR.
ASHMAN J. BUTLER
DLC 39

APPROX
1/16 COR

CENTER
SECTION

EXHIBIT 11b

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PLANNING DEPT.

CITY OF MEDFORD

EXHIBIT #

File # CP-04-253

SEE MAP 37 1W 18C

SEE
MAP
SUPPLEMENTAL
NO. 1

APPROX
1/16 COR

CANCELLED TAX
LOT NUMBERS

SEE MAP 37 1W 18DB

WESTERN HEIGHTS
LANE

APPROX
1/16 COR

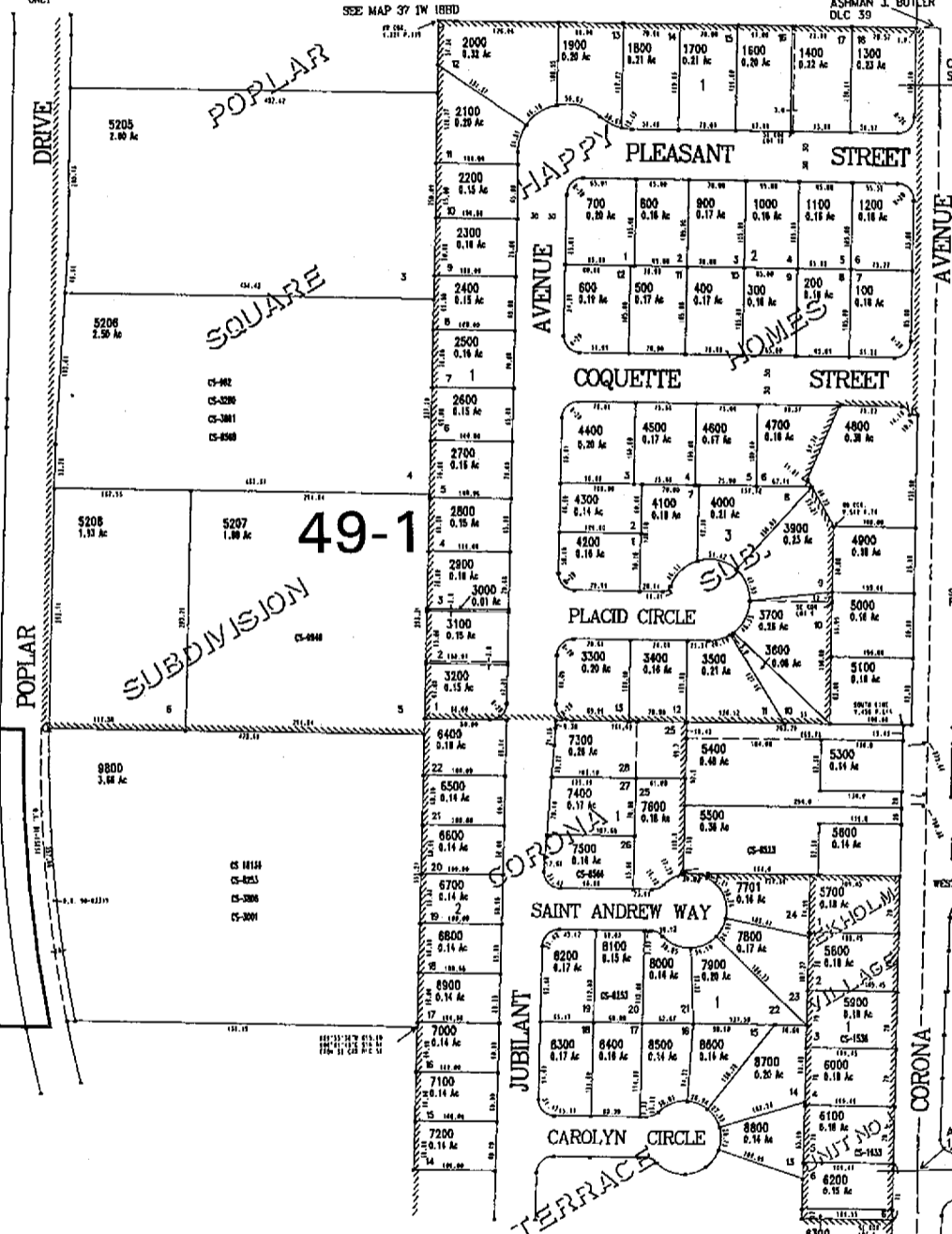
ROBERTS
ROAD

37 1W 18CA
MEDFORD

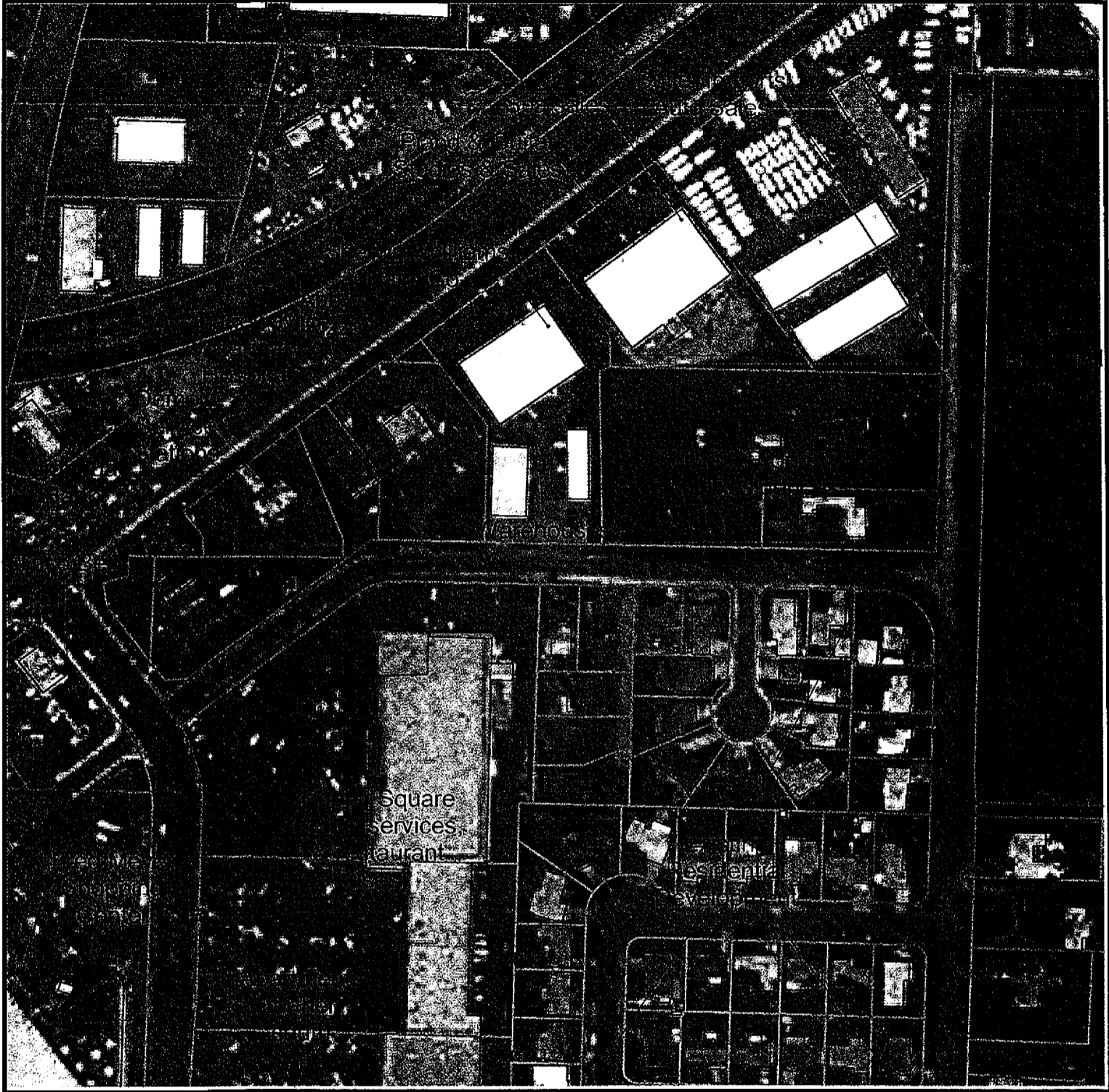
SEE MAP 37 1W 18CD



BY APPL. 10 3025
REV. FEBRUARY 16 2004

METAFILE K:/MAP/371W/18/C/AO PLAT.CRA
CREATED WEDNESDAY FEBRUARY 25, 2004 12:21 PM BY LYONSJA



0



Building Outlines
 Building Outlines
 Tax Lots
 Streams & Ditches
 Streams
 Ditches

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Exhibit 12a
Aerial Map
 Aerial Photo Dated April 16, 1998
 Source: Jackson County GIS Services
Art Osbourn, Applicant
 September 30, 2004
 Craig A. Stone & Associates, Ltd.
 Medford, Oregon

CITY OF MEDFORD
 EXHIBIT # _____
 File # CP-04-253

100 0 100 200 300 Feet

21



EXHIBIT 13

October 12, 2004

Art Osbourn
4820 Crater Lake Avenue
Medford, Oregon 97504

RE: Traffic Analysis for Hilton ZC from SFR-6 to MFR-20

Dear Art,

JRH Transportation Engineering has performed an evaluation of potential traffic impacts for the proposed zone change from City SFR-6 to City MFR-20 on 2.83 acres (3.39 gross acres) west of Hilton Road and north of Poplar Drive. Our analysis indicates that there are no substantial impacts as a result of the zone change.

The proposed zone change site is located on Township 37 Range 1W Section 18BD, tax lots 1800 and 1900. Refer to Figure 1 for a Vicinity Map. The potential peak hour trip generation for the site is 42 PM peak hour trips with 27 inbound and 15 outbound. Trip generations are based on the Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition.

Several intersections and driveways were counted along Hilton Road to determine trip distribution percentages from the site. Refer to Figure 2 for existing count distributions. Count data varied considerably depending on location and distance from Corona Avenue or Poplar Drive. An equal split of inbound and outbound trips to and from the north resulted in 21 PM trips in both directions with no need to distribute trips any further, but the residential cul-de-sac intersection of Northcrest Circle and Hilton Road slightly favored trips to and from Corona Avenue over Poplar Drive, and the subject site will have access to both Corona Avenue and Hilton Road, so it is our assumption that project trips will favor Corona Avenue as well. Assigning trips to favor Corona Avenue also provides a conservative analysis because the study area increases as a result.

Project trips were distributed to the intersection of Roberts Road and Corona Avenue before falling below 25 PM peak hour trips. None of the intersections impacted were collector/arterial intersections. Based on this and the City of Medford land development code, section 10.461, a level of service analysis was not performed on any of the intersections within the study area. Refer to Figure 3 for project trip distributions.

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File # CP-04-253



SUMMARY

Proposed MFR-20 zoning on 3.39 gross acres generates 42 peak hour trips to the transportation system. It is estimated that 16 peak hour trips come from and go to Poplar Drive and 26 come from and go to Corona Avenue. As a result, the study ~~are~~ includes the project driveway and the intersections of Corona Avenue / Hilton and Corona Avenue / Roberts Road. No analysis is required on study area intersections because none involve collector or arterial streets.

We appreciate the opportunity to provide traffic engineering services for this project. If you have any questions or comments, please contact me at (541) 776-9966.

Sincerely,

Kimberly Parducci, PE, PTOE
JRH Transportation Engineering

Cc: Raul Woener, Stone & Associates

Attachment: Figure 1 Vicinity Map
Figure 2 Existing Trips
Figure 3 Project Trips
Count Data



RENEWAL DATE 12/31/04

FIGURE 1: VICINITY MAP

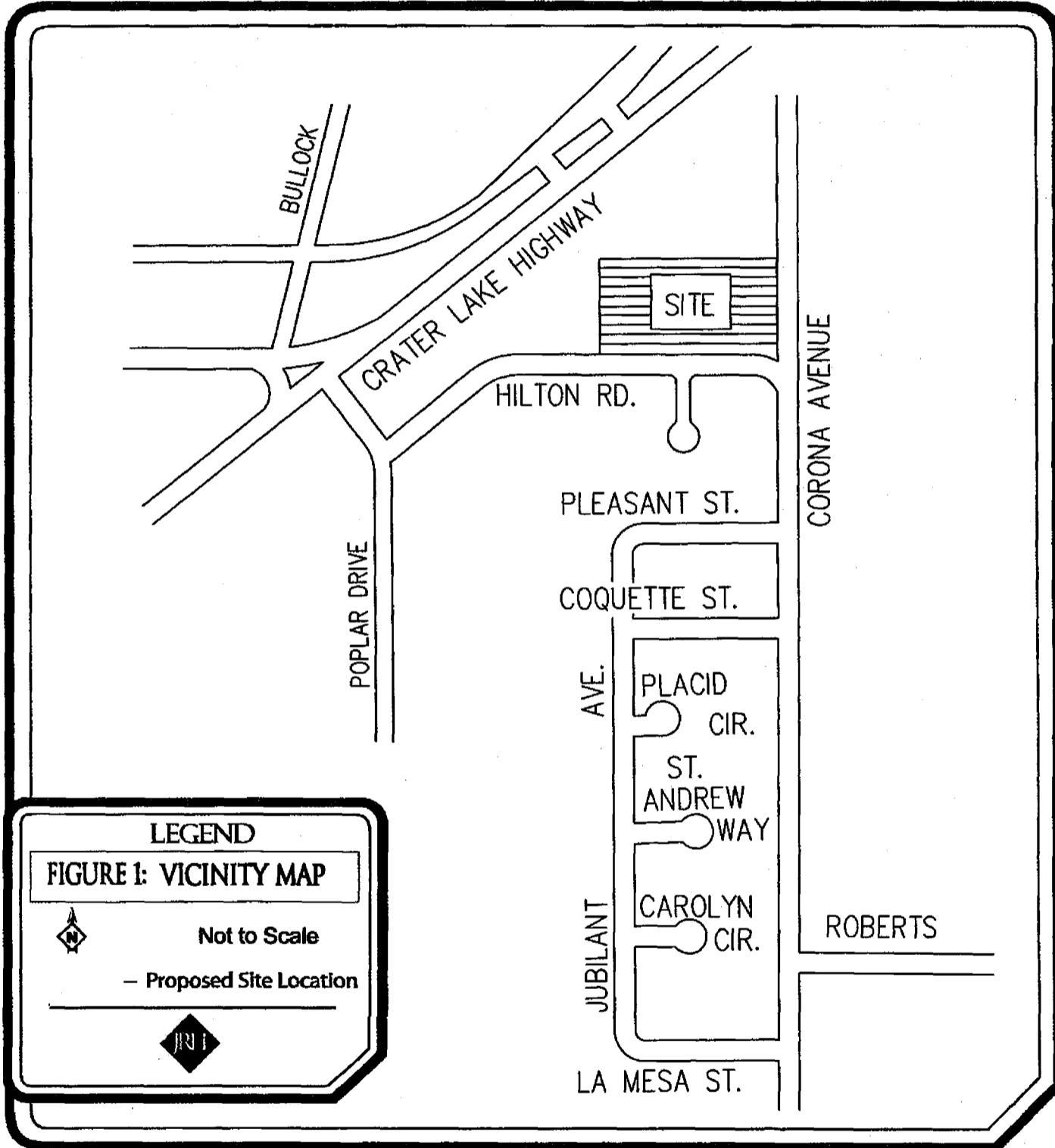


FIGURE 2: EXISITING PM TRAFFIC

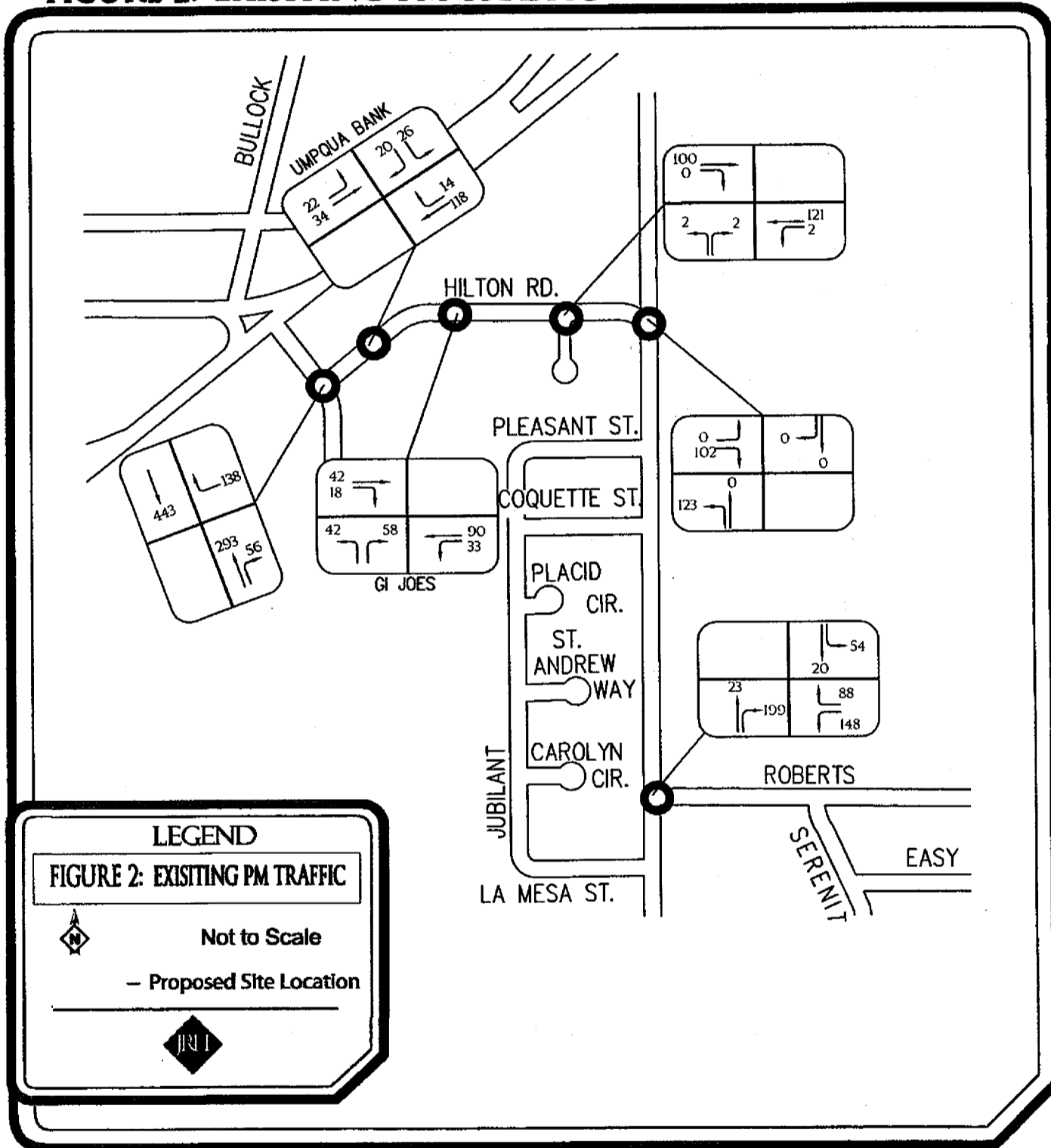
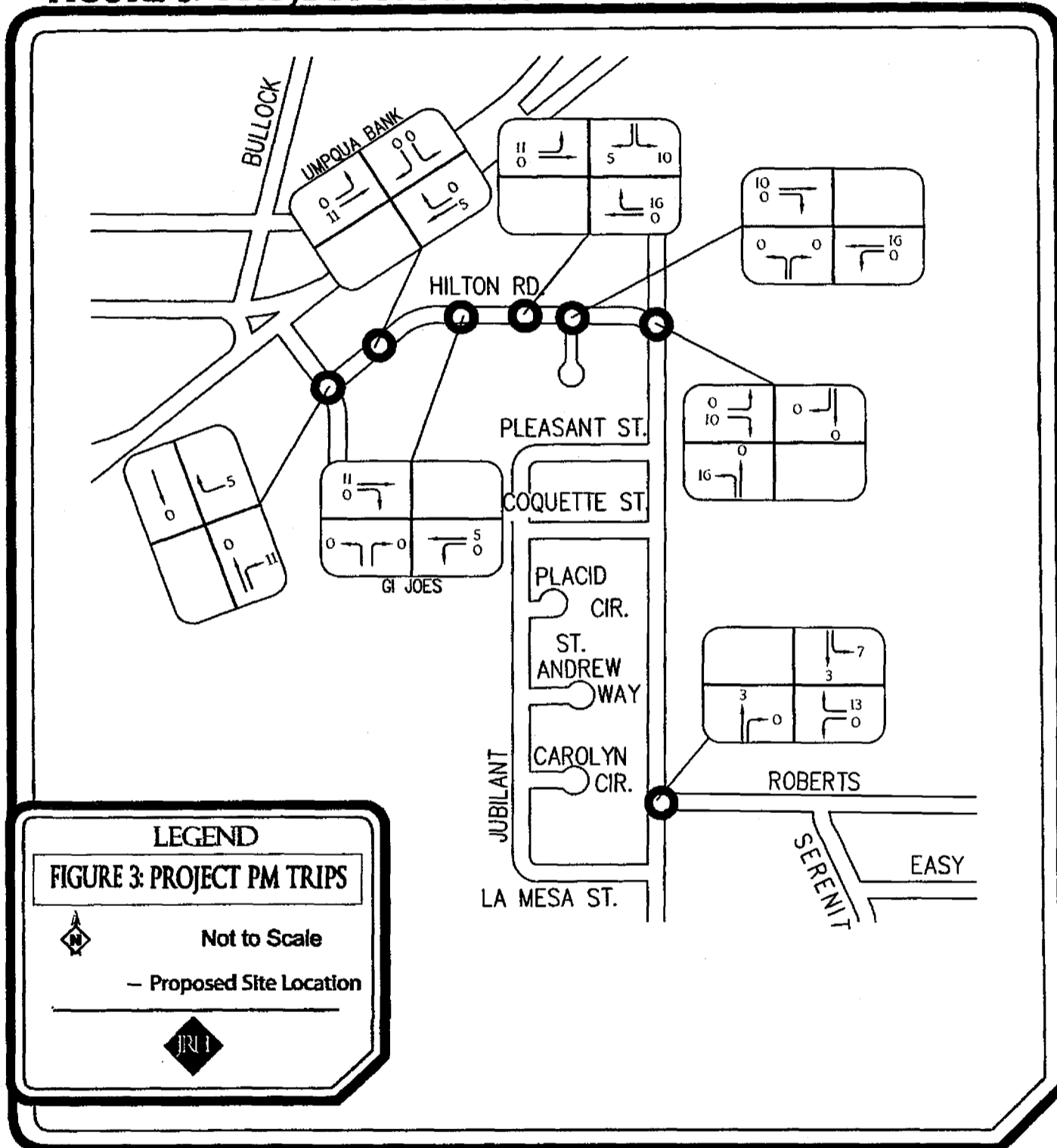


FIGURE 3: PROJECT PM TRIPS



**Hilton Road Zone Change TIA
PM Peak Hour Turning Movement Volumes**

Corona / Hilton Rd (May 27, 2004)

Hour	Southbound			Eastbound			Westbound			Northbound			15-min sum	Hour
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left		
16:00 to 16:15	0	0	0	0	1	0	0	1	40	50	0	1	93	16:00 to 17:00
16:15 to 16:30	0	0	0	0	0	0	0	0	30	20	0	0	50	16:15 to 17:15
16:30 to 16:45	0	0	0	0	0	0	0	0	30	17	0	0	47	16:30 to 17:30
16:45 to 17:00	0	0	0	0	0	0	0	0	27	22	0	0	49	16:45 to 17:45
17:00 to 17:15	0	0	0	0	0	0	0	0	32	25	0	0	57	17:00 to 18:00
17:15 to 17:30	0	0	0	0	0	0	0	0	28	24	0	0	52	
17:30 to 17:45	0	0	0	0	0	0	0	0	28	27	0	0	55	
17:45 to 18:00	0	0	0	0	0	0	0	0	35	26	0	0	61	
Peak Volume	0	0	0	0	0	0	0	0	123	102	0	0	225	
Peak Hour Factor													0.92	

Corona / Roberts Rd (May 25, 2004)

Hour	Southbound			Eastbound			Westbound			Northbound			15-min sum	Hour
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left		
16:00 to 16:15	11	0	18	0	7	22	27	6	0	0	0	0	91	16:00 to 17:00
16:15 to 16:30	18	0	24	0	7	15	43	6	0	0	0	0	113	16:15 to 17:15
16:30 to 16:45	19	0	25	0	6	5	16	7	0	0	0	0	78	16:30 to 17:30
16:45 to 17:00	17	0	41	0	7	27	24	8	0	0	0	0	124	16:45 to 17:45
17:00 to 17:15	23	0	35	0	4	15	41	7	0	0	0	0	125	17:00 to 18:00
17:15 to 17:30	24	0	27	0	4	16	32	7	0	0	0	0	110	
17:30 to 17:45	18	0	38	0	9	10	61	4	0	0	0	0	140	
17:45 to 18:00	23	0	48	0	3	13	65	5	0	0	0	0	157	
Peak Volume	88	0	148	0	20	54	199	23	0	0	0	0	532	
Peak Hour Factor													0.85	

Poplar / Hilton Rd (May 27, 2004)

Hour	Southbound			Eastbound			Westbound			Northbound			15-min sum	Hour
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left		
16:00 to 16:15	23	0	0	0	88	0	6	55	0	0	0	0	172	16:00 to 17:00
16:15 to 16:30	26	0	0	0	84	0	6	95	0	0	0	0	211	16:15 to 17:15
16:30 to 16:45	16	0	0	0	103	0	9	52	0	0	0	0	180	16:30 to 17:30
16:45 to 17:00	29	0	0	0	89	0	8	69	0	0	0	0	195	16:45 to 17:45
17:00 to 17:15	45	0	0	0	104	0	11	78	0	0	0	0	238	17:00 to 18:00
17:15 to 17:30	32	0	0	0	101	0	17	64	0	0	0	0	214	
17:30 to 17:45	31	0	0	0	110	0	14	63	0	0	0	0	218	
17:45 to 18:00	30	0	0	0	128	0	14	88	0	0	0	0	260	
Peak Volume	138	0	0	0	443	0	56	293	0	0	0	0	930	
Peak Hour Factor													0.89	

**Hilton Road Zone Change TIA
PM Peak Hour Turning Movement Volumes**

Northcrest/Hilton Rd (May 27, 2004)

Hour	Southbound			Eastbound			Westbound			Northbound			15-min sum	Hour
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left		
16:00 to 16:15	0	17	2	0	0	0	0	0	1	1	15	0	36	6:00 to 17:00
16:15 to 16:30	0	18	0	0	0	0	0	0	0	1	13	0	32	6:15 to 17:15
16:30 to 16:45	0	17	0	0	0	0	1	0	0	0	18	0	36	6:30 to 17:30
16:45 to 17:00	0	16	1	0	0	0	0	0	0	0	20	0	37	6:45 to 17:45
17:00 to 17:15	0	32	0	0	0	0	0	0	0	0	25	0	57	7:00 to 18:00
17:15 to 17:30	0	27	1	0	0	0	0	0	2	0	24	0	54	
17:30 to 17:45	0	27	1	0	0	0	1	0	0	0	26	0	55	
17:45 to 18:00	0	35	0	0	0	0	1	0	0	0	25	0	61	
Peak Volume	0	121	2	0	0	0	2	0	2	0	100	0	141	
Peak Hour Factor														0.93

GI Joes / Hilton Rd (May 27, 2004)

Hour	Southbound			Eastbound			Westbound			Northbound			15-min sum	Hour
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left		
16:00 to 16:15	0	0	0	0	0	0	0	0	0	0	0	0	0	6:00 to 17:00
16:15 to 16:30	0	0	0	0	0	0	0	0	0	0	0	0	0	6:15 to 17:15
16:30 to 16:45	0	0	0	0	0	0	0	0	0	0	0	0	0	6:30 to 17:30
16:45 to 17:00	0	0	0	0	0	0	0	0	0	0	0	0	0	6:45 to 17:45
17:00 to 17:15	0	27	5	0	0	0	20	0	18	6	5	0	81	7:00 to 18:00
17:15 to 17:30	0	19	10	0	0	0	13	0	10	8	11	0	71	
17:30 to 17:45	0	23	4	0	0	0	12	0	8	2	14	0	63	
17:45 to 18:00	0	21	14	0	0	0	13	0	6	2	12	0	68	
Peak Volume	0	90	33	0	0	0	58	0	42	18	42	0	283	
Peak Hour Factor														0.87

Umpqua Bank / Hilton Rd (May 27, 2004)

Hour	Southbound			Eastbound			Westbound			Northbound			15-min sum	Hour
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left		
16:00 to 16:15	0	0	0	0	0	0	0	0	0	0	0	0	0	6:00 to 17:00
16:15 to 16:30	0	0	0	0	0	0	0	0	0	0	0	0	0	6:15 to 17:15
16:30 to 16:45	0	0	0	0	0	0	0	0	0	0	0	0	0	6:30 to 17:30
16:45 to 17:00	0	0	0	0	0	0	0	0	0	0	0	0	0	6:45 to 17:45
17:00 to 17:15	4	41	0	4	6	0	0	0	0	0	5	6	66	7:00 to 18:00
17:15 to 17:30	3	26	0	6	7	0	0	0	0	0	12	5	59	
17:30 to 17:45	4	27	0	4	6	0	0	0	0	0	10	4	55	
17:45 to 18:00	3	24	0	6	7	0	0	0	0	0	7	7	54	
Peak Volume	14	118	0	20	26	0	0	0	0	0	34	22	234	
Peak Hour Factor														0.89



September 23, 2004

Alex Georgevitch, PE
City of Medford
411 W. 8th Street
Medford, Oregon 97504

RE: Request for Scoping Letter

Dear Alex,

JRH Transportation Engineering is requesting a scoping letter for a proposed comprehensive plan map amendment from Single Family Residential (SFR-6) to Multi-Family Residential (MFR) on Township 37 Range 1W Section 18BD, tax lots 1800 and 1900. The site includes 2.83 acres (3.39 gross acres) west of Hilton Road and north of Poplar Drive. The property will have the ability to apply for MFR-15, 20, or 30 within the proposed comprehensive plan map designation. It is the client's intention to apply for MFR-20 at the time of zone change application but the potential MFR-30 designation will be evaluated in our analysis based on the City's requirements.

Access to the site is proposed from Hilton Road. A map of the area is attached for reference.

Thank you for your time and consideration of this request.

Sincerely,

Kimberly Parducci PE, PTOE
JRH Transportation Engineering

Cc: Raul Woener



September 23, 2004

Dan Dorrell, PE
ODOT
200 Antelope Road
White City, Oregon 97503

RE: Request for Scoping Letter

Dear Dan,

JRH Transportation Engineering is requesting a scoping letter for a proposed comprehensive plan map amendment from Single Family Residential (SFR-6) to Multi-Family Residential (MFR) on 2.83 acres (3.39 gross acres) located west of Hilton Road and north of Poplar Drive on Township 37 Range 1W Section 18BD, tax lots 1800 and 1900. The property will have the ability to apply for MFR-15, 20, or 30 within the proposed comprehensive plan map designation. It is the client's intention to apply for MFR-20 at the time of zone change application, but the potential MFR-30 designation will be evaluated in our analysis based on City of Medford requirements.

There are no ODOT intersections expected to be impacted by 25 or more peak hour trips due to the new right-in, right-out configuration at the intersection of Poplar Drive and Hilton Road. In a preliminary look of the trip distributions from the site there are 41 total peak hour inbound trips and 22 outbound trips. If all 22 outbound trips are distributed to Poplar Drive as a worst case scenario then there will still be less than 25 trips that reach the intersection of Poplar Drive & Crater Lake Highway, which is the closest ODOT intersection to the site.

No access will be taken to a State facility. Access to the site is proposed from Hilton Road. A map of the area is attached for reference.

Thank you for your time and consideration of this request.

Sincerely,

Kimberly Parducci PE, PTOE
JRH Transportation Engineering

Cc: Raul Woener, Stone & Associates



September 27, 2004

Alex Georgevitch, PE
City of Medford
411 W. 8th Street
Medford, Oregon 97504

RE: Request for Scoping Letter

Dear Alex,

JRH Transportation Engineering is requesting a scoping letter for a proposed zone change from SFR-6 to MFR-20 on Township 37 Range 1W Section 18BD, tax lots 1800 and 1900. The property currently carries a comprehensive plan map zone of Commercial but a comprehensive plan map amendment is being proposed to change the designation from Commercial to Multi-Family Residential (MFR). A zone change request will be submitted after approval of the comprehensive plan map amendment.

The site includes 2.83 acres (3.39 gross acres) west of Hilton Road and north of Poplar Drive. The property will have the ability to apply for MFR-15, 20, or 30 within the proposed comprehensive plan map designation and it is the client's intention to apply for MFR-20.

Access to the site is available from Hilton Road and Corona. A map of the area is attached for reference.

Thank you for your time and consideration of this request.

Sincerely,

Kimberly Parducci PE, PTOE
JRH Transportation Engineering

Cc: Raul Woener



September 27, 2004

Dan Dorrell, PE
ODOT
200 Antelope Road
White City, Oregon 97503

RE: Request for Scoping Letter

Dear Dan,

JRH Transportation Engineering is requesting a scoping letter for a proposed zone change from SFR-6 to MFR-20 on Township 37 Range 1W Section 18BD, tax lots 1800 and 1900. The property currently carries a comprehensive plan map zone of Commercial but a comprehensive plan map amendment is being proposed to change the designation from Commercial to Multi-Family Residential (MFR). A zone change request will be submitted after approval of the comprehensive plan map amendment.

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There are no ODOT intersections expected to be impacted by 25 or more peak hour trips due to the new right-in, right-out configuration at the intersection of Poplar Drive and Hilton Road. In a preliminary look of the trip distributions from the site there are 27 total peak hour inbound trips and 15 outbound trips. If all 15 outbound trips are distributed to Poplar Drive as a worst case scenario then there will still be less than 25 trips that reach the intersection of Poplar Drive & Crater Lake Highway, which is the closest ODOT intersection to the site.

No access will be taken to a State facility. Access to the site is proposed from Hilton Road and Corona, which are both City standard residential streets. A map of the area is attached for reference.

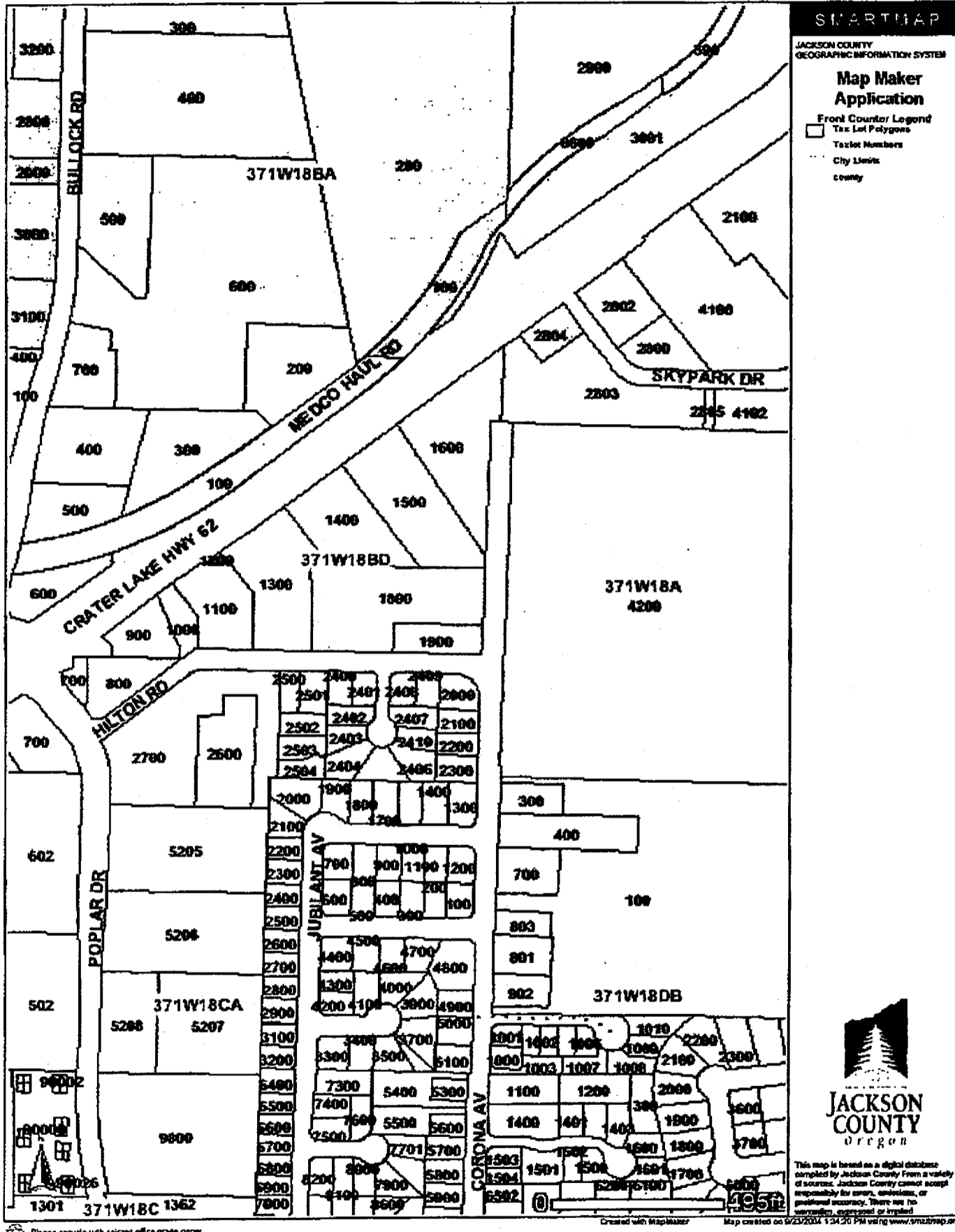
Thank you for your time and consideration of this request.

Sincerely,

A handwritten signature in black ink that reads 'Kim Parducci'.

Kimberly Parducci PE, PTOE
JRH Transportation Engineering

Cc: Raul Woener, Stone & Associates



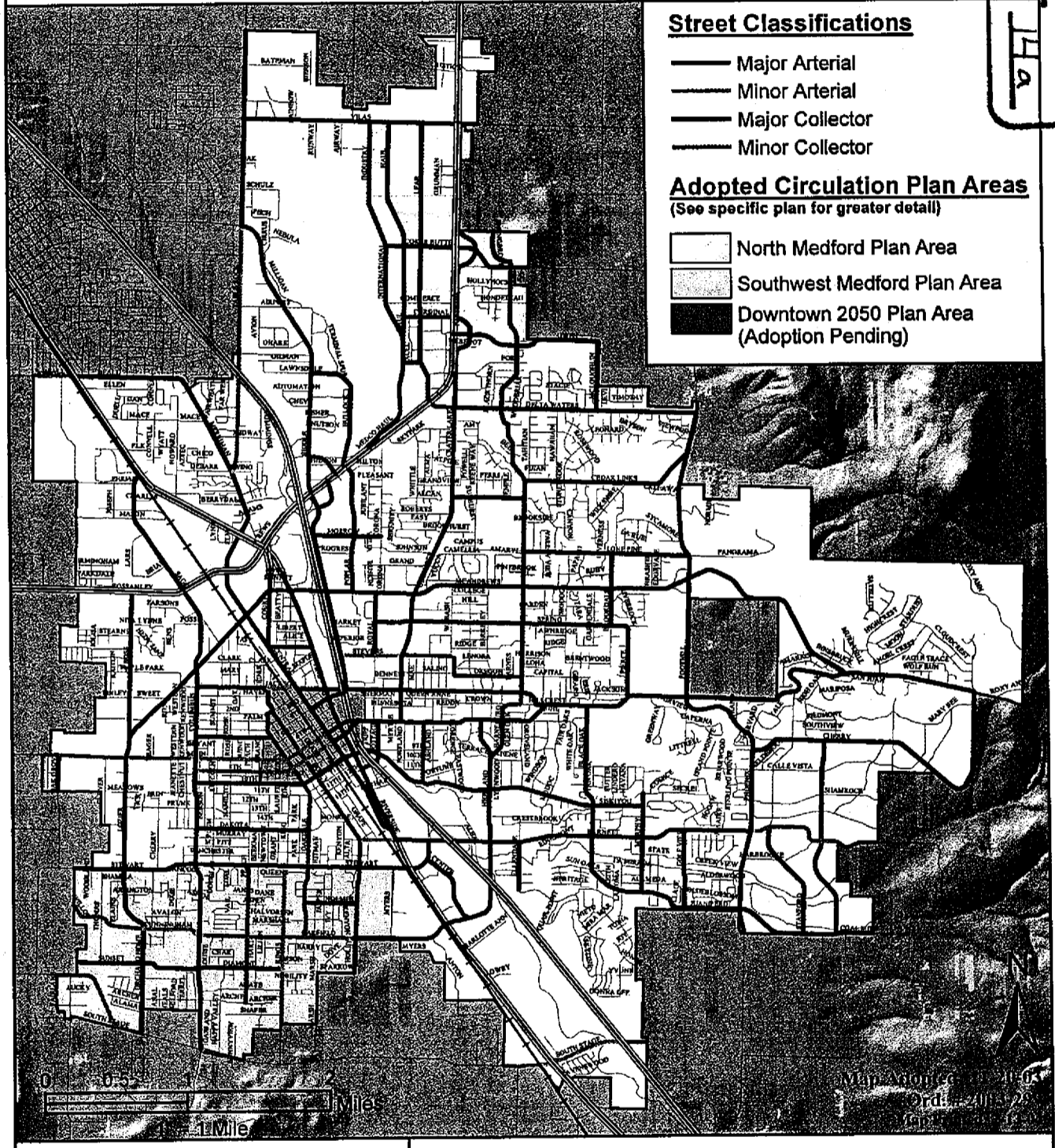
Please recycle with colored office grade paper

Created with Mapmaker Map created on 9/23/2014 1:24:20 PM using www.smartmap.org

22

Figure 1-2: Medford Street Functional Classification Plan

EXHIBIT 14a



Other Streets
 Highway
 Railroad



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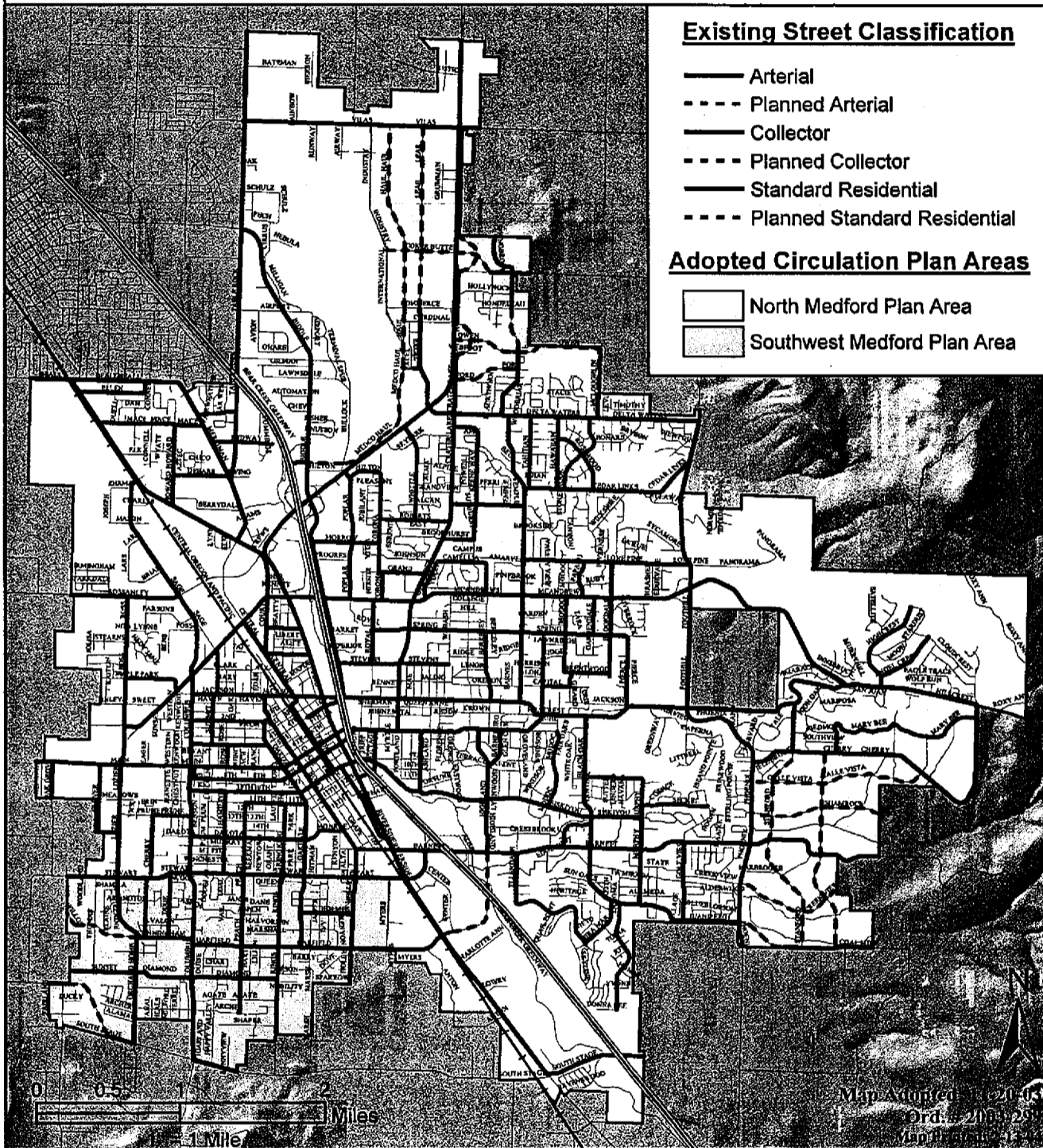
OCT 19 2004

PLANNING DEPT.

EXHIBIT #

File # CP-04-253

Figure 3-1: Existing Street Functional Classification System



— Other Streets
 == Highway UGB
 —+— Railroad

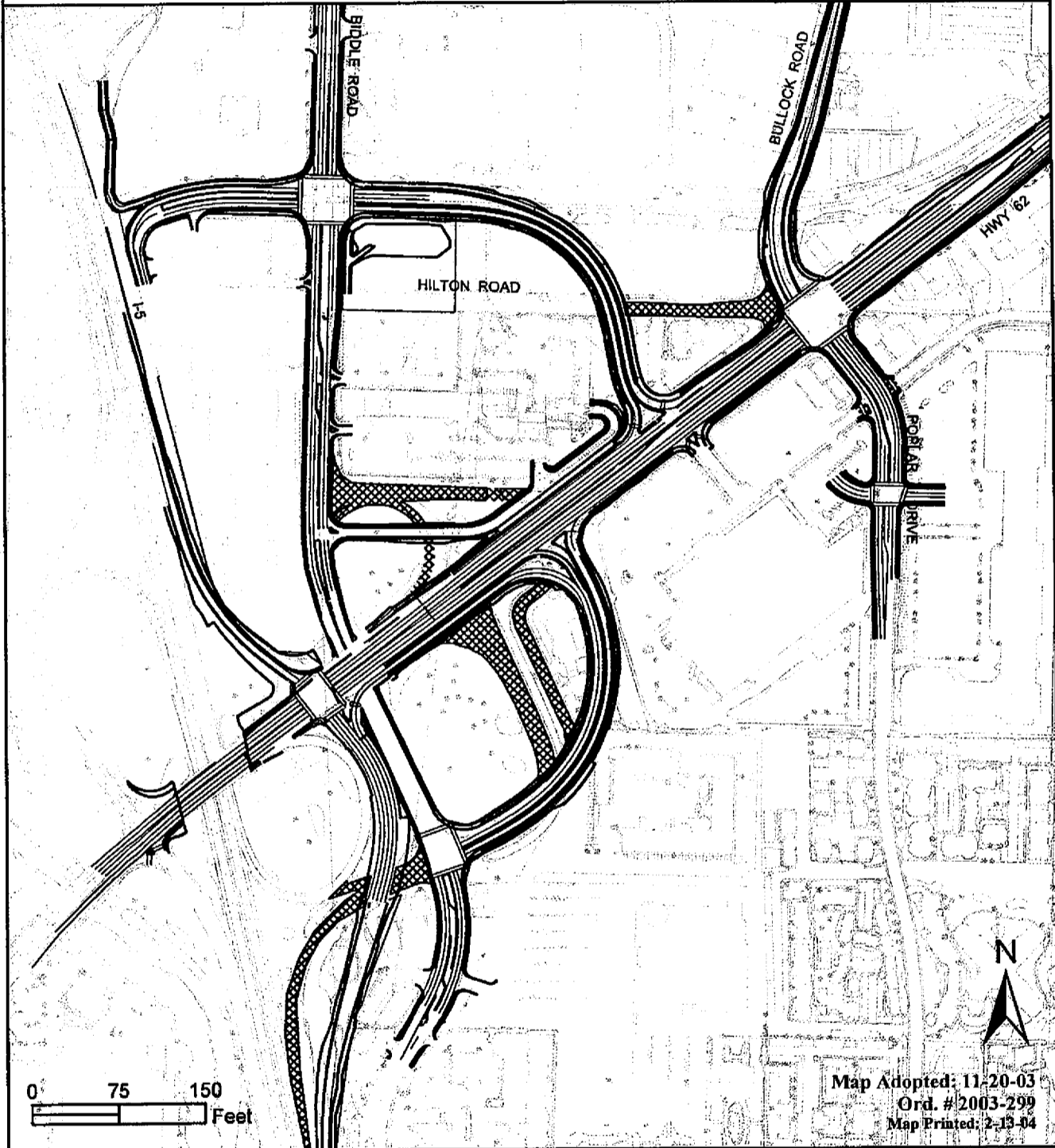


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Figure 2-1: North Medford Interchange Project - Build Alternative

EXHIBIT 14c



Map Adopted: 11-20-03
 Ord. # 2003-299
 Map Printed: 2-13-04

- Improvements
- ▨ Abandoned Roadways (Pavement Removed)

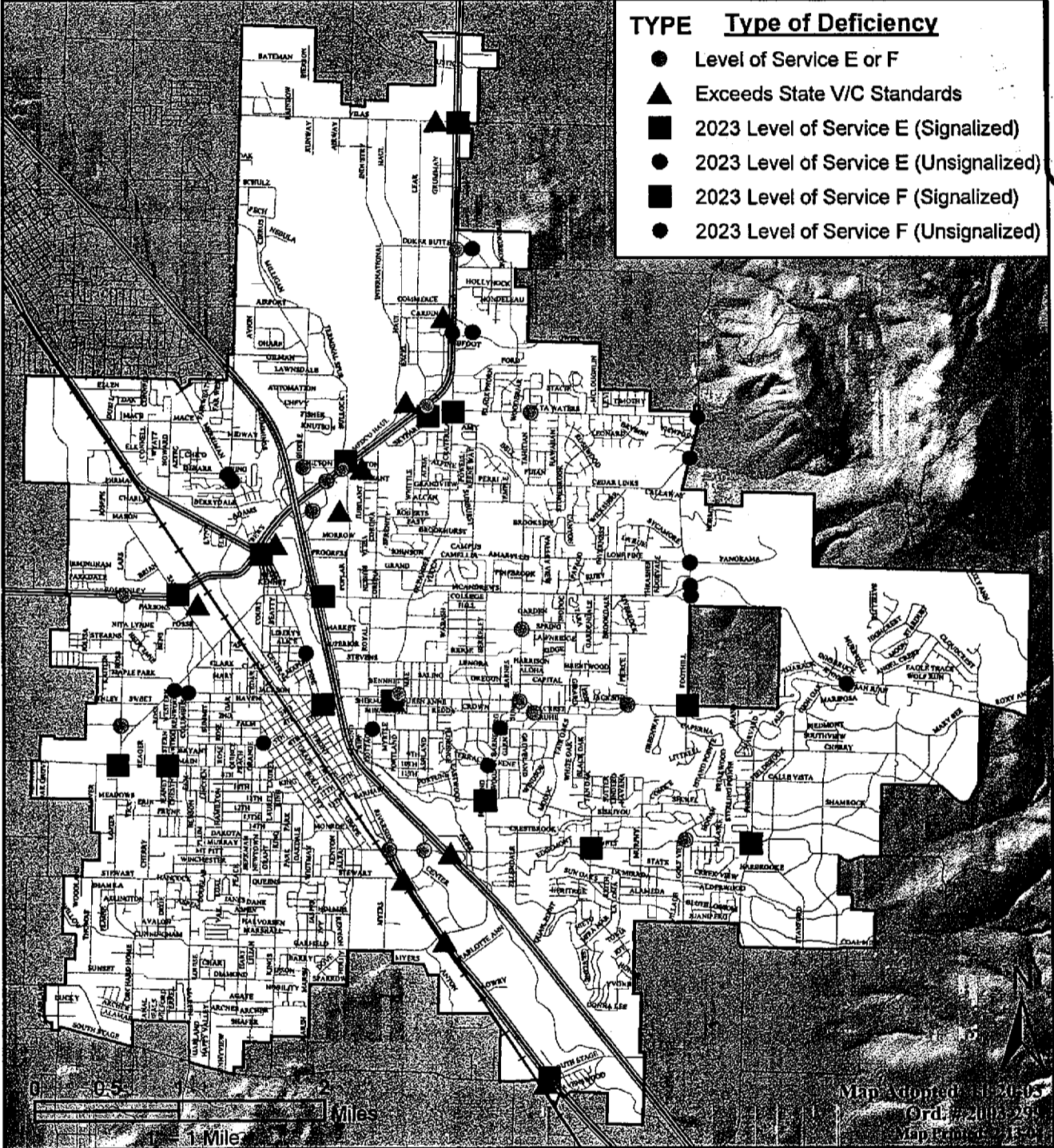


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Figure 1-1: 2002 and 2023 Street System Deficiencies

EXHIBIT 14d



- TYPE** Type of Deficiency
- Level of Service E or F
 - ▲ Exceeds State V/C Standards
 - 2023 Level of Service E (Signalized)
 - 2023 Level of Service E (Unsignalized)
 - 2023 Level of Service F (Signalized)
 - 2023 Level of Service F (Unsignalized)

- Other Streets
- == Highway
- +— Railroad
- ⊕ UGB

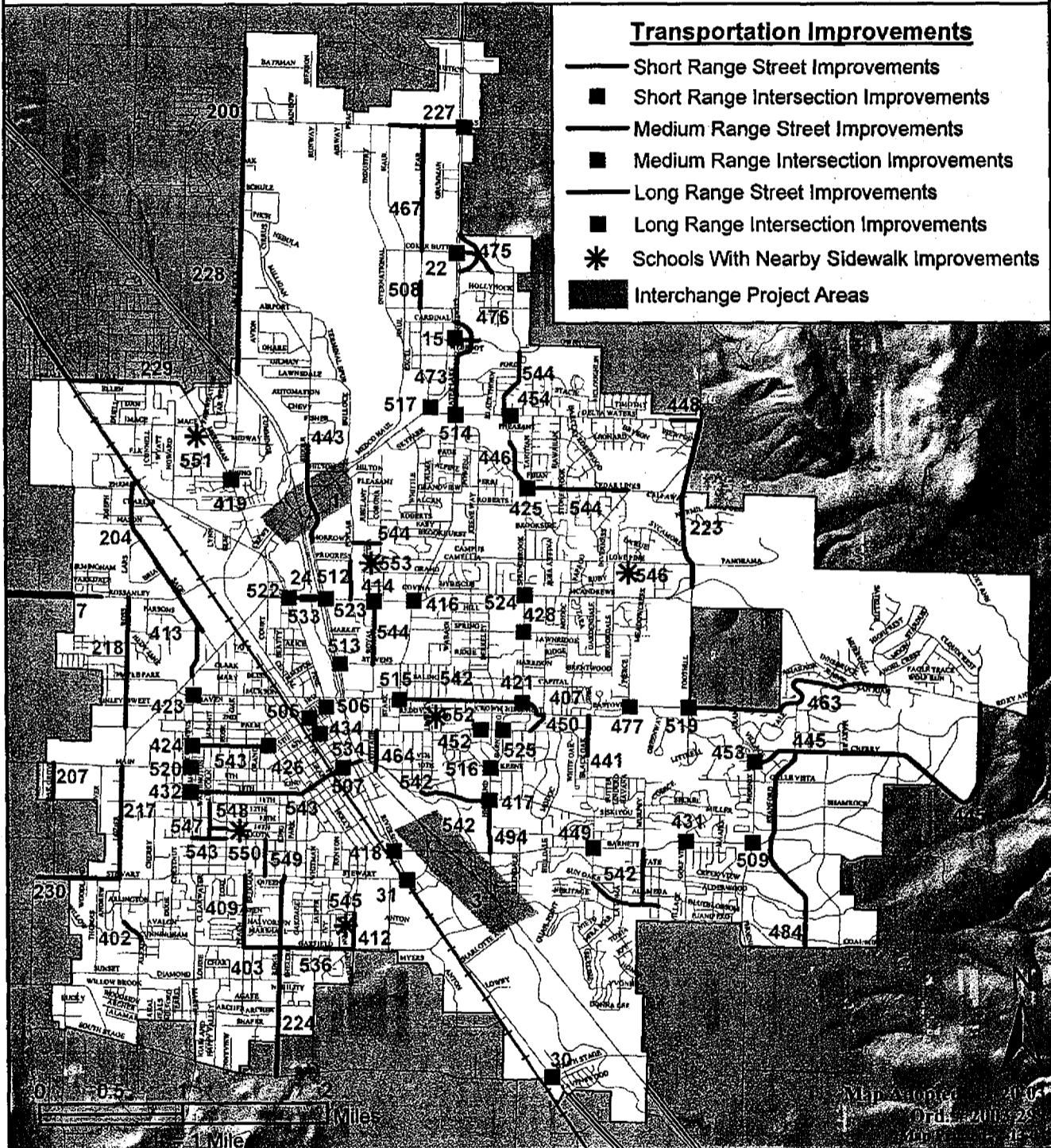


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Figure 1-3: Planned Tier 1 Medford Transportation Improvements

EXHIBIT 14e



999 = Project ID Number
(See Tables 13-2, 13-3 & 13-4
for project ID number detail)

Other Streets
Highway
Railroad

UGB

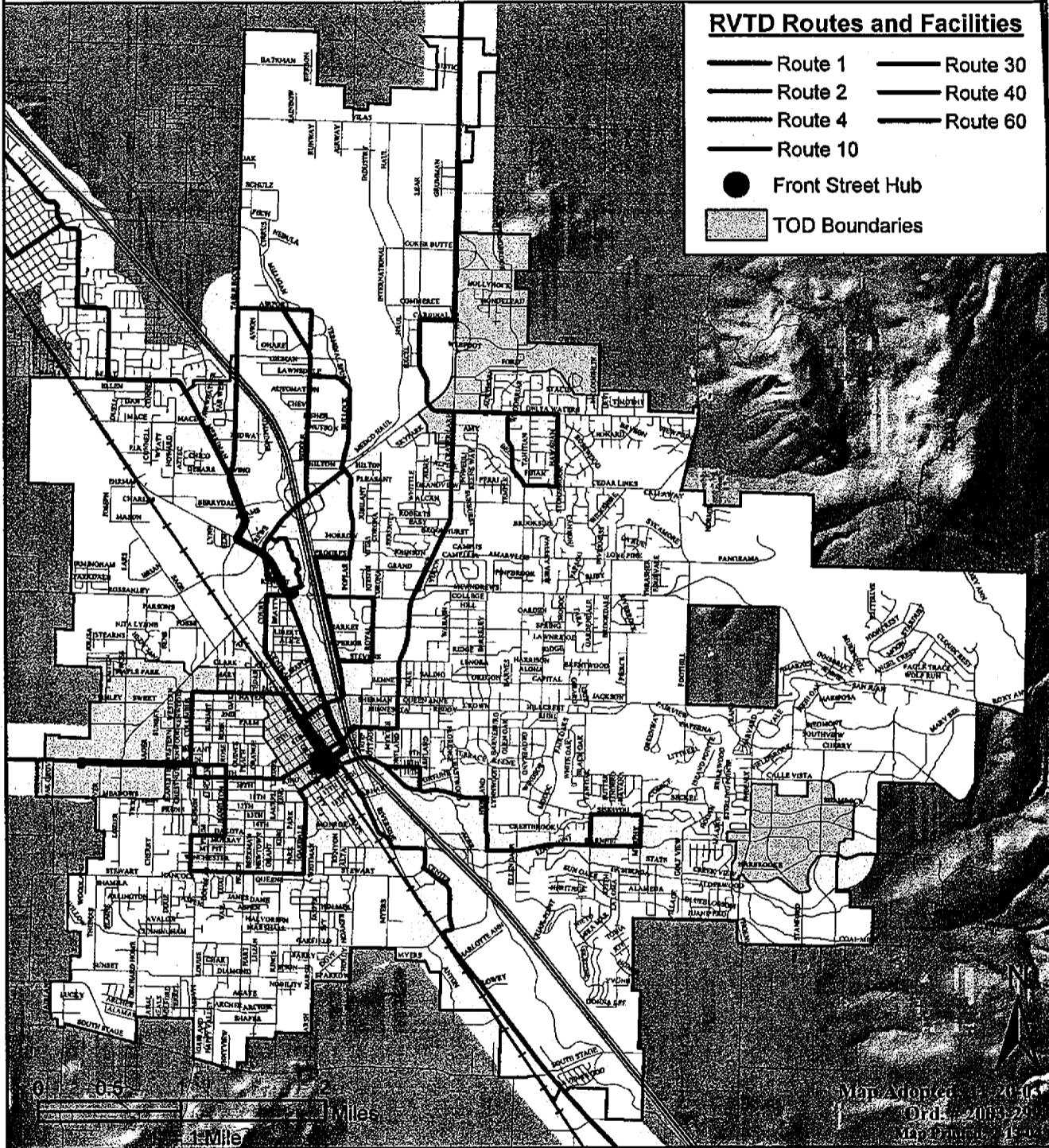


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Figure 3-5: RVTD Public Transit Service and Facilities

EXHIBIT 14C



RVTD Routes and Facilities

- Route 1
- Route 2
- Route 4
- Route 10
- Route 30
- Route 40
- Route 60
- Front Street Hub
- ▨ TOD Boundaries

1/4 Mile Distance from Transit Routes

- Other Streets
- Highway
- Railroad
- ⊕ UGB



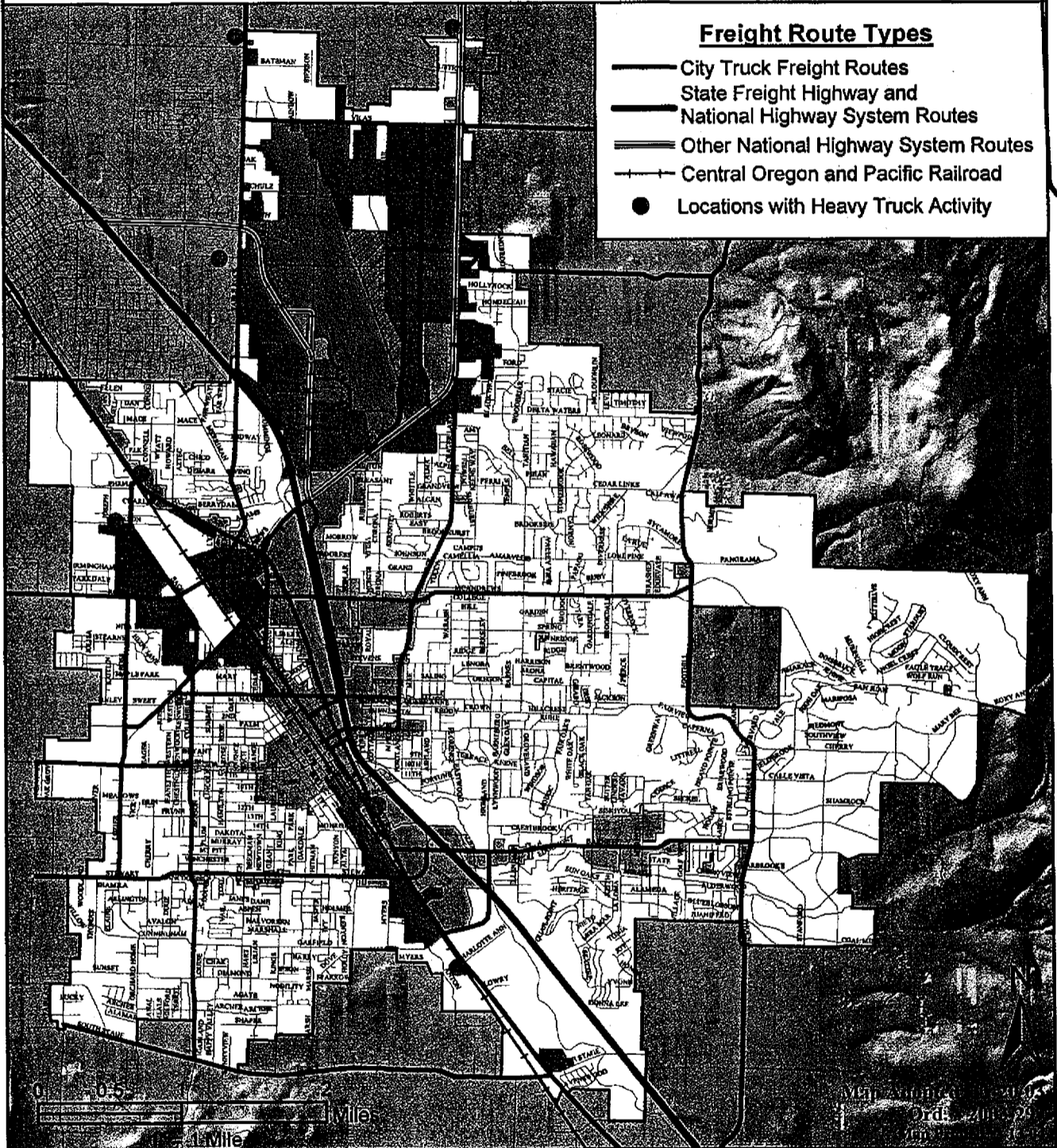
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Map Adopted: 12/20/11
 Ord. #: 2011-27
 Map Date: 11/11/11

Figure 1-4: Medford Designated Truck Routes and Other Freight Facilities

EXHIBIT 149



23

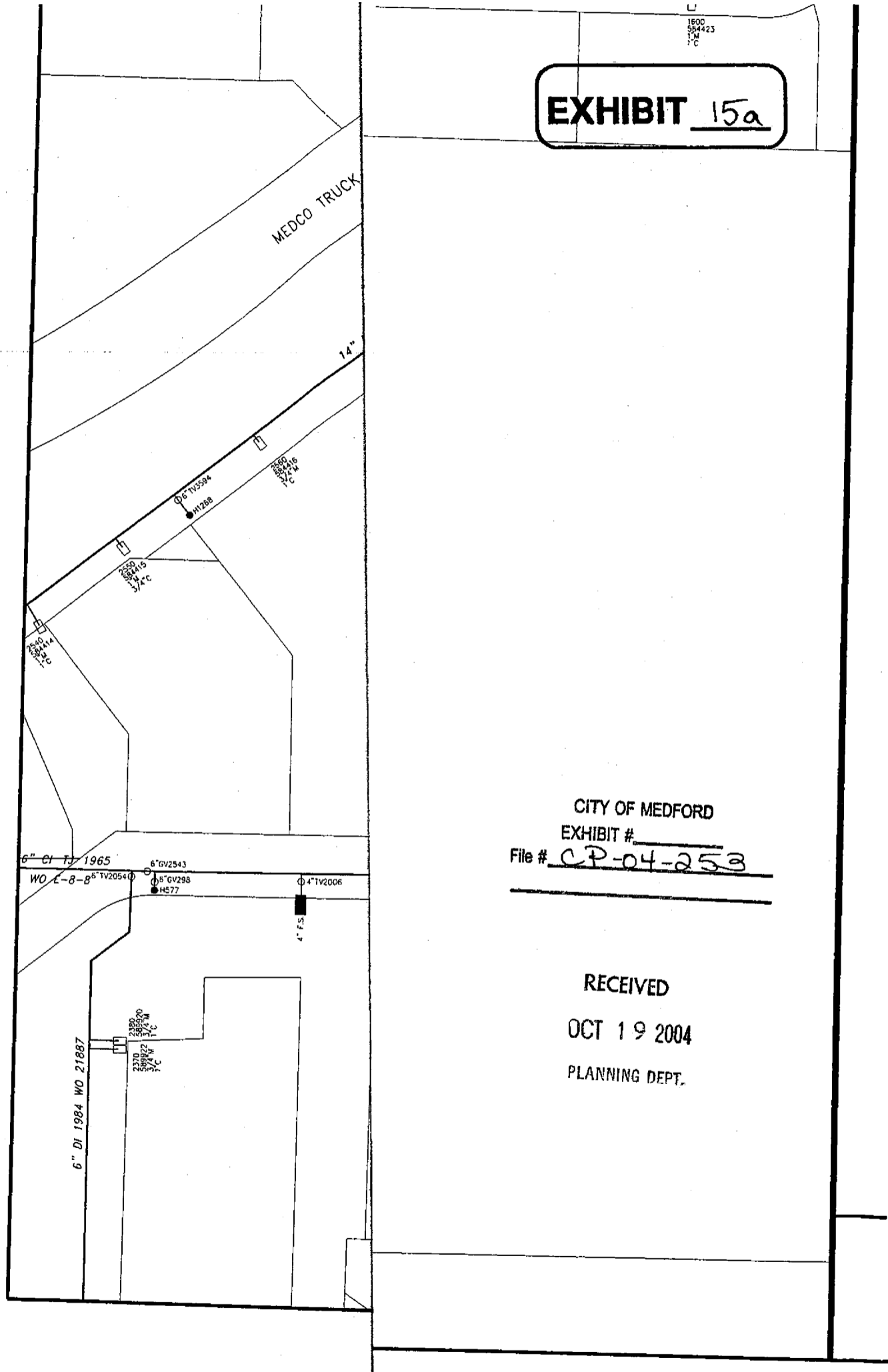


EXHIBIT 15a

CITY OF MEDFORD
EXHIBIT # _____
File # CP-04-253

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EXHIBIT 156**SYSTEM OPERATIONS****Sources**

The Medford Water Commission's principal source of water is Big Butte Springs, located about thirty miles northeast of Medford, Oregon and five miles east of the town of Butte Falls. The springs' watershed, or recharge area, is approximately 56,000 acres in size and includes the westerly slopes of Mt. McLoughlin. The springs' capacities vary from 25 million gallons per day (mgd) to 35 mgd and are the primary source of system water for the entire year. The maximum withdrawal from the springs, limited by the capacity of the transmission facilities and water rights, is 26.4 mgd.

The Medford Water Commission (MWC) holds three water rights equaling 67 cubic feet per second (cfs) on the Big Butte Springs source. The Oregon Legislature closed Big Butte Springs drainage from any additional appropriation in 1925 and gave all additional water to the City of Medford.

The Rogue River is used as a supplemental source during the summer months of May through September. Water is withdrawn at the Robert A. Duff Water Treatment Plant (Duff WTP) near TouVelle State Park. The treatment plant was built in 1968 and had an original capacity of 15 mgd. During 1997 there were improvements at the Duff WTP, which ensure efficient operation of the plant under wintertime conditions if needed. Design and construction involving structural, mechanical, electrical, and instrumentation and control upgrades were undertaken during the 1998-99 fiscal period. Phase III filter expansion was completed in the year 2000 and increased our water treatment capacity to 45 mgd. Current permits allow the use of up to 65 mgd (100 cubic feet per second) of natural stream flow water rights out of the Rogue River.

Lost Creek Reservoir, which contains approximately 250,000 acre feet of total storage is located approximately 20 miles upstream from the Duff WTP. This reservoir is operated by the U.S. Army Corps of Engineers primarily as flood control facility but it also helps maintain stream flows during the summer. There are 10,000 acre-feet of stored water allocated for municipal and industrial use in Lost Creek Reservoir.

Currently, only the City of Phoenix purchases water from Lost Creek Reservoir. Each of the other cities served are required by 2015, as part of their water supply contract, to purchase their own Lost Creek water for treatment and transportation by MWC.

Service Area

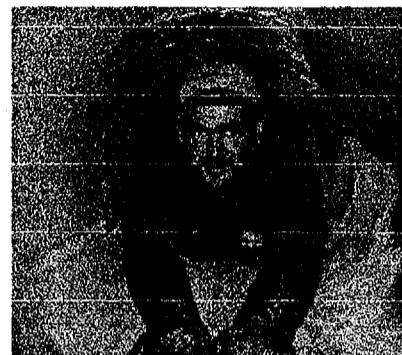
The MWC directly serves customers inside the City of Medford, and some outside customers such as in White City. In 2000, the water system supplied a total of approximately 31,468 customer accounts and a population of around 97,000. The average daily water production is approximately 25.8 mgd, with peak demands reaching 50 mgd during the summer months. Per capita usage is approximately 234 mgd.

The Commission's wholesale customers have an estimated population of 36,450. These include the cities of Central Point, Jacksonville, Phoenix, Talent and Eagle Point.

Other wholesale customers outside Medford include four domestic water districts and the Coker Butte Water Association, which purchase their water from the Medford Water Commission and contract with the Commission for operation and maintenance of their systems. These districts account for about 4.5% of the total number of customers in the system and, together with the other city customers, they use about 7.5% of the total annual water production.

Willow Creek Dam

Willow Creek Dam was constructed in 1952 and is owned and operated by the Water Commission.



Utility person performing inspection inside BBS pipeline replacement, Eagle Point, Oregon, 2001.

The dam forms Willow Lake which has a water surface area of approximately 350 acres and a usable capacity of 8,000 acre feet, or 2.6 billion gallons. The Commission owns approximately 920 acres of land within and around Willow Lake. Water from the lake is not used directly in the Medford water system. Rather, the Eagle Point Irrigation District, with whom the Commission shares rights to Big Butte Springs, uses it for irrigation purposes in trade for spring water.

Willow Lake and surrounding lands are leased to Jackson County for recreational uses and are administered by the Jackson County Department of Public Works and Parks. The lake provides opportunities for fishing, boating, and water skiing activities as well as camping facilities at the resort area on the west shore.

Transmission and Distribution

The Water Commission is responsible for the construction and maintenance of more than 330 miles of water mains. The water mains that come from the pumping stations are called feeder mains and vary in size from 24 to 48 inches in diameter. The feeder mains supply water to the service mains, which vary in size from 2 to 24 inches. The service mains carry the water to more than 500,000 service connections throughout the valley. The distribution system consists of these water mains and service lines plus valves, fire hydrants, and meters. Pipeline materials consist primarily of ductile iron and cast iron. New pipelines are constructed of ductile iron only.

The Water Commission installs, operates and maintains more than 850 valves in a vast underground grid of water mains and service connections. The valves regulate the flow of water through the mains and allow service crews to shut off water to a specific area and isolate a problem for repair or improvement. As a result we are able to limit the number of homes and businesses adversely impacted by a water main project.

The elevations of the Big Butte Springs intakes vary from 2,650 to 2,700 feet. Water flows by gravity from Big Butte Springs to Medford in two transmission lines, each having a capacity of 13.2 mgd for a combined daily capacity of 26.4 million gallons. The first of these two transmission lines went into service in 1927 and the second in 1951. Both are welded steel pipelines varying in size from 20 inches to 30 inches and averaging 24 inches in size. Both transmission lines are underground throughout their entire 30.5-mile lengths. The energy from approximately 1,100 feet of elevation difference is dissipated in friction loss resulting from moving such a large quantity of water through the pipelines.

The Big Butte Springs transmission lines are located on different routes, and each passes over approximately 75 different mountain summits. Pressure in the lower reaches is automatically controlled to maintain a full pipe by means of special backpressure control valves.

The Rogue River supply transmission mains transport water from the Duff Treatment Plant to the City of Medford. The Table Rock Road transmission main consists of five miles of 30 and 42-inch ductile iron pipe. A second transmission main from the Rogue source consists of a 36-inch ductile iron pipe. There is also a 36-inch transmission main on the westside.

Storage

Water is stored in reservoirs, standpipes and tanks. The system's total storage capacity is 33.3 mg. All reservoirs are covered. All are of concrete construction except the elevated White City reservoir, which is constructed of steel.

In addition to the Commission's storage, the other cities served have reservoirs as well totaling approximately 12.5 mg.

Pressure Zones and Pumps

The area served by the distribution system varies from 1,250 to 2,250 feet in elevation, in nine pressure zones. The two major pressure zones are:

- The Gravity Level: supplies most of the City of Medford and areas southwest of the city,
- The Low Level: supplies north Medford, Central Point, and the White City area.

The water pressure varies within the distribution system between 35 and 100 pounds per square inch (psi). The pressure at any given point is mostly dependent upon the elevation within the pressure zone.

Both the Big Butte Springs and Rogue River sources supply the gravity level and low level up to elevation 1,500 feet. Interchange of water between the two levels in both directions is done through the pressure control stations, which contain both pressure reduction valves and pumps.

Water from the Rogue Source is lifted approximately 87 feet from the mean river elevation of 1,178 feet to the Robert A. Duff Water Treatment Plant. Treated water from the reservoir at the plant is then pumped into the Rogue transmission main that supplies the low-level pressure zone.

High Level Areas

An intricate network of strategically placed pumping stations serve higher elevation areas. There are five pressure levels above the gravity system to which water can be pumped.

The maximum level of service within the city is 2,250 feet in elevation. Each pressure zone above the gravity level has a pumping station. Each pressure level has at least one storage reservoir.

East Side: The East Side High Level service area contains all of the property above the service elevation of 1,500 feet located on the east side of the City of Medford. This area is currently comprised of five pressure zones served by a series of pump stations and storage reservoirs. Each pressure zone serves approximately 150 feet in elevation. Future plans call for the addition of at least two additional zones above our current maximum service elevation of 2,250 feet. Outlined below is the current list of the east side pressure zones and existing facilities serving each zone.

East Side High Level Facilities						
Pressure Zone	Pump Station	Year constructed	Capacity (gpm)	Reservoir	Year constructed	Capacity (mg)
1	Brookdale	1969	3000	Barnett	1983	2.00
				Stanford	1971	1.50
2	Stanford	1971	2000	Hillcrest #1	1971	0.14
3	Hillcrest	1971	1600	Hillcrest #2	1971	0.10
4	Angelcrest	1971	1100	Stardust	1971	0.18
				Cherry Lane	1998	0.50
5	Stardust	1995	800	Highlands	1998	0.50

Barnsburg: This area is located on a hill in the southeast section of the system. With completion of construction by the Rogue Valley Manor, this high level area will be totally developed. The facilities supplying this area are comprised of a single pump station, and a .50 mg storage reservoir, both constructed in 1959.

Southwest: This area is located in the southwest corner of the distribution system. Facilities have been constructed to allow approximately 80 acres to obtain service in this new high-level area. The Archer Pump Station has been outfitted to supply service to this area. Any further development within this area will require construction of a new high-level reservoir.

Meters

All customers are metered. The most common size is 3/4". There are a scheduled number of new installations and replacements each year. Meters are usually located at the customer's front property line and readings are taken by MWC utility staff once a month. If you need help finding your meter call Customer Service: (541) 774-2430.

Hydrants

The Commission also is responsible for operating and maintaining 2,627 fire hydrants located throughout Medford. These figures do not include hydrants located in the municipal water districts or White City. Each fire hydrant is checked and tested at least once a year. The timely maintenance and testing of all fire hydrants are essential to help ensure the safety of all residents. The MWC hydrants are all painted yellow with color-coded caps for flow designation. Scheduled replacement of undersized, outdated or broken hydrants occurs annually.

Contact

Denny Clouse, Operations Superintendent

Phone: 774-2680

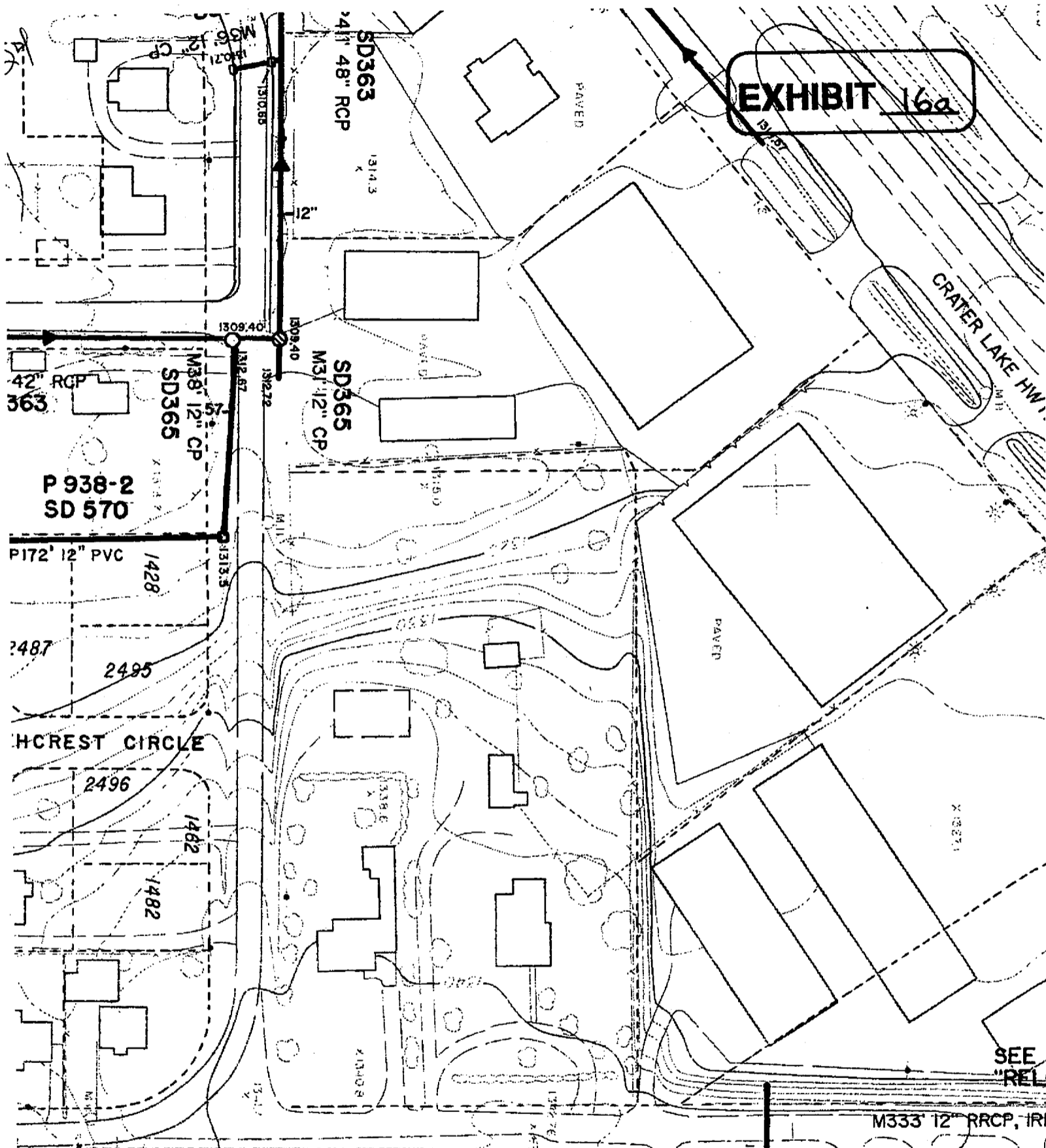
Fax: 774-2696

Email: Denny.Clouse@ci.medford.or.us

Hours: Monday – Friday, 8:00 am – 5:00 pm

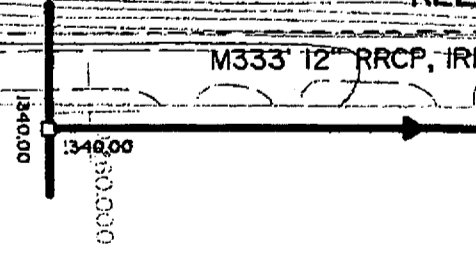
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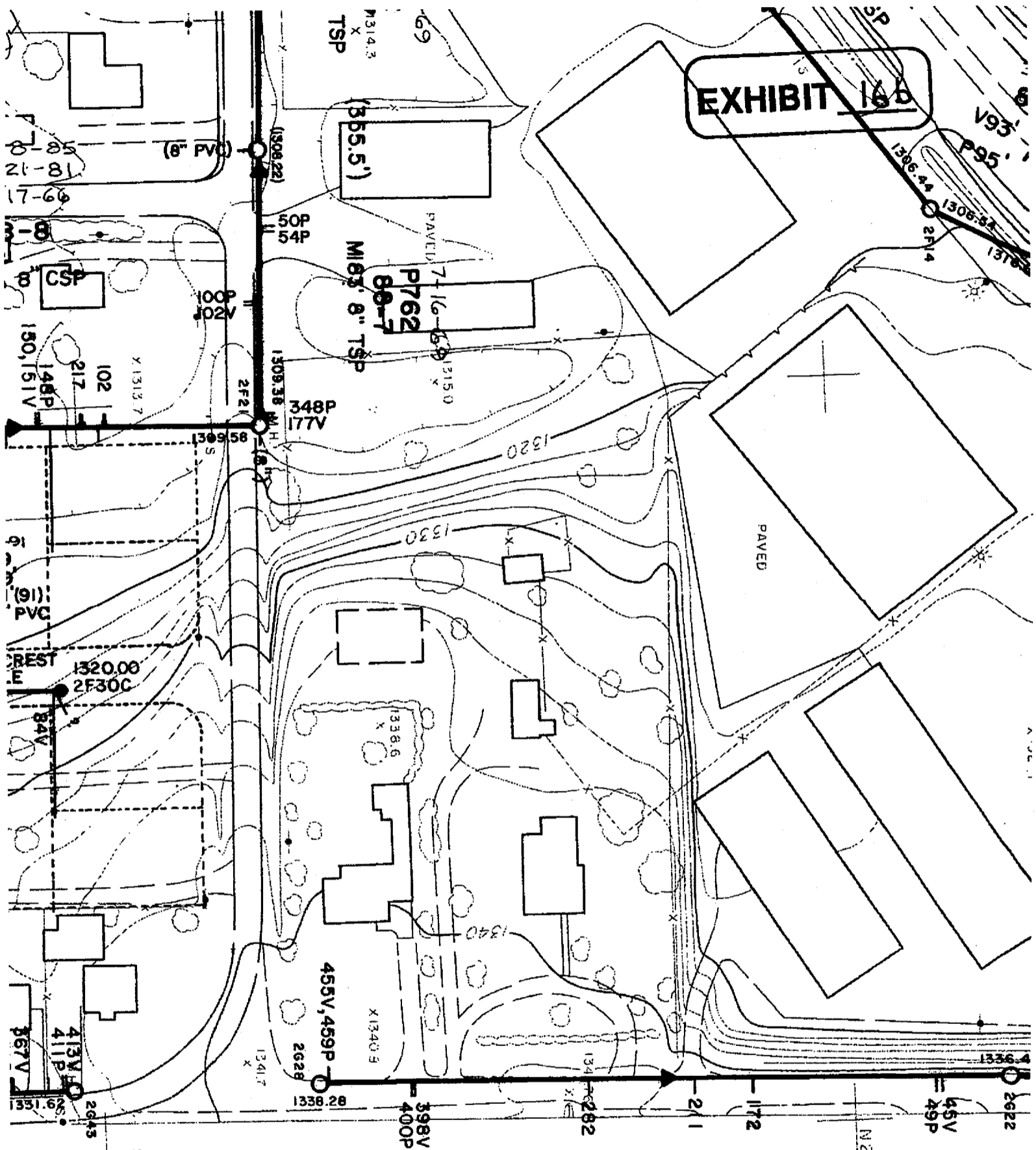


EXHIBIT 186

CITY OF MEDFORD
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 File # CP-04-253

V460'
 P465' 8" CSP
 88-7
 7-7-69

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Adjacent Sheet: 18AC

35

EXHIBIT 17

NOTE:
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AT THE PLANNING DEPT.

MEDFORD ECONOMIC MARKET ANALYSIS

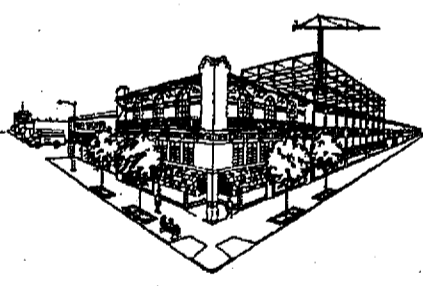
Prepared for:
City of Medford

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March 2003

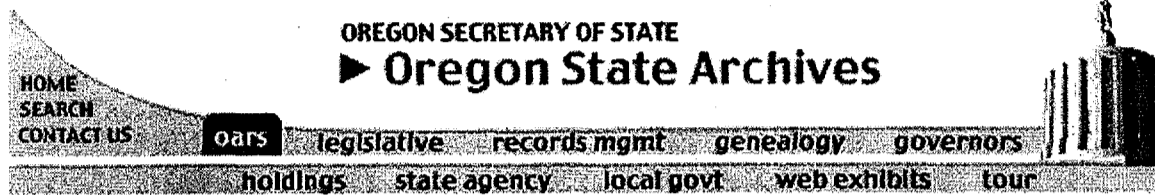
CITY OF MEDFORD
EXHIBIT # _____
File # CP-04-253

**E. D. Hovee
& Company**



Economic and Development Services

28



The Oregon Administrative Rules contain OARs filed through September 15, 2004

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

OCT 19 2004

DIVISION 13

PLANNING DEPT.

AIRPORT PLANNING

CITY OF MEDFORD

EXHIBIT #

File # OP-04-253

660-013-0010

Purpose and Policy

(1) This division implements ORS 836.600 through 836.630 and Statewide Planning Goal 12 (Transportation). The policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. These rules are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses.

(2) Ensuring the vitality and continued operation of Oregon's system of airports is linked to the vitality of the local economy where the airports are located. This division recognizes the interdependence between transportation systems and the communities on which they depend.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.635 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0020

Definitions

For purposes of this division, the definitions in ORS Chapter 197 apply unless the context requires otherwise. In addition, the following definitions apply:

(1) "Airport" means the strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

(2) "Aircraft" means helicopters and airplanes, but not hot air balloons or ultralights.

(3) "Airport Uses" means those uses described in OAR 660-013-0100.

(4) "Non Towered Airport" means an airport without an existing or approved control tower on June 5, 1995.

(5) "Public Assembly Uses" means a structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, worship, shopping, business, entertainment, amusement, sporting events, or similar activities, excluding airshows. Public Assembly Uses does not include places where people congregate for short periods of time such as parking lots and bus stops or uses approved by the FAA in an adopted airport master plan.

(6) "Sponsor" means the owner, manager, other person, or entity designated to represent the interests of an airport.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.635 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0030

Preparation and Coordination of Aviation Plans

(1) The Oregon Department of Aviation (ODA) shall prepare and adopt a state Aviation System Plan (state ASP) in accordance with ORS Chapters 835 and 836 and the State Agency Coordination Program approved under ORS 197.180. ODA shall coordinate the preparation, adoption, and amendment of land use planning elements of the state ASP with local governments and airport sponsors. The purpose of the state ASP is to provide state policy guidance and a framework for planning and operation of a convenient and economic system of airports, and for land use planning to reduce risks to aircraft operations and nearby land uses. The state ASP shall encourage and support the continued operation and vitality of Oregon's airports.

(2) A city or county with planning authority for one or more airports, or areas within safety zones or compatibility zones described in this division, shall adopt comprehensive plan and land use regulations for airports consistent with the requirements of this division and ORS 836.600 through 836.630. Local comprehensive plan and land use regulation requirements shall be coordinated with acknowledged transportation system plans for the city, county, and Metropolitan Planning Organization (MPO) required by OAR 660, Division 12. Local comprehensive plan and land use regulation requirements shall be consistent with adopted elements of the state ASP and shall be coordinated with affected state and federal agencies, local governments, airport sponsors, and special districts. If a state ASP has not yet been adopted, the city or county shall coordinate the preparation of the local comprehensive plan and land use regulation requirements with ODA. Local comprehensive plan and land use regulation requirements shall encourage and support the continued operation and vitality of airports consistent with the requirements of ORS 836.600 through 836.630.

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 836.600 - 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99; LCDD 3-2004, f. & cert. ef. 5-7-04

660-013-0040

Aviation Facility Planning Requirements

A local government shall adopt comprehensive plan and land use regulation requirements for each state or local aviation facility subject to the requirements of ORS 836.610(1). Planning requirements for airports identified in ORS 836.610(1) shall include:

(1) A map, adopted by the local government, showing the location of the airport boundary. The airport boundary shall include the following areas, but does not necessarily include all land within the airport ownership:

(a) Existing and planned runways, taxiways, aircraft storage (excluding aircraft storage accessory to residential airpark type development), maintenance, sales, and repair facilities;

(b) Areas needed for existing and planned airport operations; and

(c) Areas at non-towered airports needed for existing and planned airport uses that:

(A) Require a location on or adjacent to the airport property;

(B) Are compatible with existing and planned land uses

surrounding the airport; and

(C) Are otherwise consistent with provisions of the acknowledged comprehensive plan, land use regulations, and any applicable statewide planning goals.

(d) "Compatible," as used in this rule, is not intended as an absolute term meaning no interference or adverse impacts of any type with surrounding land uses.

(2) A map or description of the location of existing and planned runways, taxiways, aprons, tiedown areas, and navigational aids;

(3) A map or description of the general location of existing and planned buildings and facilities;

(4) A projection of aeronautical facility and service needs;

(5) Provisions for airport uses not currently located at the airport or expansion of existing airport uses:

(a) Based on the projected needs for such uses over the planning period;

(b) Based on economic and use forecasts supported by market data;

(c) When such uses can be supported by adequate types and levels of public facilities and services and transportation facilities or systems authorized by applicable statewide planning goals;

(d) When such uses can be sited in a manner that does not create a hazard for aircraft operations; and

(e) When the uses can be sited in a manner that is:

(A) Compatible with existing and planned land uses surrounding the airport; and

(B) Consistent with applicable provisions of the acknowledged comprehensive plan, land use regulations, and any applicable statewide planning goals.

(6) When compatibility issues arise, the decision maker shall take reasonable steps to eliminate or minimize the incompatibility through location, design, or conditions. A decision on compatibility pursuant to this rule shall further the policy in ORS 836.600.

(7) A description of the types and levels of public facilities and services necessary to support development located at or planned for the airport including transportation facilities and services. Provision of public facilities and services and transportation facilities or systems shall be consistent with applicable state and local planning requirements.

(8) Maps delineating the location of safety zones, compatibility zones, and existing noise impact boundaries that are identified pursuant to OAR 340, Division 35.

(9) Local government shall request the airport sponsor to provide the economic and use forecast information required by this rule. The economic and use forecast information submitted by the sponsor shall be subject to local government review, modification and approval as part of the planning process outlined in this rule. Where the sponsor declines to provide such information, the local government may limit the airport boundary to areas currently devoted to airport uses described in OAR 660-013-0100.

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0050

Implementation of Local Airport Planning

A local government with planning responsibility for one or more airports or areas within safety zones or compatibility zones described in this division or subject to requirements identified in ORS 836.608 shall adopt land use regulations to carry out the requirements of this division, or applicable requirements of ORS 836.608, consistent with the applicable elements of the adopted state ASP and applicable statewide planning requirements.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0070

Local Government Safety Zones for Imaginary Surfaces

(1) A local government shall adopt an Airport Safety Overlay Zone to promote aviation safety by prohibiting structures, trees, and other objects of natural growth from penetrating airport imaginary surfaces.

(a) The overlay zone for public use airports shall be based on **Exhibit 1** incorporated herein by reference.

(b) The overlay zone for airports described in ORS 836.608(2) shall be based on **Exhibit 2** incorporated herein by reference.

(c) The overlay zone for heliports shall be based on **Exhibit 3** incorporated herein by reference.

(2) For areas in the safety overlay zone, but outside the approach and transition surface, where the terrain is at higher elevations than the airport runway surface such that existing structures and planned development exceed the height requirements of this rule, a local government may authorize structures up to 35 feet in height. A local government may adopt other height exceptions or approve a height variance when supported by the airport sponsor, the Oregon Department of Aviation, and the FAA.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 836.600 - 836.630 & 1997 OL, Ch. 859

Hist: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99; LCDD 3-2004, f. & cert. ef. 5-7-04

660-013-0080

Local Government Land Use Compatibility Requirements for Public Use Airports

(1) A local government shall adopt airport compatibility requirements for each public use airport identified in ORS 836.610(1). The requirements shall:

(a) Prohibit new residential development and public assembly uses within the Runway Protection Zone (RPZ) identified in Exhibit 4;

(b) Limit the establishment of uses identified in **Exhibit 5** within a noise impact boundary that has been identified pursuant to OAR 340, Division 35 consistent with the levels identified in **Exhibit 5**;

(c) Prohibit the siting of new industrial uses and the expansion of existing industrial uses where either, as a part of regular operations, would cause emissions of smoke, dust, or steam that would obscure visibility within airport approach corridors;

(d) Limit outdoor lighting for new industrial, commercial, or recreational uses or the expansion of such uses to prevent light from projecting directly onto an existing runway or taxiway or into existing airport approach corridors except where necessary for safe and convenient air travel;

(e) Coordinate the review of all radio, radiotelephone, and television transmission facilities and electrical transmission lines with the Oregon Department of Aviation;

(f) Regulate water impoundments consistent with the requirements of ORS 836.623(2) through (6); and

(g) Prohibit the establishment of new landfills near airports, consistent with Department of Environmental Quality (DEQ) rules.

(2) A local government may adopt more stringent regulations than the minimum requirements in section (1)(a) through (e) and (g) based on the requirements of ORS 836.623(1)

[ED. NOTE: Exhibits referenced are available from the agency]

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 836.600 - 836.630 & 1997 OL, Ch. 859

Hist: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99; LCDD 3-2004, f. & cert. ef. 5-7-04

660-013-0100

Airport Uses at Non-Towered Airports

Local government shall adopt land use regulations for areas within the airport boundary of non-towered airports identified in ORS 836.610(1) that authorize the following uses and activities:

- (1) Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tiedowns, construction and maintenance of airport facilities, fixed-base operator facilities, a residence for an airport caretaker or security officer, and other activities incidental to the normal operation of an airport. Residential, commercial, industrial, manufacturing, and other uses, except as provided in this rule, are not customary and usual aviation-related activities and may only be authorized pursuant to OAR 660-013-0110.
- (2) Emergency Medical Flight Services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. "Emergency Medical Flight Services" does not include hospitals, medical offices, medical labs, medical equipment sales, and similar uses.
- (3) Law Enforcement and Firefighting Activities, including aircraft and ground based activities, facilities and accessory structures necessary to support federal, state or local law enforcement and land management agencies engaged in law enforcement or firefighting activities. These activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- (4) Flight Instruction, including activities, facilities, and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. "Flight Instruction" does not include schools for flight attendants, ticket agents, or similar personnel.
- (5) Aircraft Service, Maintenance and Training, including activities, facilities, and accessory structures provided to teach aircraft service and maintenance skills, maintain, service and repair aircraft and aircraft components, but not including activities, structures, and facilities for the manufacturing of aircraft for sale to the public or the manufacturing of aircraft related products for sale to the public. "Aircraft Service, Maintenance and Training" includes the construction of aircraft and aircraft components for personal use. The assembly of aircraft and aircraft components is allowed as part of servicing, maintaining, or repairing aircraft and aircraft components.
- (6) Aircraft Rental, including activities, facilities, and accessory structures that support the provision of aircraft for rent or lease to the public.
- (7) Aircraft Sales and the sale of aeronautic equipment and supplies, including activities, facilities, and accessory structures for the storage, display, demonstration and sale of aircraft and aeronautic equipment and supplies to the public.

(8) Aeronautic Recreational and Sporting Activities, including activities, facilities and accessory structures at airports that support recreational use of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic Recreation and Sporting Activities on airport property shall be subject to approval of the airport sponsor. Aeronautic recreation and sporting activities include but are not limited to: fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used in this rule, parachuting and parachute drops includes all forms of skydiving. Parachuting businesses may be allowed only where they have secured approval to use a drop zone that is at least 10 contiguous acres. A local government may establish a larger size for the required drop zone where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

(9) Crop Dusting Activities, including activities, facilities and structures accessory to crop dusting operations. These include, but are not limited to: aerial application of chemicals, seed, fertilizer, pesticide, defoliant and other activities and chemicals used in a commercial agricultural, forestry or rangeland management setting.

(10) Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930.

(11) Air passenger and air freight services and facilities at public use airports at levels consistent with the classification and needs identified in the state ASP.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6 -1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0110

Other Uses Within the Airport Boundary

Notwithstanding the provisions of OAR 660-013-0100, a local government may authorize commercial, industrial, manufacturing and other uses in addition to those listed in OAR 660-013-0100 within the airport boundary where such uses are consistent with applicable provisions of the acknowledged comprehensive plan, statewide planning goals and LCDC administrative rules and where the uses do not create a safety hazard or otherwise limit approved airport uses.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0140

Safe Harbors

A "safe harbor" is a course of action that satisfies certain requirements of this division. Local governments may follow safe harbor requirements rather than addressing certain requirements in these rules. The following are considered to be "safe harbors":

(1) Portions of existing acknowledged comprehensive plans, land use regulations, Airport Master Plans and Airport Layout Plans adopted or otherwise approved by the local government as mandatory standards or requirements shall be considered adequate to meet requirements of these rules for the subject areas of rule requirements addressed by such plans and elements, unless such provisions are contrary to provisions of ORS 836.600 through 836.630. To the extent these documents do not contain specific provisions related to requirements of this division, the documents can not be considered as a safe harbor. The adequacy of existing provisions shall be evaluated based on the specificity of the documents and relationship to requirements of these rules;

(2) This division does not require elimination of existing or allowed airport related uses authorized by an acknowledged comprehensive plan and land use regulations; and

(3) Notwithstanding the safe harbor provisions of this rule, land use regulations applicable to non-towered airports shall authorize airport uses required by this division.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0155

Planning Requirements for Small Airports

(1) Airports described in ORS 836.608(2) shall be subject to the planning and zoning requirements described in ORS 836.608(2) through (6) and (8).

(2) The provisions of OAR 660-013-0100 shall be used in conjunction with ORS 836.608 to determine appropriate types of uses authorized within airport boundaries for airports described in 836.608(2).

(3) The provisions of OAR 660-013-0070(1)(b) shall be used to protect approach corridors at airports described in ORS 836.608(2).

(4) Airport boundaries for airports described in ORS 836.608(2) shall be adopted by local government pursuant to the requirements in ORS 836.608(2).

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0160

Applicability

This division applies as follows:

(1) Local government plans and land use regulations shall be updated to conform to this division at periodic review, except for provisions of chapter 859, OR Laws 1997 that became effective on passage. Prior to the adoption of the list of airports required by ORS 836.610(3), a local government shall be required to include a periodic review work task to comply with this division. However, the periodic review work task shall not begin prior to the Oregon Department of Aviation's adoption of the list of

airports required by ORS 836.610(3). For airports affecting more than one local government, applicable requirements of this division shall be included in a coordinated work program developed for all affected local governments concurrent with the timing of periodic review for the jurisdiction with the most land area devoted to airport uses.

(2) Amendments to plan and land use regulations may be accomplished through plan amendment requirements of ORS 197.610 to 197.625 in advance of periodic review where such amendments include coordination with and adoption by all local governments with responsibility for areas of the airport subject to the requirements of this division.

(3) Compliance with the requirements of this division shall be deemed to satisfy the requirements of Statewide Planning Goal 12 (Transportation) and OAR 660, Division 12 related Airport Planning.

(4) Uses authorized by this division shall comply with all applicable requirements of other laws.

(5) Notwithstanding the provisions of OAR 660-013-0140 amendments to acknowledged comprehensive plans and land use regulations, including map amendments and zone changes, require full compliance with the provisions of this division, except where the requirements of the new regulation or designation are the same as the requirements they replace.

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 836.600 - 836.630 & 1997 OL, Ch. 859

Hist: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99; LCDD 3-2004, f. & cert. ef. 5-7-04

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29

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Chapter 836 — Airports and Landing Fields

2003 EDITION

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AIRPORTS AND LANDING FIELDS

AVIATION

GENERAL PROVISIONS

836.005 Definitions

STATE ASSISTANCE

836.010 Availability of services of department

836.015 Financial assistance by director

836.020 Department as municipal agent

836.025 Establishment of airports and air navigation facilities by department

836.030 Disposal of property

836.035 Effect of statute on airport zoning

836.040 Joint exercise of power

836.045 Condemnation by department

836.050 Condemnation of railroad or public utility property

836.055 Commercial concessions at state airports

836.060 Operation of state airports by private persons

836.065 Liens of state for repairs, improvements or services to personal property

CITY OF MEDFORD
EXHIBIT # _____
File # CP-04-253

- 836.070 Use of federal and other moneys
- 836.072 Use of moneys from increase in taxes
- 836.075 State airway system
- 836.080 Exemptions from ORS 836.085 to 836.120
- 836.085 Approval of airport sites; fee
- 836.090 Application for site approval; rules
- 836.095 Approval criteria and conditions
- 836.100 Revocation of approval
- 836.105 Licensing of airports; fees; rules
- 836.110 Revocation of license; refusal of renewal
- 836.115 Public hearing regarding site or license; transcripts
- 836.120 Unlicensed airport operation prohibited

MUNICIPAL AIRPORTS

- 836.200 Authority to establish airports
- 836.205 Acquisition of lands declared to be for public purpose
- 836.210 Delegation of authority to develop and maintain airports; regulations for charges, fees and tolls
- 836.215 Municipal acquisition of property for airports
- 836.220 Source of airport funds
- 836.230 Use of funds from operation
- 836.240 Authorization to budget and levy taxes
- 836.245 Authority as supplemental
- 836.250 Acquisition by municipality of real property contiguous to airport; subsequent use or disposition; financing acquisition or use

MISCELLANEOUS

- 836.340 Procedure for relocation of public utility property

- 836.500 Marks and lights on structures or obstructions; acquisition of right or easement
- 836.505 Designation of landing places on public lands; rules governing user
- 836.510 Use of certain ocean beaches as landing fields
- 836.515 Petition to set aside shore as landing field
- 836.520 Action on petition; order setting aside area for landing field; user permits; revocation of order or permit
- 836.525 Enforcement of ORS 836.510 and 836.520
- 836.530 Rules and standards; orders; appeals

LOCAL GOVERNMENT AIRPORT REGULATION

- 836.600 Policy
- 836.605 Definitions for ORS 836.600 to 836.630
- 836.608 Airport operation as matter of state concern; local planning documents to recognize airport location; limitations on use; expansion of facility
- 836.610 Local government land use plans and regulations to accommodate airport zones and uses; funding; rules
- 836.612 Approval or expansion of land use activities subject to prior court decisions
- 836.616 Rules for airport uses and activities
- 836.619 State compatibility and safety standards for land uses near airports
- 836.623 Local compatibility and safety requirements may be more stringent than state requirements; criteria; water impoundments; report to federal agency; application to certain activities
- 836.625 Application to airport uses of land use limitations in farm use zones; effect on tax assessment
- 836.630 Siting of new airports to comply with land use laws; limitation on rules

GENERAL PROVISIONS

836.005 Definitions. When used in the laws of this state relating to aviation, unless the context otherwise provides:

(1) "Air navigation facility" means any facility other than one owned or operated by the United States used in, available for use in, or designed for use in, aid of air navigation, including airports and any structures, mechanisms, lights, beacons, markers, communicating system or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(2) "Aircraft" means any contrivance used or designed for navigation of or flight in the air, but does

not mean a one-person motorless glider that is launched from the earth's surface solely by the operator's power.

(3) "Airport" means any area of land or water, within or without this state, that is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas that are used, or intended for use, for airport buildings or other airport facilities or rights of way, together with all airport buildings and facilities located thereon.

(4) "Airport hazard" means any structure, object of natural growth, or use of land, that obstructs the airspace required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off.

(5) "Aviation" means the science and art of flight and includes but is not limited to:

(a) Transportation by aircraft;

(b) The operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including the repair, packing and maintenance of parachutes;

(c) The design, establishment, construction, extension, operation, improvement, repair or maintenance of airports or other air navigation facilities; and

(d) Instruction in flying or ground subjects pertaining thereto.

(6) "Civil aircraft" means any aircraft other than a public aircraft.

(7) "Department" means the Oregon Department of Aviation.

(8) "Municipality" means any county, city, town, village, borough, authority, district or other political subdivision or public corporation of this state. "Municipal" means pertaining to a municipality as defined in this section.

(9) "Operation of aircraft" or "operate aircraft" means the use, navigation or piloting of aircraft in the airspace over this state or upon any airport within this state.

(10) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

(11) "Pilot" means any individual certificated by the federal government to operate an aircraft or an individual in training for such certification who possesses a valid student pilot certificate issued by the appropriate federal agency.

(12) "Public aircraft" means any aircraft used exclusively in the service of any government or of any political subdivision thereof, including the government of any state, territory or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes.

(13) "State" or "this state" means the State of Oregon and territory over which any municipality of the State of Oregon has jurisdiction. [Formerly 492.010; 1989 c.102 §1; 1993 c.741 §93; 1999 c.935 §36; 2003 c.14 §506]

STATE ASSISTANCE

836.010 Availability of services of department. The Director of the Oregon Department of Aviation may, insofar as is reasonably possible, make available the Oregon Department of Aviation's engineering and other technical services with or without charge, to any person requesting such services in connection with the planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities. [Formerly 492.020]

836.015 Financial assistance by director. The Director of the Oregon Department of Aviation as authorized by the State Aviation Board may render financial assistance by grant or loan, or both, to any municipality or municipalities acting jointly in the planning, acquisition, construction, improvement, maintenance or operation of an airport owned or controlled, or to be owned or controlled by such municipality or municipalities, out of appropriation made by the legislature for such purposes. The financial assistance may be furnished in connection with federal or other financial aid for the same

purposes. [Formerly 492.030]

836.020 Department as municipal agent. The Oregon Department of Aviation shall, upon request, act as agent of any municipality or municipalities acting jointly, in accepting, receiving, receipting for and disbursing federal moneys and other moneys, public or private, made available to finance in whole, or in part, the planning, acquisition, construction, improvement, maintenance or operation of a municipal airport or air navigation facility. The department shall upon request, act as its or their agents in contracting for and supervising such planning, acquisition, construction, improvement, maintenance or operation. All municipalities are authorized to designate the department as their agent for such purposes. [Formerly 492.040]

836.025 Establishment of airports and air navigation facilities by department. (1) The Oregon Department of Aviation may, on behalf of and in the name of the state, out of moneys made available for such purposes, plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports and air navigation facilities, either within or without the state, including the construction, installation, equipment, maintenance and operation at such airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers.

(2) For such purposes the department may, by purchase, gift, devise, lease, condemnation or otherwise, acquire property, real or personal, or any interest therein, including easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards. In like manner the department may acquire existing airports and air navigation facilities; provided it shall not acquire or take over any airport or air navigation facility owned or controlled by a municipality of this or any other state without the consent of the municipality. [Formerly 492.050]

836.030 Disposal of property. The Oregon Department of Aviation as authorized by the State Aviation Board may by sale, lease, or otherwise, dispose of any property mentioned in ORS 836.025, any airport, air navigation facility, or portion thereof or interest therein. The disposal by sale, lease or otherwise shall be in accordance with the laws of this state governing the disposition of other property of the state, except that in the case of disposals to any municipality or state government or the United States for aviation purposes incident thereto, the sale, lease, or other disposal may be effected in such manner and upon such terms as the department may deem in the best interest of the state. [Formerly 492.060]

836.035 Effect of statute on airport zoning. ORS 836.005 to 836.120, 836.200, 836.205, 836.215, 836.220 and 836.240 do not limit any right, power or authority of the state or a municipality to regulate airport hazards by zoning. [Formerly 492.070]

836.040 Joint exercise of power. The Oregon Department of Aviation may exercise any powers granted by ORS 836.025 to 836.050 jointly with any municipalities or agencies of the state government, with other states or their municipalities, or with the United States. [Formerly 492.080]

836.045 Condemnation by department. In the condemnation of property authorized by ORS 836.025, the Oregon Department of Aviation as authorized by the State Aviation Board shall proceed in the name of the state in the manner provided by ORS chapter 35. For the purpose of making surveys and examinations relative to any condemnation proceedings, it shall be lawful to enter upon any land in the manner provided by ORS 35.220, doing no unnecessary damage. Notwithstanding the provisions of any other statute, or the charter of any municipality, the department may take possession of any property to be condemned at any time after the commencement of the condemnation proceedings. The department shall not be precluded from abandoning the condemnation of any such property in any case where

possession thereof has not been taken. [Formerly 492.090; 2003 c.477 §13]

836.050 Condemnation of railroad or public utility property. (1) No operating property of any public utility, as defined in ORS 757.005, or any telecommunications carrier as defined in ORS 133.721, shall be condemned pursuant to ORS 836.025 and 836.045 unless the Public Utility Commission, after notice and hearing in accordance with the rules of procedure of the commission, has found that public convenience and necessity require such condemnation. All administrative expenses incurred in any such hearing shall be paid by the party not prevailing therein.

(2) No operating property of any railroad, as defined in ORS 824.200, shall be condemned pursuant to ORS 836.025 and 836.045 unless the Oregon Department of Aviation, after notice and hearing, has found that public convenience and necessity require such condemnation. All administrative expenses incurred in any such hearing shall be paid by the party not prevailing therein. [Formerly 492.100; 1995 c.733 §50; 1999 c.1093 §20]

836.055 Commercial concessions at state airports. (1) In operating an airport or air navigation facility owned or controlled by the state the Oregon Department of Aviation as authorized by the State Aviation Board may enter into contracts, leases and other arrangements for a term not exceeding 30 years with any persons:

(a) Granting the privilege of using or improving such airport or air navigation facility or any portion or facility thereof or space therein for commercial purposes;

(b) Conferring the privilege of supplying goods, commodities, things, services or facilities at such airport or air navigation facility; or

(c) Making available services to be furnished by the department or its agents at such airport or air navigation facility.

(2) In each such case the department may establish the terms and conditions and fix the charges, rentals or fees for the privileges or services, which shall be reasonable and uniform for the same class of privilege or service and shall be established with due regard to the property and improvements used and the expenses of operation to the state; provided, that in no case shall the public be deprived of its rightful, equal and uniform use of the airport, air navigation facility, or portion or facility thereof. [Formerly 492.110]

836.060 Operation of state airports by private persons. (1) The Oregon Department of Aviation as authorized by the State Aviation Board may by contract, lease or other arrangement, upon a consideration fixed by it, grant to any qualified person for a term not to exceed 30 years the privilege of operating, as agent of the state or otherwise, any airport owned or controlled by the state; provided, that no such person shall be granted any authority to operate the airport other than as a public airport, or to enter into any contracts, leases, or other arrangements in connection with the operation of the airport which the department might not have undertaken under ORS 836.055.

(2) The department shall grant no exclusive right for the use of any airway, airport, or air navigation facility under its jurisdiction. This subsection shall not prevent the making of contracts, leases, and other arrangements pursuant to this section or ORS 836.055. [Formerly 492.120]

836.065 Liens of state for repairs, improvements or services to personal property. To enforce the payment of any charges for repairs to, or improvements, or storage or care of any personal property made or furnished by the Oregon Department of Aviation or its agents in connection with the operation of an airport or air navigation facility owned or operated by the state, the state shall have liens on such property, which shall be enforceable by the department as provided by law. [Formerly 492.130]

836.070 Use of federal and other moneys. The Oregon Department of Aviation as authorized by the State Aviation Board may accept, receive, receipt for, disburse and expend federal moneys, and other moneys, public or private, made available to accomplish, in whole or in part, any of the purposes

of this chapter and ORS chapters 835 and 837. In accepting federal moneys under this subsection, the department shall have the same authority to enter into contracts on behalf of the state as is granted to the department with respect to federal moneys accepted on behalf of municipalities. [Formerly 492.140]

836.072 Use of moneys from increase in taxes. (1) Moneys from the increases in taxes by the amendments to ORS 319.020 by sections 1 and 3, chapter 1037, Oregon Laws 1999, shall be used by the Oregon Department of Aviation to establish and fund a program to maintain and preserve the pavements used for runways, taxiways and aircraft parking areas at public use airports in this state.

(2) Projects for maintenance and preservation of pavements at public use airports that are identified in the plan developed under ORS 835.015 are eligible for funding under this section. The following expenses of projects selected may be funded under this section:

- (a) Construction expenses;
- (b) Engineering expenses; and
- (c) Administrative expenses.

(3) The Director of the Oregon Department of Aviation shall prepare a list of recommended projects. Factors to be used by the director include, but are not limited to:

- (a) The age and condition of pavements;
- (b) An airport's role in the state's aviation system, as described by the plan developed under ORS 835.015; and
- (c) Local financial participation in projects.

(4) The director shall forward the list of recommended projects to the State Aviation Board for approval.

(5) The department may adopt such rules as it deems necessary for implementation of the airport pavement preservation program. [1999 c.1037 §5; 2001 c.104 §318; 2001 c.378 §2]

Note: 836.072 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 836 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

836.075 State airway system. The Oregon Department of Aviation as authorized by the State Aviation Board may designate, design and establish, expand or modify a state airway system which will serve the interest of the state. It may chart such airways system and arrange for publication and distribution of such maps, charts, notices and bulletins relating to such airways as may be required in the public interest. The system shall be supplementary to and coordinated in design and operation with the federal airways system. It may include all types of air navigation facilities, whether publicly or privately owned, provided that such facilities conform to federal safety standards. [Formerly 492.150]

836.080 Exemptions from ORS 836.085 to 836.120. (1) The provisions of ORS 836.085 to 836.120 do not apply to airports owned or operated by the United States.

(2) The Oregon Department of Aviation as authorized by the State Aviation Board may, from time to time, to the extent necessary, exempt any class of airports, pursuant to a reasonable classification or grouping, from any rule or regulation promulgated under ORS 836.085 to 836.120, or from any requirement of such a rule or regulation, if it finds that the application of such rule, regulation or requirement would be an undue burden on such class and is not required in the interest of public safety. [Formerly 492.160]

836.085 Approval of airport sites; fee. Except as provided in ORS 836.080, the Oregon Department of Aviation as authorized by the State Aviation Board shall provide for the approval of proposed airport sites and the issuance of certificates of such approval. The following apply to this section:

- (1) A nonrefundable fee of \$75, together with an amount not to exceed \$300 established by the

department for the cost of inspecting and approving an airport site for potential approval, shall accompany the application for site approval.

(2) The department shall determine approval of airport sites under this section based on the conditions under ORS 836.095. [Formerly 492.170; 1997 c.585 §1]

836.090 Application for site approval; rules. Subject to the rules of procedure adopted by the State Aviation Board providing for such approvals, any municipality or person desiring or planning to construct or establish an airport must, prior to the construction or establishment of the proposed airport, submit to the Oregon Department of Aviation an application for approval of the site which shall include an outline plan and written description of the project, showing particularly the airport location in respect to surrounding topography that could affect the airport location. [Formerly 492.180]

836.095 Approval criteria and conditions. (1) The Oregon Department of Aviation shall with reasonable dispatch grant approval of a proposed airport site if it is satisfied that the site is adequate for the proposed airport, that such proposed airport, if constructed or established, will conform to minimum standards of safety and that safe air traffic patterns could be worked out for such proposed airport and for all existing airport and approved airport sites in its vicinity. In determining whether an airport site is adequate for a proposed airport, the department shall evaluate all of the following aspects of the site:

(a) All real property devoted to or to be used in connection with any aviation activity at the proposed airport.

(b) The location of the airport in relation to any surrounding topography, trees or structures that could affect the safety of the airport.

(c) The location and configuration of the proposed airport's runways and operation areas in relation to those of existing and approved airports or airport sites in the vicinity that could affect the safety of aircraft operating from the proposed airport, or from other airports.

(2) An approval of a proposed airport site may be granted under this section subject to any reasonable conditions which the department may deem necessary to effectuate the purposes of ORS 836.085 to 836.120, and shall remain in effect, unless sooner revoked by the department, until a license for an airport located on the approved site has been issued pursuant to ORS 836.105. [Formerly 492.190]

836.100 Revocation of approval. The Oregon Department of Aviation may, after notice and opportunity for hearing to holders of certificates of airport site approval under ORS 836.095, revoke such approval when it reasonably determines:

- (1) That there has been an abandonment of the site as an airport site;
- (2) That there has been a failure within two years, to develop the site as an airport or to comply with the conditions of the approval; or
- (3) That prior to commencement of construction and because of change of physical or legal conditions or circumstances the site is no longer usable for the aviation purposes for which the approval was granted. [Formerly 492.200]

836.105 Licensing of airports; fees; rules. Except as provided in ORS 836.080, the Oregon Department of Aviation is authorized to provide for the licensing of airports and the annual renewal of such licenses. The following apply to this section:

(1) The department may charge license fees not exceeding \$30 for each original license, and not exceeding \$30 for each renewal thereof.

(2) Upon the adoption of a rule providing for such licensing, the department shall with reasonable dispatch, upon receipt of an application for an original license and the payment of the duly required fee therefor, issue an appropriate license if it is satisfied that the airport conforms to minimum standards of safety and that safe air traffic patterns can be worked out for such airport and for all existing airports and approved airport sites in its vicinity.

(3) All licenses shall be renewable annually upon payment of the fees prescribed.

(4) Licenses and renewals thereof may be issued subject to any reasonable conditions that the department may deem necessary to effectuate the purposes of ORS 836.085 to 836.120. [Formerly 492.210; 1997 c.585 §2]

836.110 Revocation of license; refusal of renewal. The Oregon Department of Aviation may, after notice and opportunity for hearing to the licensee, revoke any airport license or renewal thereof, or refuse to issue a renewal, when it shall reasonably determine:

- (1) That there has been an abandonment of the airport as such;
 - (2) That there has been a failure to comply with the conditions of the license or renewal thereof; or
 - (3) That because of change of physical or legal conditions or circumstances the airport has become either unsafe or unusable for the aviation purposes for which the license or renewal was issued.
- [Formerly 492.220]

836.115 Public hearing regarding site or license; transcripts. In connection with the grant of approval of a proposed airport site or the issuance of an airport license under ORS 836.085 to 836.110, the Oregon Department of Aviation may, on its own motion or upon the request of an affected or interested person, hold a hearing open to the public on any issue. Hearing transcripts shall be provided to requesting parties, at cost. [Formerly 492.230]

836.120 Unlicensed airport operation prohibited. Except as provided in ORS 836.080, no person, municipality or officer or employee thereof, shall operate an airport without an appropriate license for such, as is duly required by rule or regulation issued pursuant to ORS 836.105. [Formerly 492.240]

MUNICIPAL AIRPORTS

836.200 Authority to establish airports. All municipalities of this state, separately or jointly or in cooperation with the federal government or state, may acquire, establish, construct, expand or lease, control, equip, improve, maintain, operate, police and regulate airports for the use of aircraft, either within this state or within any adjoining state, and may use for such purposes any available property owned or controlled by such municipalities or political subdivisions. All municipalities shall notify the Oregon Department of Aviation of, and allow the department to participate in an advisory capacity in, all municipal airport or aviation system planning. [Formerly 492.310]

836.205 Acquisition of lands declared to be for public purpose. All lands heretofore or hereafter acquired, owned, leased, controlled or occupied by municipalities, for the purposes specified in ORS 836.200 are declared to be acquired, owned, leased, controlled or occupied for public and governmental and municipal purposes. [Formerly 492.320]

836.210 Delegation of authority to develop and maintain airports; regulations for charges, fees and tolls. Municipalities of this state which establish airports, or which acquire, lease or set apart real property for such purposes, may:

- (1) Delegate the authority for the planning, construction, equipment, improvement, maintenance and operation thereof in any offices, board or body of such municipality.
- (2) Provide by regulation for charges, fees and tolls for the use of such airport and civil penalties for the violation of such regulations. [Formerly 492.330]

836.215 Municipal acquisition of property for airports. Private property, or any interest therein of whatever kind, and an easement for the operation of aircraft and all operations incidental thereto, to and from the property for the purposes specified in ORS 836.200, may be acquired by any municipality, by gift, grant, purchase, lease or contract, if the municipality is able to agree with the property owners on

the terms of acquisition. If the municipality and the property owners are unable to agree upon terms, private property may be acquired by condemnation in the manner provided in ORS chapter 35. As an alternative, the municipality, if a port, may condemn the private property, or any interest therein, for the operation of aircraft and all operations incidental thereto, in the same manner and procedure as is provided by statute for condemnation of property by corporations organized for construction and operation of railroads. [Formerly 492.340; 2001 c.104 §319]

836.220 Source of airport funds. The purchase price or compensation for real or other property acquired in accordance with ORS 836.215 and the cost and expenses for the development, improvement, maintenance and operation of airports, may be paid for by appropriation of moneys available; or entirely or in part from the proceeds of the sale of bonds of the municipality, as the governing body of the municipality may determine, subject, however, to the authorization therefor at a regular or special election, if such authorization is a prerequisite to the issuance of bonds of the municipality for public purposes generally. [Formerly 492.350]

836.230 Use of funds from operation. The officials of any municipality acquiring, establishing, developing, operating, maintaining or controlling an airport under authority of ORS 836.200 may use for such purposes funds derived from operation of the airport. [Formerly 492.360]

836.240 Authorization to budget and levy taxes. Any municipality acting under authority of ORS 836.200 may provide in its annual budget and tax levy an amount of money necessary for the maintenance and operation of such airports. [Formerly 492.370]

836.245 Authority as supplemental. The authority conferred by ORS 836.200, 836.205, 836.215, 836.220 and 836.240 is in addition and supplemental to the authority conferred by any other law. [Formerly 492.380]

836.250 Acquisition by municipality of real property contiguous to airport; subsequent use or disposition; financing acquisition or use. (1) In addition to the authority conferred upon them by any other law, any municipality of this state acquiring, establishing, developing, operating, maintaining or controlling an airport under ORS 836.200 to 836.245, may acquire real property, or any interest therein of whatever kind, contiguous to the airport by gift, grant, purchase, lease or contract for future development and expansion of the airport or its facilities. Until needed for such future development and expansion, the municipality may use the real property or interest therein so acquired by renting, leasing, controlling or occupying it.

(2)(a) If any real property owned by any municipality referred to in subsection (1) of this section and held for the use of an airport or its facilities is determined not to be needed for such purposes by the governing body of a municipality controlling the airport, such governing body may lease, occupy, use, sell, convey or dispose of such real property.

(b) Except as provided in subsection (3) of this section, any sale of real property under paragraph (a) of this subsection shall be made in accordance with the provisions of ORS 275.110 and 275.120. The proceeds of any sales made by the municipality shall apply against any indebtedness acquired under ORS 836.220. If no indebtedness exists, such funds shall be deposited to the general fund of such municipality.

(3) Sales of real property by the Port of Portland shall be governed by applicable federal laws and regulations and by the provisions of ORS chapters 777 and 778.

(4) All funds needed by any municipality to carry out any provision of this section may be provided in the same manner as funds may be provided under ORS 836.220 or 836.240, or both. [Formerly 492.390; 2003 c.139 §1]

836.300 [Formerly 492.520; 1995 c.285 §10; repealed by 1997 c.859 §14]

836.305 [Formerly 492.530; 1995 c.285 §11; repealed by 1997 c.859 §14]

836.310 [Formerly 492.540; repealed by 1997 c.859 §14]

836.315 [Formerly 492.550; repealed by 1997 c.859 §14]

836.320 [Formerly 492.560; repealed by 1997 c.859 §14]

836.325 [Formerly 492.570; repealed by 1997 c.859 §14]

836.330 [Formerly 492.580; repealed by 1997 c.859 §14]

836.335 [Formerly 492.590; repealed by 1997 c.859 §14]

MISCELLANEOUS

836.340 Procedure for relocation of public utility property. (1) No airport zoning regulations adopted under authority of ORS 836.600 to 836.630 shall require the alteration or relocation of the operating property of any public utility, as defined in ORS 757.005, without the consent of such utility or unless the Public Utility Commission, after notice and hearing in accordance with the rules of procedure of the commission, determines that such alteration or relocation is justified by the public interest.

(2) All administrative expenses incurred in any such hearing shall be paid by the party not prevailing therein. All actual and necessary expenses incurred in making such alteration or change, if any, shall be borne by the municipality. [Formerly 492.600; 1995 c.733 §51; 1997 c.859 §1]

836.345 [Formerly 492.610; repealed by 1997 c.859 §14]

836.350 [Formerly 492.629; repealed by 1997 c.859 §14]

836.355 [Formerly 492.630; repealed by 1997 c.859 §14]

836.360 [Formerly 492.640; repealed by 1997 c.859 §14]

836.365 [Formerly 492.650; repealed by 1997 c.859 §14]

836.370 [Formerly 492.660; repealed by 1997 c.859 §14]

836.375 [Formerly 492.670; repealed by 1997 c.859 §14]

836.380 [Formerly 492.680; repealed by 1997 c.859 §14]

836.385 [Formerly 492.690; repealed by 1997 c.859 §14]

836.390 [Formerly 492.700; repealed by 1997 c.859 §14]

836.395 [Formerly 492.710; repealed by 1997 c.859 §14]

836.400 [Formerly 492.510; repealed by 1997 c.859 §14]

836.500 Marks and lights on structures or obstructions; acquisition of right or easement. Every municipality which develops or operates an airport may acquire the right or easement for a term of years or perpetually, to place and maintain suitable marks for the daytime, and to place, operate and maintain suitable lights for the nighttime marking of buildings or other structures or obstructions, to enhance the safety of aircraft utilizing such airport. Such rights or easements may be acquired by grant, purchase, lease or condemnation in the same manner as is provided in ORS chapter 35. [Formerly 492.760]

836.505 Designation of landing places on public lands; rules governing user. (1) Landing places for aircraft may from time to time be designated, set apart and marked by the Oregon Department of Aviation or other public officials who are in charge of any land owned or controlled by the state or by any municipality, or park commission.

(2) Such officials may make reasonable rules and regulations subject to the approval of the State Aviation Board governing the use of the landing places by aviators and other persons, and may change the rules and regulations from time to time. The rules and regulations shall be such as will promote the safe and orderly use of the airports affected. All aviators and other persons using such landing places shall at all times comply with all such rules and regulations. [Formerly 492.770]

836.510 Use of certain ocean beaches as landing fields. Except as permitted under ORS 836.520, no person shall use for a landing field for aircraft any part of the Oregon shore of the Pacific Ocean between high and low tide, commonly known as the "beach," and which by law has been made a state recreation area, except for an emergency. [Formerly 492.780]

836.515 Petition to set aside shore as landing field. Any person, municipality or municipal corporation desiring to use for a landing field for aircraft any part of the Oregon shore of the Pacific Ocean described in ORS 836.510 shall petition the State Aviation Board to set aside and designate a particular area of the shore for a landing field for aircraft. The petition shall clearly describe the area sought for such purpose and shall contain information giving the type and number of aircraft which will use such field, the extent to which and the purpose for which such field shall be so used, together with such other information as the board may require. Before the petition is filed with the board it shall be approved in writing by the Oregon Department of Aviation. [Formerly 492.790]

836.520 Action on petition; order setting aside area for landing field; user permits; revocation of order or permit. The State Aviation Board shall give due consideration to each petition submitted under ORS 836.515, and may in its discretion order a public hearing in the vicinity in which it is proposed to establish the landing field, at which hearing all persons interested may appear and be heard. If after due consideration the board is of the opinion that the best interests of the general public will be served by granting the petition, an order may be made which shall be entered in the minutes of the board. The order shall provide that the described area shall be set aside as a landing field for aircraft and the order may authorize the issuance of a permit to the applicant to use the field for said purpose. The permit shall contain such conditions and safeguards with respect to policing and other matters incident to the public welfare as the board deems proper for the safety of the general public. The board may, for a violation of any of the terms or conditions of the permit, recall and cancel the same. The board may in its discretion vacate the order setting aside the area for a landing field whenever in the judgment of the board the interests of the general public warrant such action. [Formerly 492.800]

836.525 Enforcement of ORS 836.510 and 836.520. The law enforcing agencies authorized to enforce the laws of the state with respect to the rules of the road and the regulation of motor vehicles using the public highways of the state are likewise authorized to enforce ORS 836.510 and 836.520. [Formerly 492.810]

836.530 Rules and standards; orders; appeals. (1) In addition to any other rulemaking authority,

the Director of the Oregon Department of Aviation may adopt rules:

(a) To define physical hazards to air navigation and determine whether specific types or classes of objects or structures constitute hazards. Rules defining physical hazards and determining whether specific types or classes of objects or structures constitute hazards may be adopted only after a fact-finding process and must be supported by substantial evidence.

(b) Establishing standards for lighting or marking objects and structures that constitute hazards to air navigation.

(2) In accordance with the rules adopted under this section, the director shall do the following:

(a) Determine whether specific objects or structures constitute a hazard to air navigation.

(b) Determine responsibility for installation and maintenance of lighting or marking specific objects or structures that constitute hazards to air navigation.

(c) Issue orders to require that specific objects or structures determined to be hazards to air navigation be marked or lighted in accordance with rules adopted under this section.

(3) Rules and standards adopted under this section are limited to and shall not be more restrictive than current federal norms, including but not limited to, regulations and circulars, pertaining to objects affecting navigable airspace.

(4) Any person or entity required to comply with an order issued under this section may contest the order as provided under ORS chapter 183. [Formerly 492.820; 1999 c.935 §37]

LOCAL GOVERNMENT AIRPORT REGULATION

836.600 Policy. In recognition of the importance of the network of airports to the economy of the state and the safety and recreation of its citizens, the policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. Such encouragement and support extends to all commercial and recreational uses and activities described in ORS 836.616 (2). [1995 c.285 §2]

836.605 Definitions for ORS 836.600 to 836.630. As used in ORS 836.600 to 836.630:

(1) "Aircraft" means helicopters and airplanes but not hot air balloons or ultralights.

(2) "Airports" means the strip of land used for taking off and landing aircraft, together with all adjacent land used in 1994 in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for the existing commercial and recreational airport uses and activities as of December 31, 1994. [1995 c.285 §3]

836.608 Airport operation as matter of state concern; local planning documents to recognize airport location; limitations on use; expansion of facility. (1) The continued operation and vitality of airports registered, licensed or otherwise recognized by the Department of Transportation on December 31, 1994, is a matter of state concern.

(2) A local government shall recognize in its planning documents the location of private-use airports and privately owned public-use airports not listed under ORS 836.610 (3) if the airport was the base for three or more aircraft, as shown in the records of the Department of Transportation, on December 31, 1994. Local planning documents shall establish a boundary showing areas in airport ownership, or subject to long-term lease, that are developed or committed to airport uses described in ORS 836.616 (2).

(2). Areas committed to airport uses shall include those areas identified by the airport owner that the local government determines can be reasonably expected to be devoted to airport uses allowed under ORS 836.616 (2).

(3)(a) A local government shall not impose limitations on the continued operation of uses described in ORS 836.616 (2) that existed at any time during 1996 at an airport described in subsection (2) of this section. A local government shall allow for the growth of uses described in ORS 836.616 (2) that existed at any time during 1996 at an airport described in subsection (2) of this section. A local government shall not impose additional limitations on a use approved by the local government prior to January 1,

1997, for an airport described in subsection (2) of this section. Notwithstanding subsection (4) of this section, the construction of additional hangars or tie-downs by the owner of an airport described in subsection (2) of this section, basing additional aircraft and increases in flight activity shall be permitted at an airport described in subsection (2) of this section.

(b) A local government may authorize the establishment of a new use described in ORS 836.616 (2) at an airport described in subsection (2) of this section following a public hearing on the use. The hearing shall be for the purpose of establishing compliance with adopted clear and objective standards relating to the compatibility and adequacy of public facilities and services as provided under subsection (5) of this section. Standards and requirements as adopted by the local government shall further the policy of ORS 836.600 to the maximum extent practicable.

(4) Growth of an existing use on an airport as described in subsection (3)(a) of this section that requires a building permit shall be allowed as an administrative decision without public hearing unless the growth:

(a) Cannot be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(b) Forces a significant change or significantly increases the costs of conducting existing uses on surrounding lands; or

(c) Exceeds the standards of ORS 215.296 (1) if the airport is adjacent to land zoned for exclusive farm use.

(5) A local government shall authorize a new use described in subsection (3)(b) of this section provided the use:

(a) Is or will be supported by adequate types and levels of public facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(b) Does not seriously interfere with existing land uses in areas surrounding the airport; and

(c) The local government reviews the use under the standards described in ORS 215.296 if the airport is adjacent to land zoned for exclusive farm use.

(6) An applicant for a new use under subsection (5) of this section may demonstrate that the standards for approval will be satisfied through the imposition of conditions. Any conditions imposed shall be clear and objective.

(7) A local government may adopt standards and requirements for the establishment of new airports, the expansion of existing airports and the regulation of uses and activities at airports serving as the base for two or fewer aircraft on December 31, 1994, as shown in the records of the Department of Transportation. The standards and requirements shall comply with applicable statewide land use planning laws.

(8) The Land Conservation and Development Commission shall adopt rules regulating the height of structures to protect approach corridors at airports described in subsection (2) of this section and at publicly owned airports that are the base for two or fewer aircraft. [1997 c.859 §3]

Note: 836.608, 836.612 and 836.623 were added to and made a part of 836.600 to 836.630 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

836.610 Local government land use plans and regulations to accommodate airport zones and uses; funding; rules. (1) Local governments shall amend their comprehensive plan and land use regulations consistent with the rules for airports adopted by the Land Conservation and Development Commission under ORS 836.616 and 836.619. Airports subject to the rules shall include:

(a) Publicly owned airports registered, licensed or otherwise recognized by the Department of Transportation on or before December 31, 1994, that in 1994 were the base for three or more aircraft; and

(b) Privately owned public-use airports specifically identified in administrative rules of the Oregon Department of Aviation that:

- (A) Provide important links in air traffic in this state;
- (B) Provide essential safety or emergency services; or
- (C) Are of economic importance to the county where the airport is located.

(2)(a) Local governments shall amend their comprehensive plan and land use regulations as required under subsection (1) of this section not later than the first periodic review, as described in ORS 197.628 to 197.650, conducted after the date of the adoption of a list of airports by the Oregon Department of Aviation under subsection (3) of this section.

(b) A state agency or other person may provide funding to a local government to accomplish the planning requirements of this section earlier than otherwise required under this subsection.

(3) The Oregon Department of Aviation by rule shall adopt a list of airports described in subsection (1) of this section. The rules shall be reviewed and updated periodically to add or remove airports from the list. An airport may be removed from the list only upon request of the airport owner or upon closure of the airport for a period of more than three years. [1995 c.285 §4; 1997 c.859 §2]

836.612 Approval or expansion of land use activities subject to prior court decisions. Nothing in ORS 836.608 or 836.616 is intended to allow the approval or expansion of a land use activity inside the boundaries of an airport if the activity has been limited or prohibited by the decision of a court of competent jurisdiction rendered prior to August 13, 1997. [1997 c.859 §6]

Note: See note under 836.608.

836.615 [1995 c.285 §5; repealed by 1997 c.859 §4 (836.616 enacted in lieu of 836.615)]

836.616 Rules for airport uses and activities. (1) Following consultation with the Oregon Department of Aviation, the Land Conservation and Development Commission shall adopt rules for uses and activities allowed within the boundaries of airports identified in ORS 836.610 (1) and airports described in ORS 836.608 (2).

(2) Within airport boundaries established pursuant to commission rules, local government land use regulations shall authorize the following uses and activities:

(a) Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tie-downs, construction and maintenance of airport facilities, fixed-base operator facilities and other activities incidental to the normal operation of an airport;

(b) Emergency medical flight services;

(c) Law enforcement and firefighting activities;

(d) Flight instruction;

(e) Aircraft service, maintenance and training;

(f) Crop dusting and other agricultural activities;

(g) Air passenger and air freight services at levels consistent with the classification and needs identified in the State Aviation System Plan;

(h) Aircraft rental;

(i) Aircraft sales and sale of aviation equipment and supplies; and

(j) Aviation recreational and sporting activities.

(3) All land uses and activities permitted within airport boundaries, other than the uses and activities established under subsection (2) of this section, shall comply with applicable land use laws and regulations. A local government may authorize commercial, industrial and other uses in addition to those listed in subsection (2) of this section within an airport boundary where such uses are consistent with applicable provisions of the acknowledged comprehensive plan, statewide land use planning goals and commission rules and where the uses do not create a safety hazard or limit approved airport uses.

(4) The provisions of this section do not apply to airports with an existing or approved control tower on June 5, 1995. [1997 c.859 §5 (enacted in lieu of 836.615)]

836.619 State compatibility and safety standards for land uses near airports. Following consultation with the Oregon Department of Aviation, the Land Conservation and Development Commission shall adopt rules establishing compatibility and safety standards for uses of land near airports identified in ORS 836.610 (1). [1997 c.859 §8 (enacted in lieu of 836.620)]

836.620 [1995 c.285 §6; repealed by 1997 c.859 §7 (836.619 enacted in lieu of 836.620)]

836.623 Local compatibility and safety requirements may be more stringent than state requirements; criteria; water impoundments; report to federal agency; application to certain activities. (1) A local government may adopt land use compatibility and safety requirements that are more stringent than the minimum required by Land Conservation and Development Commission rules for issues other than water impoundments where such regulations are within its authority. Local government action regarding new water impoundments shall comply with subsection (2) of this section. If a local government receives information in a hearing on a land use application alleging that public safety requires a higher level of protection than the minimum established in commission rules and if the information is supported by evidence, the governing body shall consider the information and adopt findings explaining the bases for any decision regarding the need for more stringent requirements. Land use requirements regarding safety and compatibility shall consider the effects of mitigation measures or conditions that could reduce safety risks and incompatibility.

(2) The following requirements and conditions shall apply to safety risks associated with potential bird strike hazards resulting from new water impoundments proposed in close proximity to an airport identified under ORS 836.610 (1):

(a) No new water impoundments of one-quarter acre or larger shall be allowed:

(A) Within an approach corridor and within 5,000 feet from the end of a runway; or

(B) On land owned by the airport or airport sponsor where the land is necessary for airport operations;

(b) A local government may adopt regulations that limit the establishment of new water impoundments of one-quarter acre or larger for areas outside an approach corridor and within 5,000 feet of a runway only where the local government adopts findings of fact, supported by substantial evidence in the whole record, that the impoundments are likely to result in a significant increase in hazardous movements of birds feeding, watering or roosting in areas across the runways or approach corridors. The local government shall consider the effects of mitigation measures or conditions that could reduce safety risks and incompatibility;

(c) A local government may adopt regulations that limit the establishment of new water impoundments of one-quarter acre or larger between 5,000 feet and 10,000 feet of a runway outside an approach corridor and between 5,000 feet and 40,000 feet within an approach corridor for an airport with an instrument approach only where the local government adopts findings of fact, supported by substantial evidence in the whole record, that the impoundments are likely to result in a significant increase in hazardous movements of birds feeding, watering or roosting in areas across the runways or approach corridors. The local government shall consider the effects of mitigation measures or conditions that could reduce safety risks and incompatibility;

(d) If a local government receives information and supporting evidence in the hearing process that alleges a significant increase in hazardous movements of birds feeding, watering or roosting in areas across the runways or approach corridors, the local government shall consider the information and evidence and adopt findings as required by paragraphs (b) and (c) of this subsection explaining the bases for any decision regarding the need to limit the establishment of new water impoundments of one-quarter acre or larger; and

(e) Notwithstanding the requirements of paragraphs (a) to (c) of this subsection, wetlands mitigation required for projects located within the areas identified in paragraphs (a) to (c) of this subsection shall be authorized where it is not practicable to provide off-site mitigation.

(3) A local government that receives information under subsection (2)(d) of this section shall

210

CITY OF MEDFORD

INTRA-OFFICE MEMORANDUM



EXHIBIT 18a

To: Rob Scott, Planning Director

From: John HuttI, Senior Assistant City Attorney

Subject: Interpretation of 10.227 for commercial zone change applications

Date: June 7, 2004

ISSUE

How does the Planning Commission apply 10.227(1)(c) when reviewing commercial zone change applications?

DISCUSSION

The code allows consideration of both the parcel sought to be changed and the existing zoning districts when applications come in under 10.227(1)(c)(i)-(iii). For these zones (C-N, C-C, C-R), the analysis of the zoning district area includes previously zoned abutting areas.

However, for applications requesting a zone change to C-H under 10.227(1)(c)(iv), the Planning Commission reviews whether the subject property sought to be changed fronts a highway or arterial, not whether the proposed newly-formed zoning district has any frontage on a highway or arterial.

These different results are supported by the plain language of 10.227(1)(c)(i)-(iii) which includes provisions to consider the "overall area" of the "zoning district," whereas such language is absent from 10.227(1)(c)(iv).

The code as written currently allows a parcel without frontage on a highway or arterial to combine with a parcel that does, so as to form a "subject property" for a zone change application. This would allow a non-fronting parcel to obtain C-H designation so long as it combines its application with a parcel that fronts a highway or arterial. It is not clear this is an intended result, and this office leaves open the question whether a clarifying code amendment is needed.

If you have any questions, please give me a call.

John R. HuttI, ext. 2024
Senior Assistant City Attorney

RECEIVED

OCT 19 2004

PLANNING DEPT.

CITY OF MEDFORD

EXHIBIT # _____

File # CP-04-253

27



Planning Department

Continuous Improvement - Customer Service

EXHIBIT 18b

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

July 28, 2004

Matt Samitore
708 Cardley Avenue
Medford, OR 97504

RECEIVED

OCT 19 2004

PLANNING DEPT.

RE: Possible zone change to C-C for property located at
37-1W-18BD Tax Lots 1800 and 1900

CITY OF MEDFORD
EXHIBIT # _____
File # CP-04-253

Dear Matt:

This letter is in regards to your email received by Jim Maize on July 9, 2004. You asked whether or not staff would consider the subject properties for a possible zone change to Community Commercial (C-C).

You are asking for a determination as to whether or not the subject parcels "abut" the C-C zoning district on the opposite side of Hilton Road to the southwest. The zone change criteria for C-C from MLD 10.227(1)(c)(ii) is as follows:

(ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.

After meeting with John Huttl and Ron Doyle of the City Attorney's office yesterday, it was determined that the subject properties do not "abut" the C-C zoning district to the southwest. The MLDC defines "abutting" as *having a common border with, or being separated from such common border by, an alley, easement, or right of way.* The property has common borders on the west and north with C-H zoned property. To the east across Corona Avenue and to the south, across Hilton Road, the subject would be abutting SFR-6 zoning, because a common border is separated by the right-of-way of Corona and Hilton. If Corona or Hilton were not there, they would have a common border with those properties zoned SFR-6. The C-C zoning district to the southwest of Hilton Road cannot be considered abutting to the subject properties because the properties do not share a common border. If Hilton Road were not there, they still would not share a common border.

At the present time, if the property owners want to develop the property with multi-family housing, staff recommends, and would support, undergoing a minor comprehensive plan amendment to either Urban Medium Density Residential (which permits the MFR-15 zoning district) or Urban High Density Residential (which permits either MFR-20 or MFR-30 zoning districts). A subsequent zone change application would be necessary prior to a site plan and architectural review application for the development.

If you have any further questions, please do not hesitate to give me a call.

Sincerely,

Amy Weiser
Assistant Planner

Enclosures

30

Oct 19 04 03:05p

Craig Stone

5417790114

P.1

TRANSMITTAL

Craig A. Stone & Associates, Ltd.

708 Cardley Avenue • Medford, Oregon 97504
Telephone 541-779-0569
Fax 541-7790114
E Mail cstone@cstoneassociates.com

CITY OF MEDFORD

EXHIBIT #

File # CP-04-253

To: Jason Haley

Re: GLUP Map Amendment Application
Art Osbourn, Applicant

Date: 10-19-04

Copy: _____

Method of Transmittal:

- First Class Mail
- FAX 2 # pages including this page
- Messenger/Hand Delivered
- Picked-up at This Office
- Federal Express
- UPS RECEIVED
- Express Mail OCT 19 2004
- Other PLANNING DEPT.

No. Copies	Items Being Sent
1	Letter from Kim Parducci, PE, JRH Trans Engin

Remarks: Jason: JRH faxed this to me after it had already submitted the application today. Could you please append it to Exhibit 13 in Support of "Finding of Fact 12g", Traffic Impacts? A copy should be routed to Alex Georgevitch w/ the notice. Thanks - Ravi 842-4186

10/19/2004 03:01PM

31

Oct 19 04 03:05p

Craig Stone

5417790114

P.2

ENGINEERS

PROJECT MANAGERS

PLANNERS



October 19, 2004

Raul Woener
Stone & Associates
708 Cardley Ave
Medford, Oregon 97504

RECEIVED

OCT 19 2004

PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT #
File # CP-04-253

RE: Comprehensive Plan Change findings

Dear Raul,

JRH Transportation Engineering evaluated the impacts of the proposed comprehensive plan map change from commercial to high density residential on Township 37 Range 1W Section 18BD, tax lots 1800 and 1900. The property includes 2.83 acres (3.39 gross acres) west of Hilton Road and north of Poplar Drive, and will have the ability to apply for MFR-15, 20, or 30 within the proposed comprehensive plan map designation.

The potential trip generation of industrial and commercial property is based on the net acreage of the site, per Medford code, and is estimated to generate up to 1500 average daily trips (ADT) per acre. The potential residential generation is based on gross acreage of the site, which includes half street, and is reflected by the MFR-30 designation.

The proposed site generates up to 4,245 ADT under the commercial comprehensive plan map designation (based on 2.83 net acres), and 670 ADT under MFR-30 (based on 3.39 gross acres). The net result of a comprehensive plan map change is a decrease of 3, 575 ADT.

Please feel free to contact me if you have any further questions. I can be reached at 776-9966.

Sincerely,

Kimberly Parducci PE, PTOE
JRH Transportation Engineering

voice 541.776.9966 fax 541.776.7947 web JRHWEB.COM
1175 EAST MAIN STREET SUITE 1C MEDFORD OREGON 97504

P.1

541-776-7947

Frank Stevens

OCT 19 04 12:44p

10/19/2004 03:01PM

32

City of Medford

December 23, 2004

STAFF REPORT

File No: CP-04-253 General Land Use Minor Plan Amendment

Applicant: Art Osbourn (Craig Stone and Associates, Agent)

Request: Consideration of a request for a minor amendment to the General Land Use Plan Map of the Medford *Comprehensive Plan* changing the designation from Commercial to Urban High Density Residential on two parcels totaling 3.39 acres, located at the northwest corner of Corona Avenue and Hilton Road, and within an SFR-6 (Single-Family Residential – Six Units per Acre) zoning district and the Airport Approach Overlay.

Background:

The subject site consists of two parcels totaling 2.83 acres and the adjacent right-of-way totaling .56 acres for a combined total of 3.39 acres. Both parcels currently have the Commercial General Land Use Plan (GLUP) map designation, but are zoned SFR-6 (Single-Family Residential- six units per acre). Each parcel is currently occupied by a single family residence. The site abuts land with the Commercial GLUP map designation and Heavy Commercial zoning to the north and west, and land with the Urban Residential GLUP map designation and SFR-6 (Single Family Residential – 6 units per acre) zoning to the south and east.

It is the applicant's desire to develop the site with multi-family residences. The Commercial GLUP map designation allows commercial zoning which permits multi-family residential development built to the standards of the MFR-30 (Multi-family Residential – 30 units per acre) zoning district. However, due to the City's locational criteria for commercial zoning, the applicant is unable to obtain commercial zoning. The applicant's findings include a thorough discussion of the reasons the site cannot meet the locational criteria for a change to commercial zoning. Briefly, it is because the subject site does not abut either of the commercial zones (Regional or Community Commercial) that only require the combined area of the existing and proposed zoning to front on a collector or arterial street. In addition, the subject site cannot be changed to the C-H (Heavy Commercial) zone, which it does abut and which has arterial street frontage, because the code language has been interpreted to indicate that the C-H zone requires the subject site to front on a collector or arterial street, not just the combined area of the C-H zone. The C-N (Neighborhood Commercial) zone does not permit multi-family residential development. The site was designated as Commercial on the GLUP map prior to the creation of the current locational criteria.

If this application for changing the GLUP map designation to Urban High Density Residential is approved, the site may be rezoned to either MFR-20 (Multi-family Residential – 20 units per acre) or MFR-30 (Multi-family Residential – 30 units per acre). The applicant's intention is to rezone the site to MFR-20.

CP-04-253

December 23, 2004

Criteria for Minor *Comprehensive Plan* Amendments

Section 10.191, Application Form, requires findings which address the following:

- "(1) Consistency with applicable Statewide Planning Goals.*
- (2) Consistency with the goals and policies of the Comprehensive Plan.*
- (3) Consistency with the applicable provisions of the Land Development Code."*

Section 10.192 Minor *Comprehensive Plan* Amendment Criteria:

This section refers to the Review and Amendment Section of the *Comprehensive Plan* text. The Comprehensive Plan text under "Map Designations" states that amendments shall be based on seven (7) factors, three (3) of which are essentially the same as those above from Section 10.191.

- "1. A significant change in one or more Goal, Policy, or implementation strategy."*
- 2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
- 3. The orderly and economic provision of key facilities.*
- 4. Maximum efficiency of land uses within the current urbanizable area.*
- 5. Environment, energy, economic and social consequences.*
- 6. Compatibility of the proposed change with other elements of the City *Comprehensive Plan*.*
- 7. All applicable Statewide Planning Goals."*

Compliance with the Oregon Transportation Planning Rule is also required, in addition to the above criteria, as follows:

OAR 660-12-060(1) *Oregon Transportation Planning Rule*

"Amendments to...acknowledged comprehensive plans,...which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility."

CP-04-253

December 23, 2004

Findings:

The applicant's Findings of Fact and Conclusions of Law, received October 19, 2004, are, by this reference, incorporated and attached hereto as Exhibit "A". A detailed discussion and review of the proposal relative to each of the above cited factors is included in the applicant's findings. All of the criteria will not be repeated here but, instead, some additional comments are included in the short discussion which follows.

Project Review:

The three most important issues to consider in determining whether or not to approve this General Land Use Plan Map Amendment are 1) the affect the amendment will have on public facilities, particularly transportation facilities, 2) the affect it will have on the supply of Urban High Density Residential and Commercial land, and 3) the appropriateness of the site for the Urban High Density Residential land use designation.

1) How will this change affect public facilities, particularly transportation facilities?

The City of Medford Engineering Division requires that a Traffic Impact Analysis (TIA) be prepared whenever a change in *Comprehensive Plan* map designation causes the potential for more than 250 additional average daily trips (ADT) to be generated as a result of the proposed change. In anticipation of a TIA being required for a future zone change, the applicant contracted with JRH Transportation Engineering to prepare a TIA. The results of that analysis indicate that changing from the Commercial GLUP map designation to the Urban Residential GLUP map designation on this site will reduce the maximum potential traffic impact by 3,575 ADT. No comments were received from either the Oregon Department of Transportation or the City of Medford Engineering Division, therefore, it is assumed that these agencies concur with the applicant's finding that this change will cause no additional traffic impacts.

No other public facility deficiencies or issues have been identified.

2) How will this amendment affect the supply of Commercial and Urban High Density Residential land?

Commercial

The most recent report on Economic Development (August 2003) prepared by the City Planning Department, indicated that there was an 11.7-year supply of developable Commercial land within the City limits and a 13.02-year supply of developable Commercial land within the Urban Growth Boundary. The minimum amount of developable Commercial land required in the Urban Growth Boundary is a 20-year supply. This indicates that there is a need for additional Commercial land. Since the subject parcels are designated with the Commercial GLUP map designation, but are developed with single-family residences, they were not counted in the supply of developable

CP-04-253

December 23, 2004

Commercial land when the inventory was done. Removing these parcels from the Commercial land supply, then, would have no effect on the acreage listed for developable Commercial land. It should also be noted that if the site were able to be zoned for Commercial, the applicant would still be able to develop it with multi-family residential units as permitted by most of the Commercial zones.

Urban High Density Residential

In 1994, it was determined that there would be a need for 265 vacant buildable acres of high-density residential land between 1994 and 2010. No determination has been made as to the amount of high density residential land that will be required for the next 20-year planning period from 2004 to 2024. A yearly average of 16.5 vacant acres of high-density residential land was needed between 1994 and 2010. If we assume that the yearly average need will be the same as that from 1994 to 2010, we can calculate the future need by multiplying 16.5 acres per year by 20 years. Thus, 330 acres will be needed to accommodate the next planning period. The most recent Residential Land inventory conducted by the Planning Department (January 2001) indicated that there was a total of 279 vacant acres of Urban High Density Residential land within the Urban Growth Boundary. That left a shortfall of 51 acres of vacant high-density residential land for the next planning period, indicating a need to designate more to accommodate the need to the next 20-year planning horizon. This plan amendment would provide additional Urban High Density Residential land to accommodate that need.

3) Is this site appropriate for the Urban High Density Residential designation?

This site is located within the Airport Approach (AA) Overlay District. The purpose of the AA Overlay District is partially "to recognize that the continued residential development adjacent to the airport reduces the livability of the area and adversely impacts the health, safety, and welfare of the residents". However, the AA Overlay does not specifically prohibit the Urban High Density Residential GLUP map designation, multi-family residential zoning, or associated multi-family residential development. Commercial development may be more appropriate than residential development in the AA Overlay District, however, as stated earlier, Commercial zoning is not permitted on this site due to the locational criteria for a change of zone to Commercial. It has also been noted that most of City's Commercial zones permit high density residential development. If the site is permitted to be developed with multi-family residential units, the buildings will have to comply with all building restrictions associated with the AA Overlay as outlined in Sections 10.253 and 10.354 of the Medford Land Development Code.

In addition, Housing Element Policy 3-C states that, "The City of Medford shall designate areas that are or will be conveniently located close to pedestrian, bicycle, and transit or high capacity transportation routes, and community facilities and services, for higher density residential development." According to Figure 7-1 "Medford Designated Major RVTD Transit Routes and Stops" of the City's recently adopted Transportation System Plan the subject site is located within one-quarter mile of the portions of Crater Lake Highway and Poplar Drive that are designated as a

CP-04-253

December 23, 2004

major transit route. Designating this site for high density residential development is appropriate according to Policy 3-C of the Housing Element.

The last sentence in the Housing Element Policy 6-A states that, "Multiple-family, affordable, or assisted housing shall not be concentrated in any particular areas, but dispersed throughout the city." The nearest multi-family residential development to this site is over a half mile to the east with single-family residential and light industrial zoning between the two and to the south with commercial and single family residential between it and the subject site. Designating this site for high density residential housing would not appear to create a concentration of multiple-family housing in any particular area.

If this site is approved for high-density residential development, there are bufferyard requirements in place that will cause a visual and spatial separation of the multi-family development from both the commercial development to the north and west, as well as from the single-family residential development to the south and east of the site.

Conclusion:

The applicant has submitted a Traffic Impact Analysis which indicates that the maximum potential traffic generation from this site will decrease by 3,575 Average Daily Trips if its GLUP designation is changed from Commercial to Urban High Density Residential. Neither ODOT nor the City of Medford Engineering Division had any additional concerns. No other public facility deficiencies or issues have been identified.

Changing the designation of this 3.39 acre site from Commercial to Urban High Density Residential will have no significant impact on the supply of developable Commercial land, and it will provide more Urban High Density Residential land to meet the City's projected 20-year need for additional high density residential land.

The subject site can be found to be appropriate for the Urban High Density Residential GLUP map designation based on Housing Element Policies concerning the dispersal of high density residential housing throughout the City, and the location of high density residential housing near transit routes. The subject site, while not necessarily preferred development within the AA Overlay District, can be found to be allowable in the AA Overlay District, particularly since the more appropriate zoning allowed by the current Commercial GLUP map designation cannot be approved.

Recommended Action:

Forward a recommendation to the City Council for approval of CP-04-253 per Staff Report dated December 23, 2004, including:

Exhibit "A" – Applicant's Findings of Fact and Conclusions of Law received October 19, 2004.

CP-04-253

December 23, 2004

Bianca Petrou
Bianca Petrou, Associate Planner

Mark Gallagher
Reviewed by: Mark Gallagher, Principal Planner

PLANNING COMMISSION AGENDA: January 13, 2005

60.1

BEFORE THE CITY COUNCIL
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

IN THE MATTER OF A MINOR)
COMPREHENSIVE PLAN AMENDMENT)
TO CHANGE THE GENERAL LAND USE)
PLAN (GLUP) MAP DESIGNATION)
FROM COMMERCIAL TO URBAN HIGH)
DENSITY RESIDENTIAL FOR A 3.39)
ACRE AREA CONSISTING OF TWO)
PARCELS (2.34 AND 0.49 ACRES) PLUS)
ADJACENT RIGHT-OF-WAY (0.56)
ACRES) LOCATED AT THE)
NORTHWEST CORNER OF CORONA)
AVENUE AND HILTON ROAD AND)
WITHIN THE CORPORATE LIMITS OF)
THE CITY OF MEDFORD, JACKSON)
COUNTY, OREGON)
Applicant: Art Osbourn)
Owners: Paul A. Fitchner Revocable)
Trust; Cecilia Fitchner)

CITY OF MEDFORD
EXHIBIT # A
File # CP-04-253

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicants' Exhibit 1

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OCT 19 2004
PLANNING DEPT.

NATURE, SCOPE AND INTENT OF APPLICATION

Applicant Art Osbourn requests consideration and approval of a proposed *minor* comprehensive plan map amendment as a procedural class "B" application for two parcels and the adjacent street right-of-way located at 2547 and 2511 Corona Avenue in north Medford. The parcels are 2.34 and 0.49 acres in area, respectively, an aggregate 2.83 acres. The adjacent street right-of-way to centerline is approximately 0.56 acres in area. The plan amendment would change the General Land Use Plan (GLUP) map designation of approximately 3.39 acres from Commercial to Urban High Density Residential. Applicant contends that the property is ill located to accommodate commercial uses. Should the plan amendment be approved, Applicant intends to subsequently request approval of a consolidated applications to re-zone the property from SFR-6 to MFR-20 and for Site Plan and Architectural Review approval for multiple family housing.

The subject property is currently designated as Commercial land by the GLUP and is zoned for single-family residential use (SFR-6). The Commercial designation includes all the land

family housing (as a permitted use in a commercial zoning district) can still be accomplished through a GLUP map amendment to Urban High Density Residential. The Medford Land Development Code Zone Change Criteria in Section 10.227 would permit an appropriate Multi-Family Residential zoning district to be subsequently established even for property with only standard residential street frontage where found to be consistent with the Oregon Transportation Planning Rule.

This application is made to provide a GLUP designation for the subject property that can actually be implemented pursuant to the City's zoning regulations.

II

EVIDENCE SUBMITTED WITH THE APPLICATION

Applicants herewith submit the following evidence:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) demonstrating how the map amendment application complies with the applicable substantive criteria
- Exhibit 2.** Vicinity map
- Exhibit 3.** Current City GLUP map depicting the subject property
- Exhibit 4.** Current City Zoning Map depicting the subject property
- Exhibit 5.** Site map illustrating the development pattern of the subject property and surrounding area
- Exhibit 6.** Airport Overlays Map
- Exhibit 7.** Wetland mapping of the subject area
 - a. National Wetlands Inventory Map depicted by Jackson County GIS
 - b. Medford Local Wetland Inventory, Map 2
- Exhibit 8.** Flood Hazard Map
- Exhibit 9.** Vernal Pools Map
- Exhibit 10.** Photo Key Map, site and surrounding area photos
- Exhibit 11.** Jackson County Assessor's Plats:

III

**PROCEDURAL REQUIREMENTS AND RELEVANT SUBSTANTIVE APPROVAL
CRITERIA**

MLDC Article II of the establishes the procedural requirements for planning and development reviews. Minor Comprehensive Plan Amendments are categorized as Procedural Class "B" Plan Authorizations pursuant to MLDC 10.102. The City Council is designated as the approving authority pursuant to MLDC 10.111. The Planning Commission's designated role is to act as the advisory agency pursuant to MLDC 10.122.

MLDC Section 10.191, Application Form, identifies submittal requirements for a minor comprehensive plan amendment application. The required written findings addressing consistency with applicable Statewide Planning Goals, the goals and policies of the Comprehensive Plan, and the applicable provisions of the Land Development Code have been provided herein as applicant's Exhibit 1. The required vicinity map, drawn at a scale of 1" = 1,000" has been provided herein as applicant's Exhibit 2.

In addition to the procedural requirements outlined in Article II of the MLDC, local governments are required to forward proposed amendments of an acknowledged comprehensive plan to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption pursuant to post-acknowledgment procedures in ORS 197.610 and OAR 660-018-0020.

Medford's adopted substantive approval criteria governing minor comprehensive plan amendments, are contained in the Review and Amendments section of the Medford Comprehensive Plan.² The approval criteria are set forth as follows and again in Section V where each is followed by the conclusions of law and ultimate conclusions of the City Council (the Council). Applicable state law is addressed in context with the related local approval criteria.

MEDFORD COMPREHENSIVE PLAN
Review and Amendments Section

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings

² MLDC, Section 10.192 (Minor Comprehensive Plan Amendment Criteria), states only: "See the Review and Amendment section of the Comprehensive Plan Text." It does not contain the actual approval criteria, but instead directs the review authority to the specific criteria adopted as part of the Comprehensive Plan.

5. **Proposed GLUP Map Designation:** Urban High Density Residential.
6. **Existing Zoning:** SFR-6.
7. **Proposed Zoning:** No change at this time. A dependant zone change application will subsequently be submitted if the proposed GLUP map amendment is approved and before development plans are approved by the City.
8. **Site Characteristics:** The property slopes and drains from east to southwest, from approximately 1,315 feet to 1,342 feet above mean sea elevation.³ The existing residences are sited on a bench above the lower southeast portion of the property. Vegetation is primarily annual grasses and oak savannah. Storm-water drains to the southeast to the open ditch located along the north side of Hilton Road. Both tax lots are currently accessed by Corona Avenue, which exists as a gravel road north of its intersection with Hilton Avenue.
9. **Airport Approach Overlay:** The subject property lies wholly within the Airport Approach (A-A) Overlay an overlay zoning district designed to mitigate adverse impacts upon the Rogue Valley International Airport.
10. **Surrounding Land Uses:** Exhibit 12, attached to the application, visually depicts the surrounding land uses on an aerial map. Table 1, below, summarizes the uses by tax lot.

Table 1

Land Uses in Surrounding Area

Source: Craig A. Stone & Associates, Ltd.

Map and Tax Lot	Existing Land Use	Existing Zoning
371W18A-4200	Vacant Land – airport owned property	SFR-6
371W18BD-700	371W18 West side of Poplar Drive: Taco Bell	C-R
371W18BD-700	East side of Poplar Drive: Umpqua Bank parking lot	C-H
371W18BD-800	Umpqua Bank	C-H
371W18BD-900	ODOT ROW (formerly a service station)	C-H
371W18BD-1000	Lakeway Veterinary Hospital	C-H
371W18BD-1100	Abby's Legendary Pizza restaurant	C-H

³ See, Exhibit 16, Medford Public Works facility plan diagrams which depict ground elevations on the site at 2-½ foot contours.

incremental expansions. A treatment plant facilities plan, developed in 1992, established a capital improvement program to meet growth need to Year 2010. Average dry weather flow into the treatment plant was 13.2 MGD in 1988, increasing to 14.1 MGD in 1994. Sewerage flows in 1997 were approximately 18.0 MGD. The population receiving sewer service in 1988 was 77,475. Sewer connections since 1988 have increased the residential population served by sewers to approximately 94,000. The regional plant has a capacity for a population equivalent of approximately 115,000, including commercial and industrial flows. The population forecasts by consulting engineers Brown and Caldwell, including analysis of rural as well as urban population densities, estimate the ultimate population that the plant would serve at 190,800.

- C. Water Distribution Lines:** There is a 6-inch die-cast water main within the right-of-way of Corona Avenue. A 6-inch cast iron lateral line located in the Hilton Road right-of-way originates at a T-joint with the Corona Avenue line.
- D. Water Supply:** According to the Medford Water Commission, as of 2004, the Medford water system presently serves a population of $\pm 129,000$.⁴ Peak demands reach 50 million gallons per day (MGD). The present source and distribution system has an existing capacity of 71.4 MGD. There is an additional water source capability of 15 MGD available.
- E. Storm Drainage:** The subject property is located in the Bear Creek East Drainage Basin.⁵ The Bear Creek East Drainage Basin is described in the Public Facilities Element of Medford's Comprehensive Plan as being 2,400 acres in area, relatively flat, in a fully developed area east of Bear Creek within the city. Though this basin includes several sub-basins that drain directly into Bear Creek, it has no major tributaries. The Hopkins Irrigation Canal provides for much of the stormwater conveyance system in the northeast portion of the basin. The basin has an extensive system of short pipe segments, many of which are undersized. Storm-waters across the subject property are drain to an open ditch, originating from the Hopkins Irrigation Canal to the east, located on the south side of the subject property along the Hilton Road right-of-way. The ditch conveys the water to a city-maintained 12-inch storm drainpipe inlet located approximately 85 feet west of the subject property on the north side of Hilton Road. A stormwater management plan for the subject property, designed to city specifications, will be prepared for the city's review prior to development of the subject property.

⁴ See, Exhibit 15 attached hereto, Medford Water Commission System Operations. Source: www.medfordwater.org, dated September 29, 2004.

⁵ See, Figure 2 – Medford Area Drainage Basins - on page 24 of the City of Medford Public Facilities Element in the city's adopted comprehensive plan.

designated as Urban High Density Residential would be 670 Average Daily Trips.⁷
The net result of the proposed GLUP Map Amendment will be to reduce the maximum potential traffic impact by 3,575 Average Daily Trips.

Traffic Impacts the would result from a subsequent zoned change to MFR-20: Although a zone change application to MFR-20 cannot be submitted at this time because the existing GLUP Map Designation is not Urban High Density Residential, a traffic impact analysis was conducted in accordance with Medford Land Development Code Section 10.460 through 10.462 to determine the feasibility of a future zone change request. The study area was scoped out to the point at which project trip distribution falls to 25 PM peak hour trips. Project trips were distributed to intersections of Corona Avenue/Hilton Road and Corona Avenue/Roberts Road before falling to 25 PM peak hour trips. The analysis indicates that no arterial or collector roadways will be affected within the scoping area. Consequently, pursuant to MLDC Section 10.461, no further level of service analysis was conducted.

V

CONCLUSIONS OF LAW

The City Council reaches the following conclusions of law with respect to this matter:

Procedural Review Type; Nature of the Amendment

MLDC 10.185, requires Minor Comprehensive Plan Amendments to be processed through a Class "B" Action. Section 10.187 characterizes such an amendment as one typically focused on specific individual properties and therefore considered quasi-judicial. The Comprehensive Plan Review and Amendments section characterizes minor amendments those that do not have significant effect beyond the immediate area of the change. The proposed GLUP map amendment affects only 3.39 gross acres currently designated Commercial on the GLUP map. The amendment will ultimately enable an MFR-20 or MFR-30 zoning district to be established and permitting the future development of multi-family housing.

MLDC 10.837 provides that dwelling units shall be allowed in all commercial districts except the Neighborhood Commercial (C-N) zone.⁸ However, as explained in Section I hereinabove, the property cannot be rezoned to any Commercial zoning district as required by the comprehensive plan. The Urban High Density GLUP map designation,

⁷ The MFR-30 zoning district provides the highest available residential density in Medford for Urban High Density Residential lands. Residential density is calculated based on gross acreage available. The subject property is 3.39 gross acres in size. The maximum number of dwelling units would be 30 units/acre X 3.39 acres equals 101 units, rounded off. 101 units X 6.63 ADT/unit (ITE standards) equals 670 ADT.

⁸ Subject to the dwelling type standards established for housing within the MFR-30 district.

Conclusions of Law: The Council concludes that Criterion 1 is applicable to the extent that newly adopted provisions of the MLDC represent an "implementation strategy" of the comprehensive plan and the Council so construes this term. As explained in Section I, Applicant contends and the Council agrees and concludes, that the subject property cannot be placed in any commercial zoning district in order to comply with the Commercial GLUP map designation because of the locational criteria for zone changes adopted by the Council in 2004. The proposed Urban High Density Residential GLUP map designation corresponds to zones, the locational criteria for which the Council believes can be satisfied for this property. Therefore, the Council concludes that there has been a significant change in an implementation strategy (the MLDC) in satisfaction of Criterion 1.

Criterion 2

- 2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

Discussion; Conclusions of Law: The Housing Element of the City's adopted Comprehensive Plan, beginning at page 24 of that document, addresses housing costs and employment trends. The Council concludes that the following excerpt is directly related to Criterion 2:

"The Oregon Employment Department projects that overall job growth in Jackson County will increase by 14% between 1988 and the year 2000; however, overall state job growth is predicted to increase by 20% during the same time period. It predicts that jobs in "goods-producing sectors" will actually decrease, and that those in "service producing" sectors will increase by 18%. The project decrease is based on reductions in natural resource-based employment, especially the timber industry, which is predicted to decline by 25%."

"Non-timber related manufacturing jobs are predicted to increase, but not enough to make up for the loss. Retirement and recreation will spur expansion in the non-manufacturing sectors: services, construction, and trade. The largest increases are projected in sales, services, and precision production. The expanding service and retail sectors tend to provide jobs with lower wages than industry, resulting in increased demand for affordable housing."

"Since Medford is a major center of commercial and industrial activity in the region, there are more employees in the city than dwelling units to house them. Many of those employed in lower-paying service jobs seek housing in surrounding communities with lower housing costs such as White City, Central Point, Phoenix, etc. Based on the current and projected employment outlook, an unsatisfied demand within the city for affordable housing to serve those employed in service-producing sectors already exists, and will increase. Many of those employed in service economy jobs find it difficult to

Element Policy 3-C and Implementation 3-C (1). Therefore, the Council concludes that Criterion 2 is met because the proposed change has been demonstrated to satisfy urban housing needs.

Criterion 3

- 3) The orderly and economic provision of key public facilities.

Discussion; Conclusions of Law: Adequate public facilities already exist at the subject property in adequate condition and capacity to serve multi-family housing as reported in the Findings of Fact. However, the subject property can only be accessed directly by standard residential streets. Although it is within a quarter-mile of collector and arterial roadways, the City's newly adopted locational zone change criteria have been found and concluded to preclude the application of all commercial zoning districts, except for Neighborhood Commercial, on this basis. The C-N zoning district is further concluded to be precluded because the subject property is within a GLUP designated area of more than three acres in size and because the subject property itself is larger than three acres. Moreover, the Council concludes that the subject property is improperly designated for Commercial use because neither the City's adopted Comprehensive Plan nor its adopted (but not yet acknowledged) Transportation System Plan contain any provision that contemplates the improvement of either Corona Avenue or Hilton Road to arterial or collector street standards. The Council also concludes that multi-family housing districts are appropriate zones to provide an orderly and economic transition from single-family residential to community and regional commercial areas. Based on the findings of fact and the preceding discussion, the Council concludes that the proposed change supports the orderly and economic provision of key public facilities consistent with Criterion 3, which is satisfied.

Criterion 4

- 4) Maximum efficiency of land uses within the current urbanizable area.

Discussion; Conclusions of Law: Based on the findings of fact, and conclusions of law for Criterion 1 through 3 (which the Council herewith incorporates by reference and adopts), the Council concludes that the present Commercial GLUP map designation does not maximize the efficiency of land uses within the current urbanizable area because the subject property cannot be converted, as planned, to commercial use due to the fact that it cannot be rezoned to any commercial zoning district. However, the subject property is located immediately adjacent to one of the region's major – and arguably the largest – employment/market areas. Merchants and large array of other businesses rely on a nearby customer base and access to labor. Their employees, in turn, desire affordable housing opportunities in desirable areas near places of employment. Residents who are retired, single, or “empty nesters” also tend to favor low maintenance housing choices near stores and frequently used services. It is general

Social Consequences: The Housing Element of Medford's Comprehensive Plan, at page 21, describes these consequences as they relate to increased housing density:

"Increasing density in terms of the number of persons per square mile, as has been occurring in Medford, has many benefits over the long term. These include reducing travel movements, reducing the cost of the infrastructure, increasing the feasibility of mass transit, and decreasing the cost of housing. These benefits can then lead to a reduction in future fuel consumption, a decrease in air pollution, and a reduction in future traffic congestion. Transit use tends to increase sharply at densities greater than seven dwelling units per acre. Clustering higher density uses within one-third of a mile of a transit corridor or transit stop results in a higher rate of use."

However, the Council concludes that it is not a given that high-density residential uses will always provide beneficial consequences, or that such land use will always have more desirable consequences than other uses (in this situation, the existing Commercial designation). The challenge is to juxtapose land uses in a beneficial and complementary manner. To that extent, the City has adopted locational zone change approval criteria (discussed in Criterion 1 and 3) to identify those areas well suited for high-density residential use. To ensure that such development is compatible with surrounding uses, the following policy was adopted:

"Policy 1-D¹²: The City of Medford shall encourage innovative design in multiple-family development so that projects are aesthetically appealing to both the tenants and the community."

"Implementation 1-D(1): Review the Land Development Code to assure that the standards and requirements relating to multiple-family development do not inhibit innovative design, but, at the same time, require an adequate level of aesthetics and amenities, particularly neighborhood compatibility and functional open space, including useful private outdoor living areas."

Because the subject property is located at an apex of residential, commercial, and light industrial land uses, and within a quarter-mile of mass transit service, it is appropriate to provide for multi-family housing there pursuant to the City's adopted findings and housing policies in the Comprehensive Plan. The City will require a review of future project architecture and design to ensure that development is aesthetically appealing to both the tenants and the community pursuant to the above cited Policy 1-D.

¹² Implementing Housing Element Goal 1: *"To enhance the quality of life of all residences of the City of Medford by promoting a distinctive community character and superior residential environment, emphasizing the unique natural setting of the community."*

Summary Conclusions: The Council concludes that Criterion 5 is applicable. Based on the foregoing findings of fact and conclusions of law, the Council also concludes that it has appropriately considered the ESEE consequences connected with the proposed GLUP map amendment. The Council concludes that while most ESEE consequences will be considered in greater detail at the time development plans for this property undergo Site Plan and Architectural Review, the tools in the comprehensive plan and MLDC and the stipulations of applicant, ensure that the anticipated ESEE consequences will be no more than minimal.

The Council concludes that Criterion 5 has been demonstrated to provide a basis for the proposed amendment.

Criterion 6

- 6) Compatibility of the proposed change with other elements of the City Comprehensive Plan.

Discussion; Conclusions: The Council concludes that the criteria are applicable and that the term, "other elements of the comprehensive plan," as used in Criterion 7, are the plan's goals and policies.

The fact that the Review and Amendments section of the comprehensive plan requires map amendments to comply with the comprehensive plan does not serve to make all goals and policies decisional criteria. *See, Bennett v. City of Dallas, 17 Or LUBA 450, aff'd 96 Or App 645 (1989).* In that case the court held that approval criteria requiring compliance with a comprehensive plan does not automatically transform all comprehensive plan goals and policies into decisional criteria. The court further held that a determination of whether particular plan policies are approval criteria must be based on the language used in the policies and the context in which the policies appear. The Council believes, and concludes, that only the goals and policies of the comprehensive plan identified below as criteria may be properly construed as independent approval criteria under *Bennett v. City of Dallas*. The Council concludes that all other plan goals and policies do not operate as approval criteria and, therefore, they are not. However, the Council has also identified aspirational goals and policies that may be achieved as a result of the proposed amendment.

Environmental Element

Goal 9 (criterion): To assure that future urban growth in Medford occurs in a compact manner that minimizes the consumption of land, including class I through IV agricultural land.

Goal 10 (criterion): To assure that urban land use activities are planned, located, and constructed in a manner that maximizes energy efficiency.

Discussion; Conclusions of Law (Continued): The subject property is located within the municipal limits of the City of Medford, and is not agricultural land of any class. This property is underdeveloped and there is no method available to qualify it for a commercial zoning district as intended under the existing Commercial GLUP map designation. Multiple-

Findings of Fact and Conclusions of Law
Comprehensive Plan Map Amendment
Art Osbourn, Applicant

Goal 2: To ensure that residential development in the City of Medford is designed to minimize the consumption or degradation of natural resources, promote energy conservation, and reduce the potential effects of natural hazards.

Policy 2-A: The City of Medford shall strive to prevent sprawl and provide a compact urban form that preserves livability and adjacent resource lands.

Policy 2-B: The City of Medford shall assure that residential development or redevelopment includes energy conservation considerations, and is designed and located to reduce transportation energy demand.

Goal 3: To ensure a coordinated balance among the provision of public services, the location of employment centers, and the production of appropriate housing within the City of Medford.

Policy 3-B: The City of Medford shall plan for regional transportation facilities and other major public facilities and services in advance of needed residential development.

Policy 3-C: The City of Medford shall designate areas that are or will be conveniently located close to pedestrian, bicycle, and transit or high capacity transportation routes, and community facilities and services, for higher density residential development.

Goal 5: To ensure opportunity for the provision of adequate housing units in a quality living environment, at types and densities that are commensurate with the financial capabilities of all present and future residents of the City of Medford.

Goal 6: To ensure opportunity for the provision of Medford's fair share of the region's needed housing types, densities, and prices, with sufficient buildable land in the city to accommodate the need.

Discussion; Conclusions of Law (Continued): The Council has addressed housing policies in its previous conclusions of law pertaining to Criteria 2 through 5, and provides further discussion here. Housing Goal 1 and the implementing policies provide aspirations to enhance the quality of life. The Goal and policies are primarily implemented at the time of actual development review. The Council considers Goal 1, at this stage, only to determine that the site is in a location that will enable its practical implementation under the Urban High Density Residential GLUP map designation. Similarly, Housing Goal 2 and its policies are primarily aspirations implemented at the time of development review. However, Policy 2(B), as it relates to the reduction of transportation energy demand, is directly related to the how the General Land Use Plan arranges residential land uses. The Council has previously concluded that the subject property is well suited in its location to reduce transportation energy demand by multi-family residents. In the same manner, Housing Goal 3 and its policies are achieved. Placing Urban High Density Residential land in close proximity to commercial and employment areas achieves the Housing Element Goals by promoting a compact urban form. The subject property is served by existing Category "A" public facilities and services appropriate to the proposed land use, as evidenced in the findings of fact and previous discussion. Housing Goals 5 and 6 complement one another. By accommodating the City's prescribed policies to provide opportunities for multiple family

Commission alternatively concludes as follows, based upon the findings of fact in Section IV of this document and evidence contained in the whole record:

- A. **Sanitary Sewer Service (Collection):** Based upon the findings of fact in Section IV, the Council concludes that the existing sanitary sewer system serving the area is found to be adequate in condition and capacity and sufficient to serve the subject property consistent with the proposed Urban High Density Residential GLUP map designation and consistent with the *Sewer System Plan (1990)*. Actual on-site improvement will be reviewed for compliance with the City's design standards through a subsequent development review
- B. **Sanitary Sewer Service (Treatment):** The municipal and regional wastewater treatment plant has adequate capacity and is sufficient to serve the subject property consistent with the proposed GLUP map designation and consistent with the *Sewer System Plan (1990)* and the *Contracting Strategy Plan for Expansion of the Vernon G. Thorpe Water Quality Control Plant (1980)*, as specified in Table "B" of the Public Facilities Element. Therefore, the Council concludes that the project is consistent in all respects with the requirements of Public Facilities Element Goal 3, Policy 1 as the same relates to elements of the sanitary sewer system connected with sewer treatment.
- C. **Water Distribution Lines:** Based upon the findings of fact in Section IV, the Council concludes that the existing water distribution system is found to be adequate and sufficient to provide the subject property with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the proposed GLUP map designation as the same has been determined by the Medford Water Commission and consistent with the *Water System Plan (1987)*, as specified in Table "B" of the Public Facilities Element. Therefore, the Council concludes that the project is consistent in all respects with the requirements of Public Facilities Element Goal 3, Policy 1 as the same relates to the water distribution system.
- D. **Water Supply and Treatment:** Based upon the evidence, there is adequate water supply and treatment capacity to provide the subject property with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the proposed GLUP map designation as the same has been determined by the Medford Water Commission and consistent with the *Water System Plan (1987)*, as specified in Table "B" of the Public Facilities Element. Therefore, the Council concludes that the project is consistent in all respects with the requirements of Public Facilities Element Goal 3, Policy 1 as the same relates to elements of the water system connected with supply and treatment.
- E. **Storm Drainage:** Based upon the findings of fact in Section IV, the Council concludes that the storm drainage system is sufficient to serve the subject property

"*Land Development Code*", and has provided substantive evidence and findings to determine that the requested change is warranted and the Council concludes that the change is warranted.

Ultimate Conclusions for Criterion 6: Based upon the foregoing findings of fact and conclusions of law, the Planning Commission ultimately concludes that, except for the comprehensive plan goals and policies specifically cited and addressed under Criterion 6, there are no other plan goals or policies which, by their language or context, were intended to function as approval criteria for GLUP map amendments pursuant to Criterion 6. The Council concludes that the proposed amendment is consistent with the applicable goals and policies of the Medford Comprehensive Plan that have been identified as approval criteria. The Council further concludes that the proposal is also supported by and consistent with the identified aspirational goals and policies of the Medford Comprehensive. Criterion 6 is met.

Criterion 7

7) All applicable Statewide Planning Goals.

Conclusions of Law: The Council concludes that criterion 7 is applicable.

There are fourteen Statewide Planning Goals applicable in Medford. The scope and nature of the change does not suggest the direct applicability of goals other than Goal 1 (Citizen Involvement), Goal 9 (Economic Development), Goal 10 (Housing), Goal 11 (Public Facilities and Services), and Goal 12 (Transportation) and the Council concludes that all other goals are inapplicable.

Regarding Goal 1, the Council concludes that citizen involvement consistent with the goal is assured through methods used by the City to notify affected parties of public hearings during which the application was considered and by opportunities afforded parties to present evidence and argument. The notification and hearing procedures are in the land development ordinance and these are found to be consistent with Goal 1 and the requirements of Oregon Revised Statutes (ORS) 197.763.

Goal 9 (Economic Development), requires cities:

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

Generally, findings of compliance with the adopted policies in an acknowledged comprehensive plan intended to implement a Statewide Planning Goal (SWPG) are sufficient to demonstrate compliance with the particular Statewide Planning Goal. However, Oregon Administrative Rules, Chapter 660, Division 9 – the Oregon Industrial and Commercial Development Rule – requires additional analysis whenever a jurisdiction re-designates

under Criteria 7 which the Council herewith adopts by reference and incorporates. The Council concludes that the proposed amendment is consistent with Goal 11.

Goal 12 (Transportation) is more precisely addressed through its implementing administrative rule OAR 660-12-060, addressed herein below as Criterion 8.

Ultimate Conclusions: Based upon the foregoing findings of fact and conclusions of law, the Council concludes that the proposed GLUP map amendment is consistent with all applicable Statewide Planning Goals.

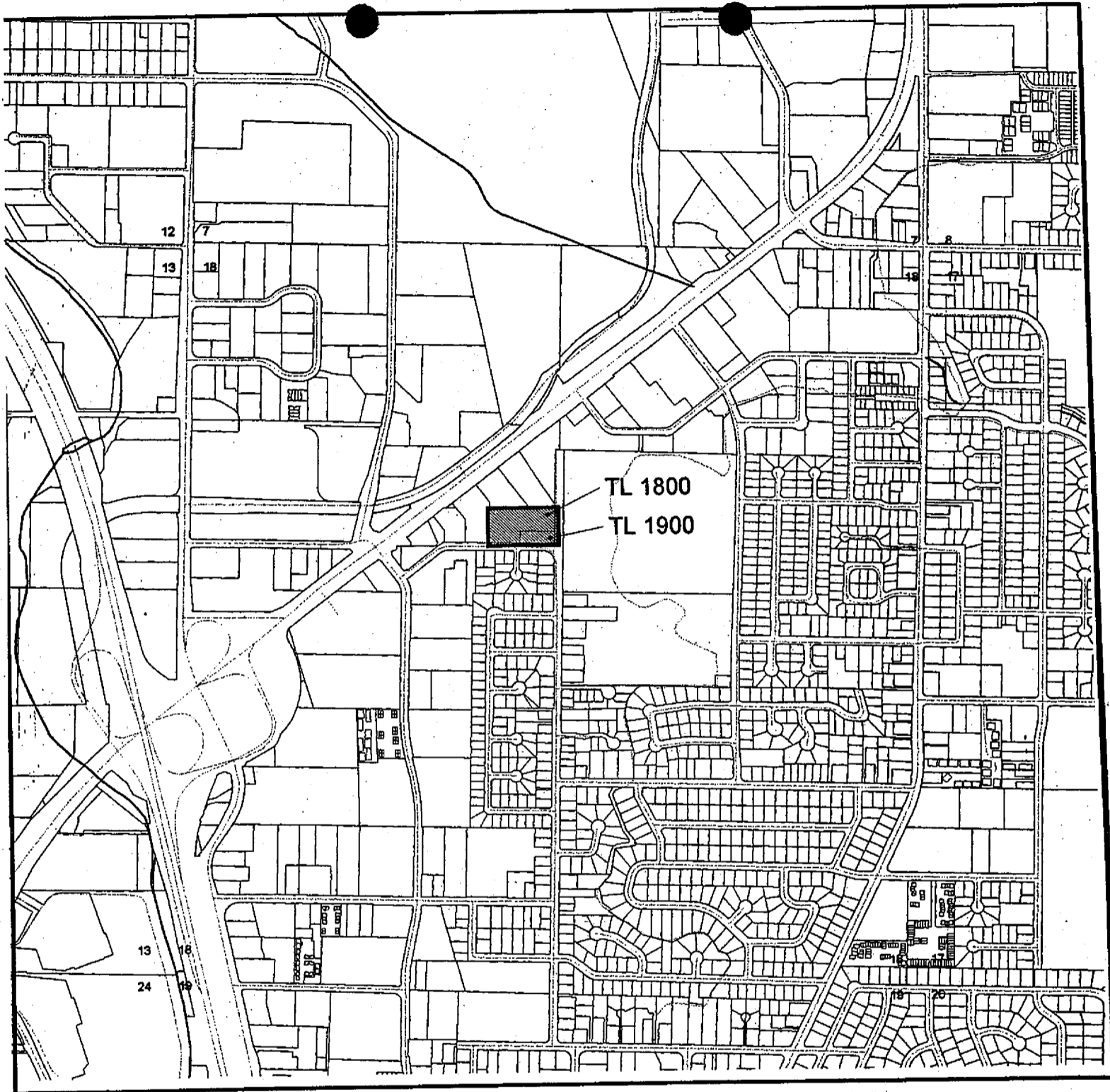
Criterion 8

COMPLIANCE WITH THE OREGON TRANSPORTATION PLANNING RULE

OAR 660-12-060: Plan and Land Use Regulation Amendments

- (1) 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 identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:
 - (a) Limiting allowed land uses to be consistent with the planned function, capacity and performance standards of the transportation facility;
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
 - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.
- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:
 - (a) Changes the functional classification of an existing or planned transportation facility;
 - (b) Changes standards implementing functional classification system;
 - (c) Allows types or levels of land uses 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.

Conclusions of Law: Based on the Traffic Impact Analysis by JRH Transportation Engineering (Exhibit 13) and the comments received in response to notice from ODOT, the City of Medford Public Works Department, and the Jackson County Roads Department, the proposed amendment will not (a) change the functional classification of an existing or planned transportation facility; (b) change standards implementing functional classifications systems; (c) allow types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional transportation facility; or (d) would reduce the performance standards of the facility below the



CITY OF MEDFORD

EXHIBIT #

File # CP-04-253

- Air Quality
- Mutual Concern Area
- All Streets
- Tax Lots
- Urban Fringe
- Unincorporated Communities
- Urban Growth Boundary
- Urban Containment Boundary
- UUCB
- UCB
- Streams & Ditches
- Streams
- Ditches
- County
- Subject Property

Exhibit 2

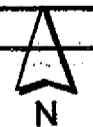
Vicinity Map

37-1W-18BD-1800 & 1900

Art Osbourn, Applicant RECEIVED

September 30, 2004

Craig A. Stone & Associates, Ltd.
Medford, Oregon



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OCT 1-9 2004

PLANNING DEPT.




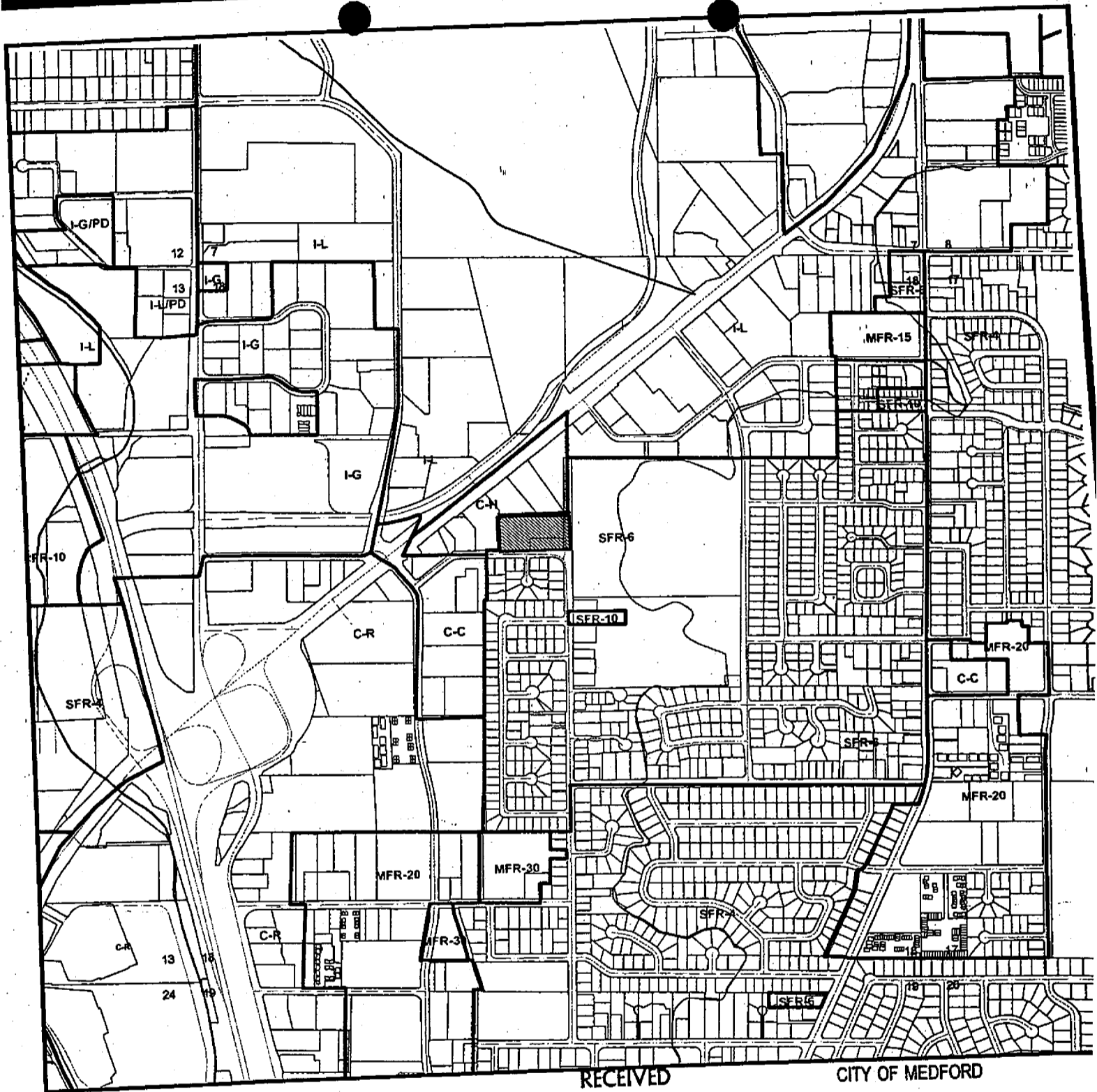
RECEIVED CITY OF MEDFORD

OCT 19 2004 EXHIBIT #
File # CP-04-25B

Legend	
	A- AIRPORT
	C-COMMERCIAL
	C-CITY CENTER
	GENERAL INDUSTRIAL
	HEAVY INDUSTRIAL
	LIMITED SERVICE AREA
	PARKS & SCHOOLS
	SERVICE COMMERCIAL
	URBAN HIGH DENSITY RESIDENTIAL
	URBAN MEDIUM DENSITY RESIDENTIAL
	URBAN RESIDENTIAL

Exhibit 3
GLUP Map
 57-1W-168D-1800 & 1800
 Art Osbourn, Applicant
 September 30, 2004
 Craig A. Stone & Associates, Ltd.
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CITY OF MEDFORD

OCT 19 2004

EXHIBIT #

FILE #

CP-01-253









-  City Zoning
-  All Streets
-  Tax Lots
-  Urban Fringe
-  Streams & Ditches
-  Streams
-  Ditches
-  Subject Property

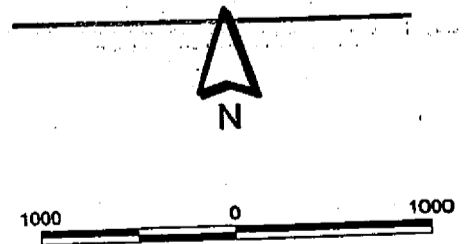
Exhibit 4 PLANNING DEPT.
Zoning Map

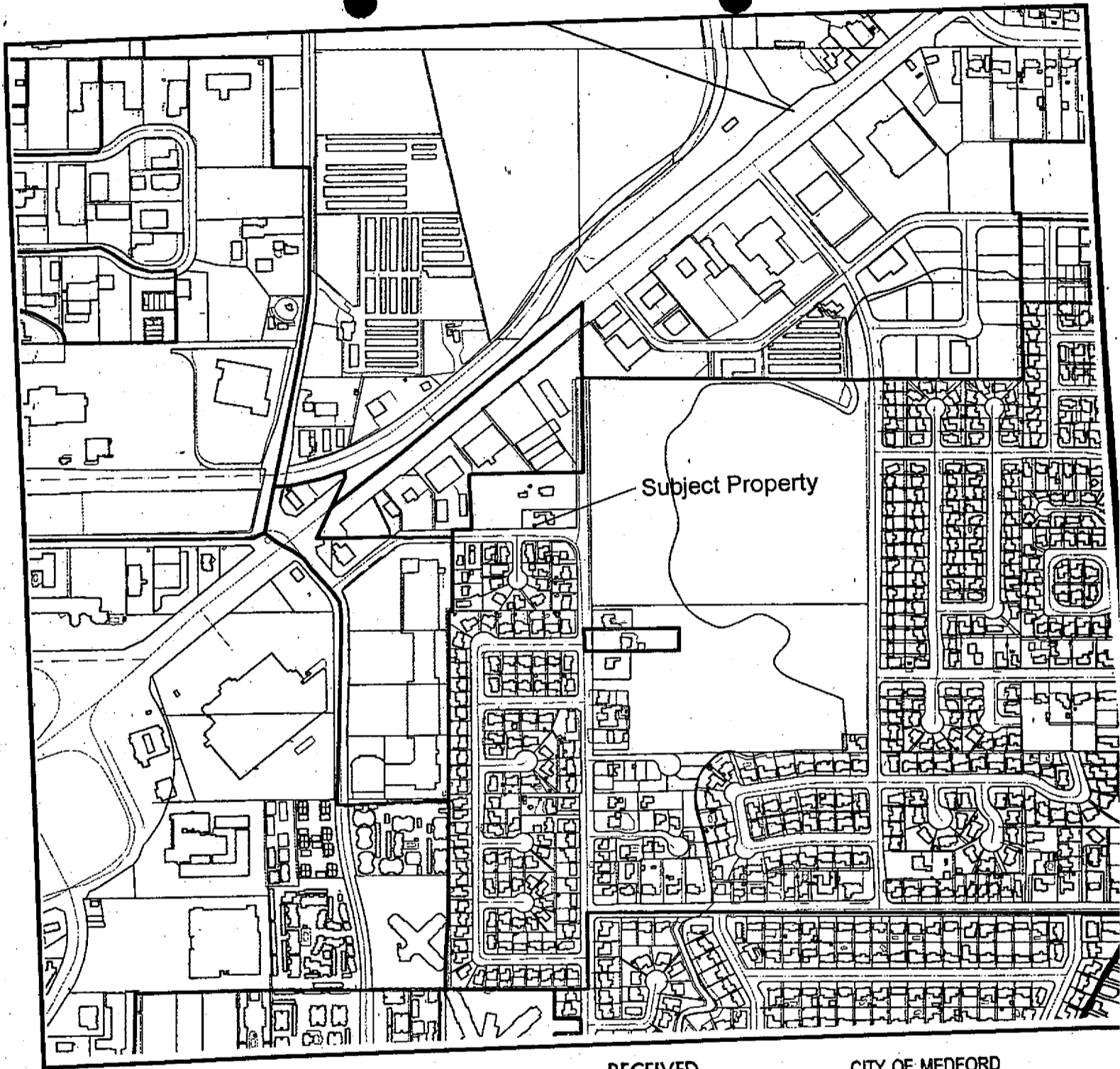
Source: Jackson County GIS Services

Art Osbourn, Applicant

September 30, 2004

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 Medford, Oregon





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OCT 19 2004

CITY OF MEDFORD

EXHIBIT #

File # CP-04-253

- Tanks, Decks, & Dams - 1999
- Deck
- Dam
- Tank
- Swimming Pools
- Fences & Walls
- Fence
- Gate
- Highway Barrier
- Retaining Wall
- Wall
- Building Outlines
- City Zoning
- All Streets
- Tax Lots
- Streams & Ditches
- Streams
- Ditches

Exhibit 5 PLANNING DEPT.

Site Map

Source: Jackson County GIS Services

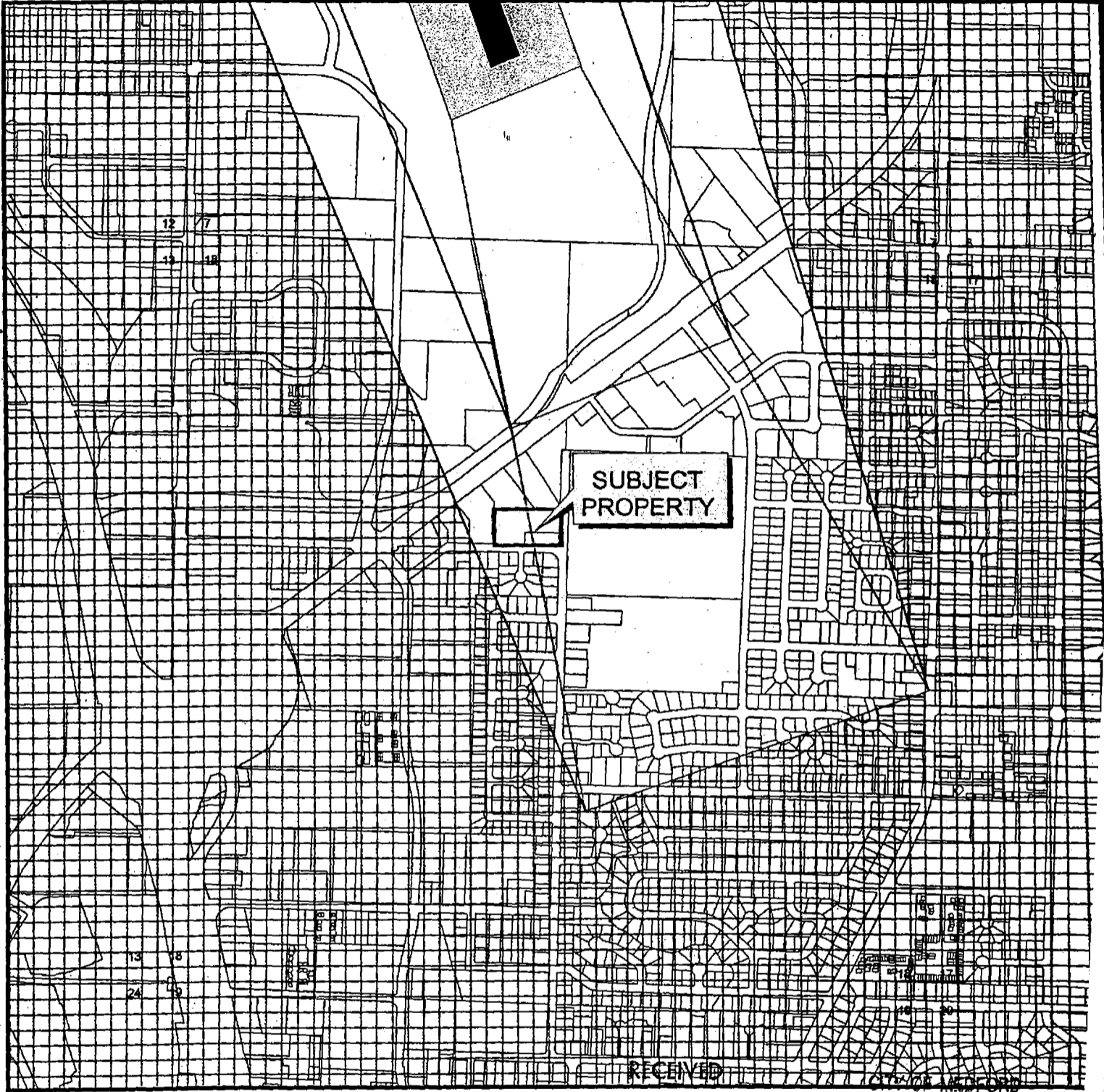
Art Osbourn, Applicant

September 30, 2004

Craig A. Stone & Associates, Ltd.
Medford, Oregon



200 0 200 400 600 Feet



OCT 19 2004

EXHIBIT #

File # C.P-04-253

Airport Overlays	
	Airport Overlays
	Conical Surface 20:1
	Horizontal Surface (Plane)
	Precision Approach (40:1)
	Precision Approach (50:1)
	Approach Surface (20:1)
	Approach Surface (RPZ) (20:1)
	Transitional Surface (7:1)
	Primary Surface
	Runway

Exhibit 6

PLANNING DEPT.

Airport Overlays

Source: Jackson County GIS Services

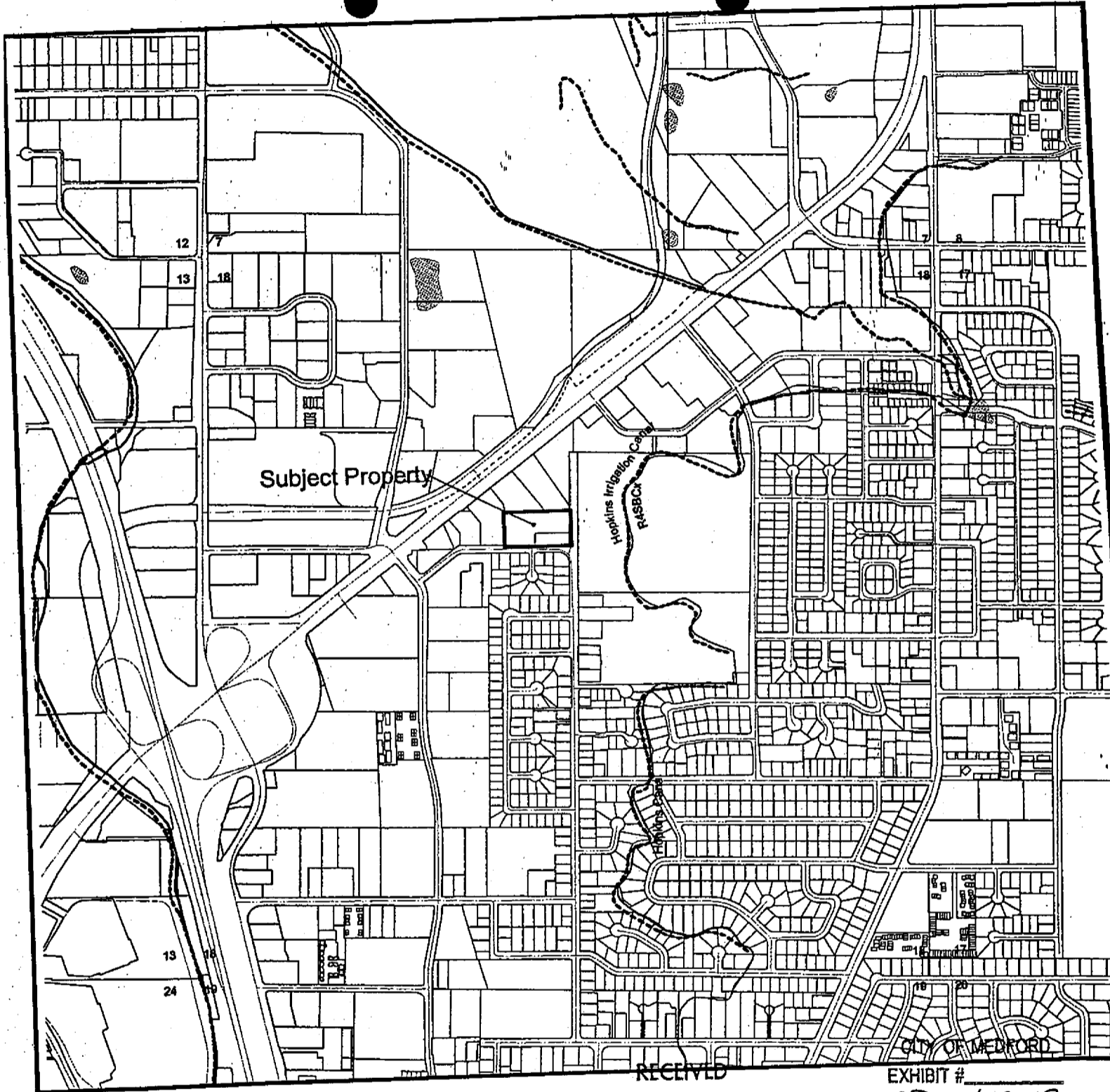
Art Osbourn, Applicant

September 30, 2004

Craig A. Stone & Associates, Ltd.
Medford, Oregon



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EXHIBIT #

File # CP-04-253

OCT 19 2004

Tax Lots

 All Streets

 Streams & Ditches

 Streams

 Ditches

Exhibit 7a

PLANNING DEPT.

NWI Map

Source: Jackson County GIS Services

Art Osbourn, Applicant

September 30, 2004

Craig A. Stone & Associates, Ltd.
Medford, Oregon



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 OCT 19 2004
 PLANNING DEPT.

CITY OF MEDFORD
 EXHIBIT #
 File # CIP-04-253

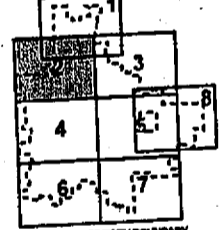
**MEDFORD
 LOCAL WETLAND INVENTORY**
 September 2002

- LEGEND**
- URBAN GROWTH BOUNDARY
 - DRAINAGE BARRIERS
 - SECTION LINES
 - RAILROADS
 - PAVED/DRAWN AREAS
 - STRUCTURES
 - YARLOTS
 - AREAS WITH DEL-APPROVED WETLAND DELINEATIONS
 - DEL-01-0001 DEL FILE NUMBER
 - PONDS (less than 0.5 acres)
 - STREAMS
 - IRRIGATION CANALS
 - DITCHES, OTHER WATERS
 - WETLANDS**
 - WETLANDS
 - WETLANDS (LOCALLY SIGNIFICANT)
 - FIELD VERIFIED
 - WETLAND/UPLAND MOSAIC
 - POSSIBLE WETLANDS
 - EW-W01 WETLAND CODE

Note: Wetlands 0.5 acres and larger were mapped. Wetlands smaller than 0.5 acres with DEL-approved wetland delineations were also included on the inventory map. Possible Wetlands (PW) are areas noted during inventory development that appear to meet wetland criteria but are less than 0.5 acres in size. Possible Wetlands were not field verified.

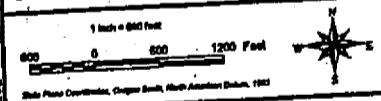
DISCLAIMER:
 Information shown on this map is for planning purposes only and wetland information is subject to change. There may be un mapped wetlands subject to regulation and all wetland boundary mapping is approximate. In all cases, actual field conditions determine wetland boundaries. You are advised to contact the Oregon Division of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.

LOCATOR MAP



The Medford Local Wetland Inventory includes a 1:24,000 index map, eight 1:7,200 inventory maps and a map of potential wetland mitigation and restoration sites.

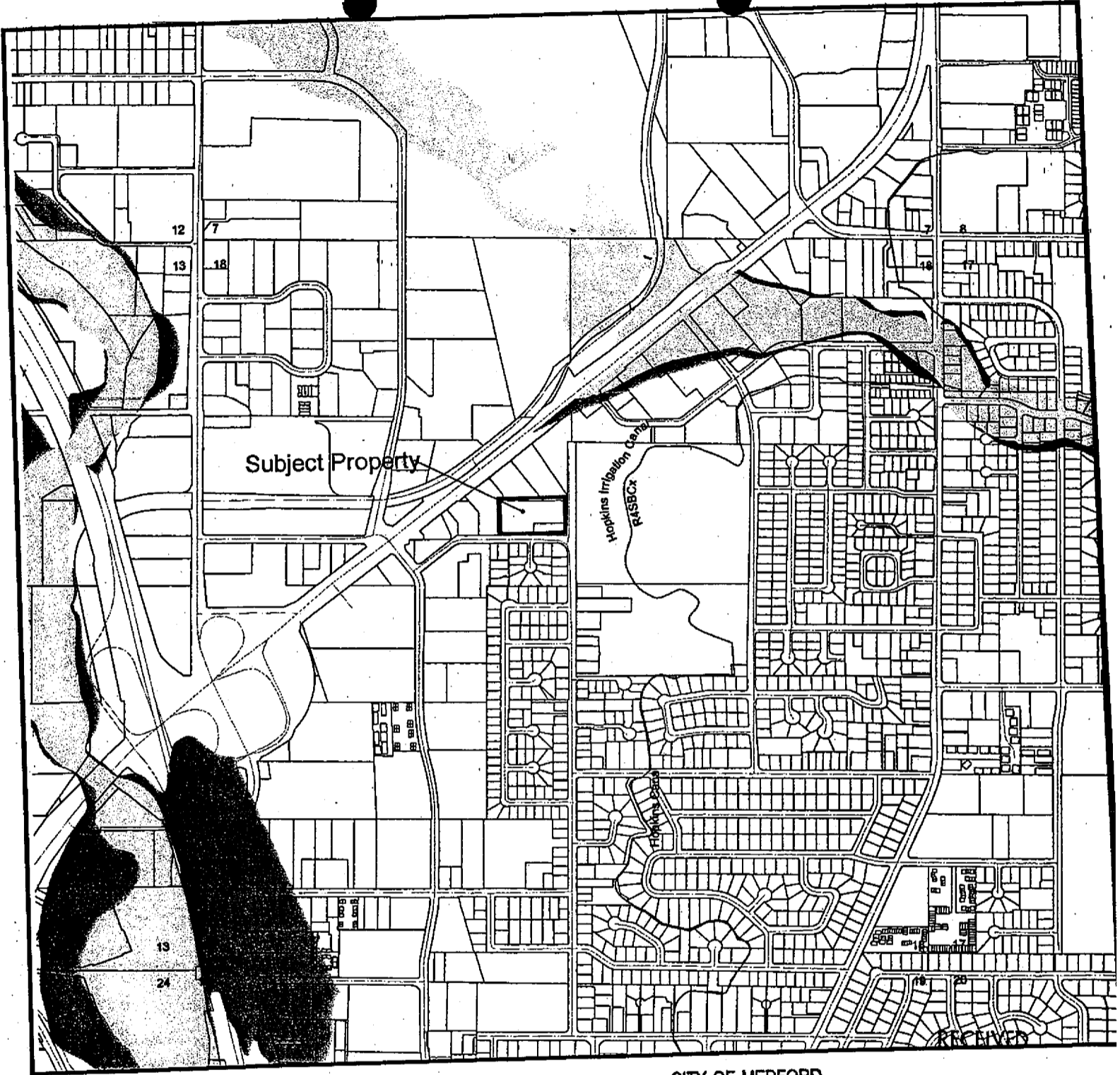
MAP 2



SOURCES:
 City of Medford Planning and Public Works Department
 and on County Geographic Information System Services
 Local Wetland Inventory (LWI) and Oregon Postwar Assessment Method (OPWAM) Analysis, City of Medford, October 1999, Bureau and Cabinet,
 Wetland/Up-land Criteria
 Private wetland delineation reports approved by DSE.

An Oregon Watershed Enhancement Board grant partially funded this project.
 This map was prepared by
WETLAND CONSULTING
 1701 NE Bay Street
 Medford, OR 97504
 (541) 753-5447

EXHIBIT 7b



CITY OF MEDFORD

OCT 19 2004

EXHIBIT #

File # CP-04-253

PLANNING DEPT.

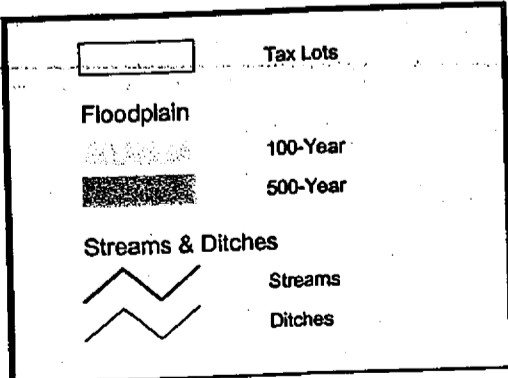


Exhibit 8

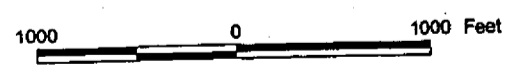
Flood Hazard Map

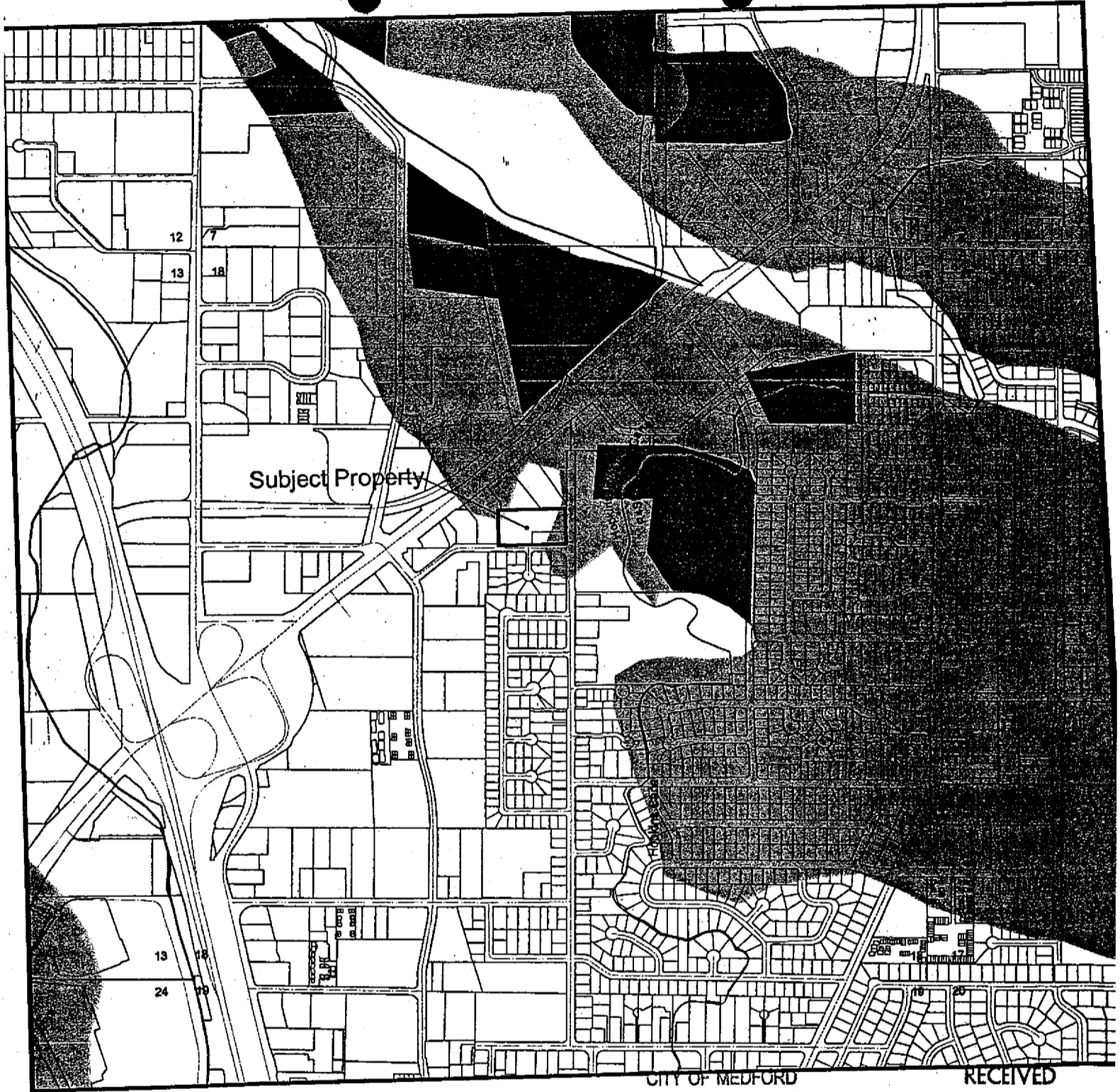
Source: Jackson County GIS Services

Art Osbourn, Applicant

September 30, 2004

Craig A. Stone & Associates, Ltd.
Medford, Oregon





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File #: CP-04-253

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	Tax Lots
Vernal Pools By Conservation Code	
TOPO/HYDRO VEG.	
	Intact Altered
	Intact Severely Altered
	Weak Altered
	Altered Severely Altered
	Leveled Severely Altered
	Developed Developed
	Undetermined

Exhibit 9

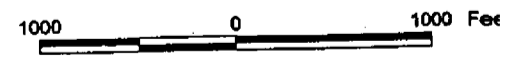
Vernal Pools Map

Source: Jackson County GIS Services

Art Osbourn, Applicant

September 30, 2004

Craig A. Stone & Associates, Ltd.
Medford, Oregon



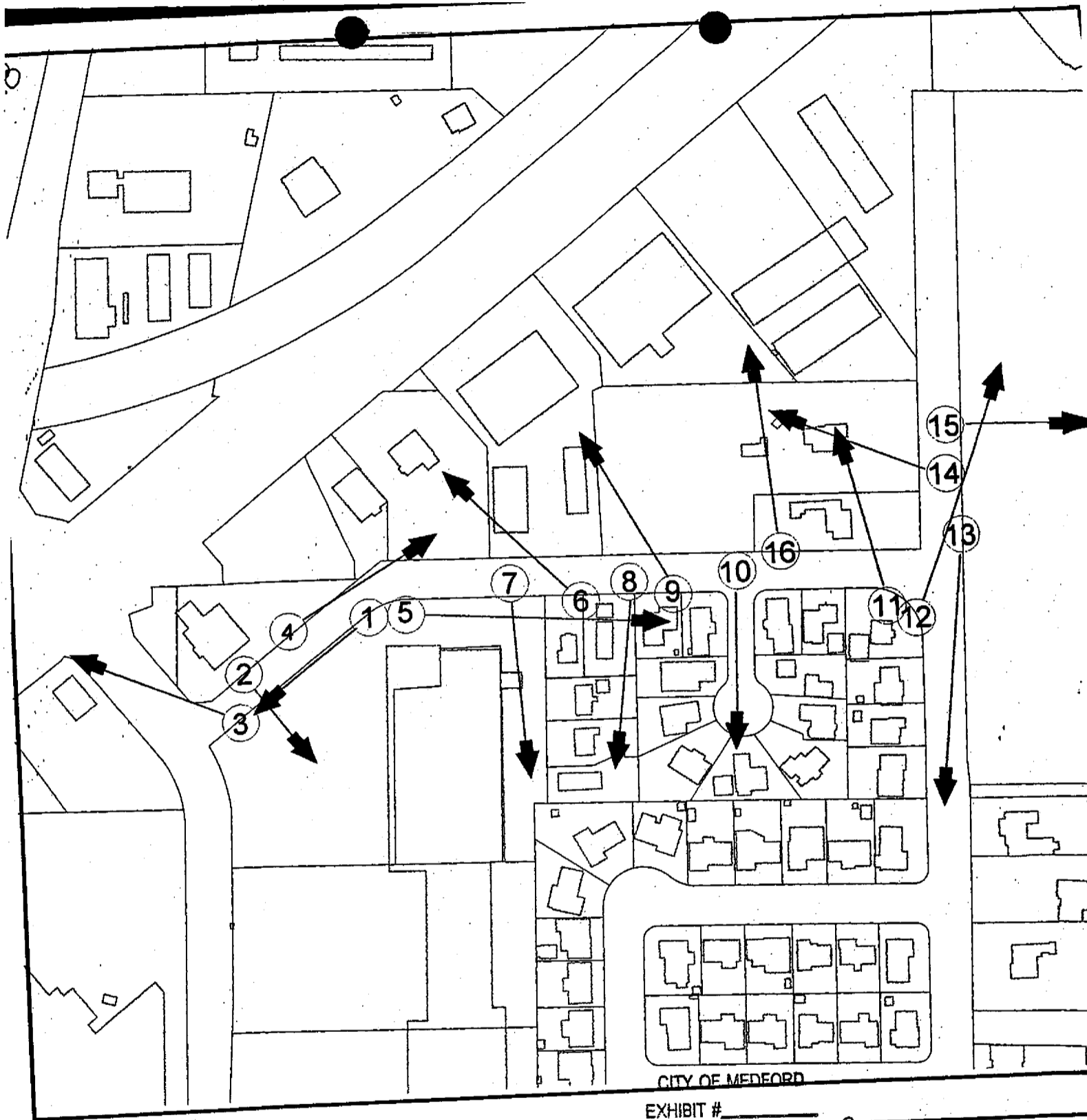







EXHIBIT # _____
 File # CP-04-25-3

 Building Outlines
 Tax Lots
 Streams & Ditches
 Streams
 Ditches


 # Photo Reference Point

Exhibit 10
Photo Key Map
 Source: Jackson County GIS Services
Art Osbourn, Applicant
 September 30, 2004
 Craig A. Stone & Associates, Ltd.
 Medford, Oregon

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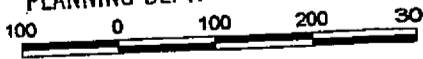



Exhibit 10



1:



2:



3:

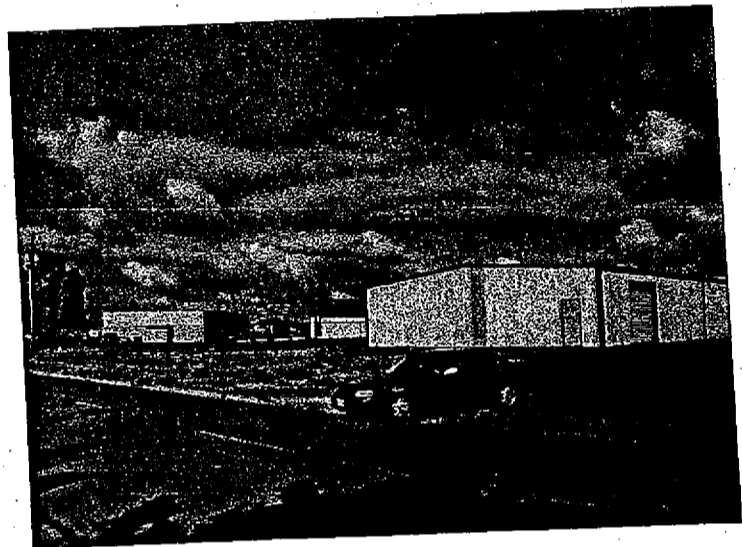
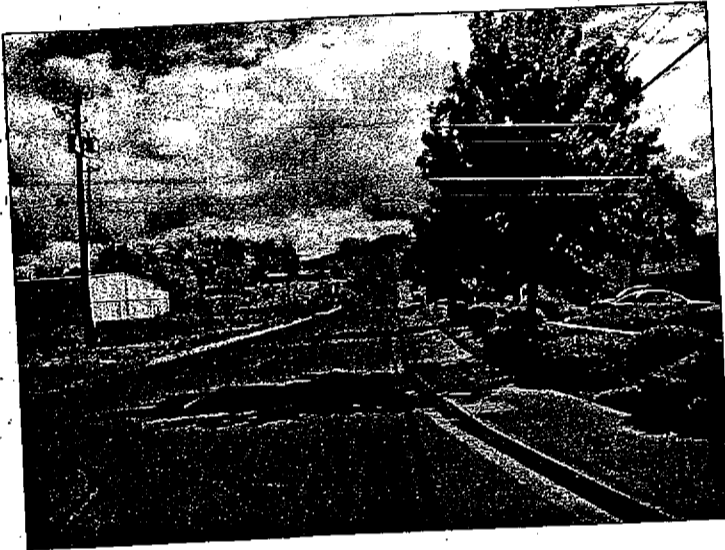


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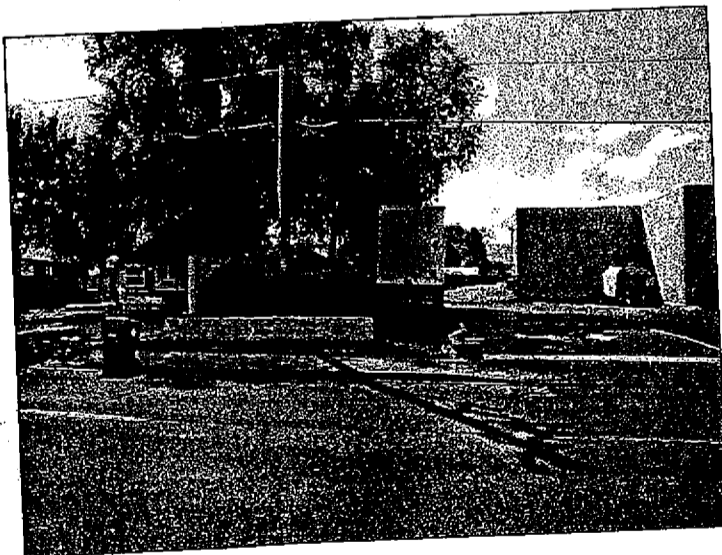
CITY OF MEDFORD
EXHIBIT # _____
File # CP-04-253

Exhibit 10



5:

6:



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PLANNING DEPT.

7:

CITY OF MEDFORD
EXHIBIT # _____
File # CP-04-253

8:

Exhibit 10



9:



10:



11:



12:

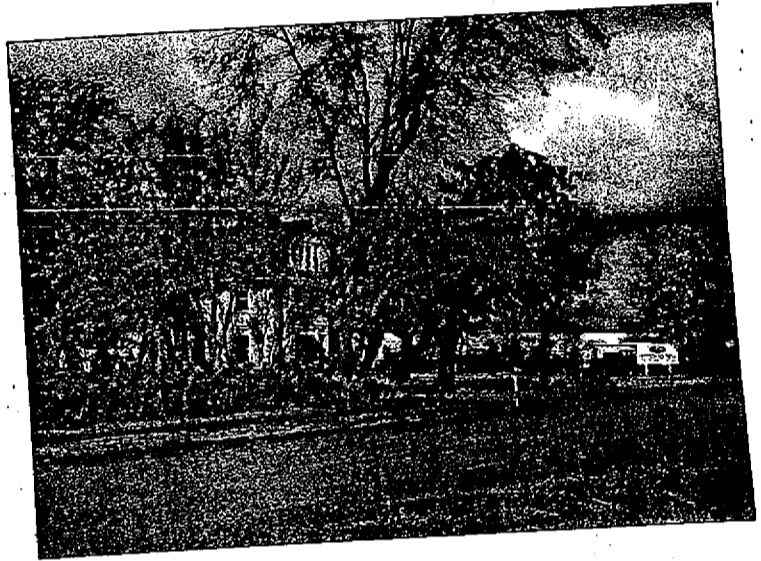
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EXHIBIT # _____
File # CP-04-253

Exhibit 10



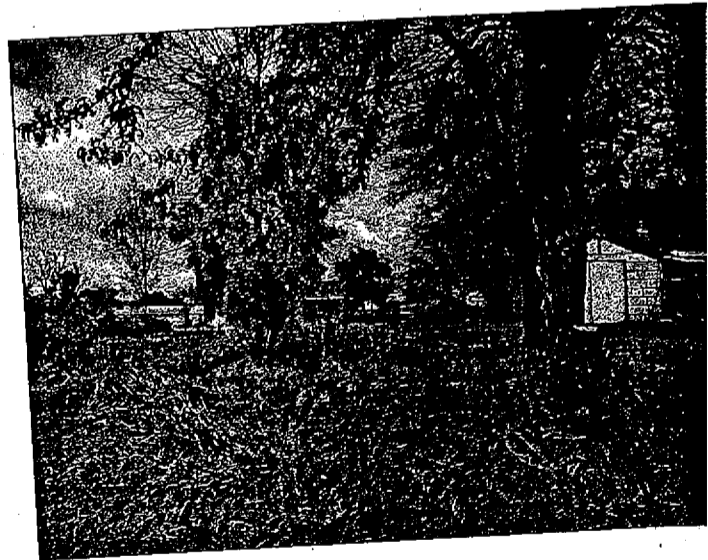
13:



14:



15:



16:

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File # CP-04-253

371W18BD
pdf created
09/20/2004 06:20:36

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

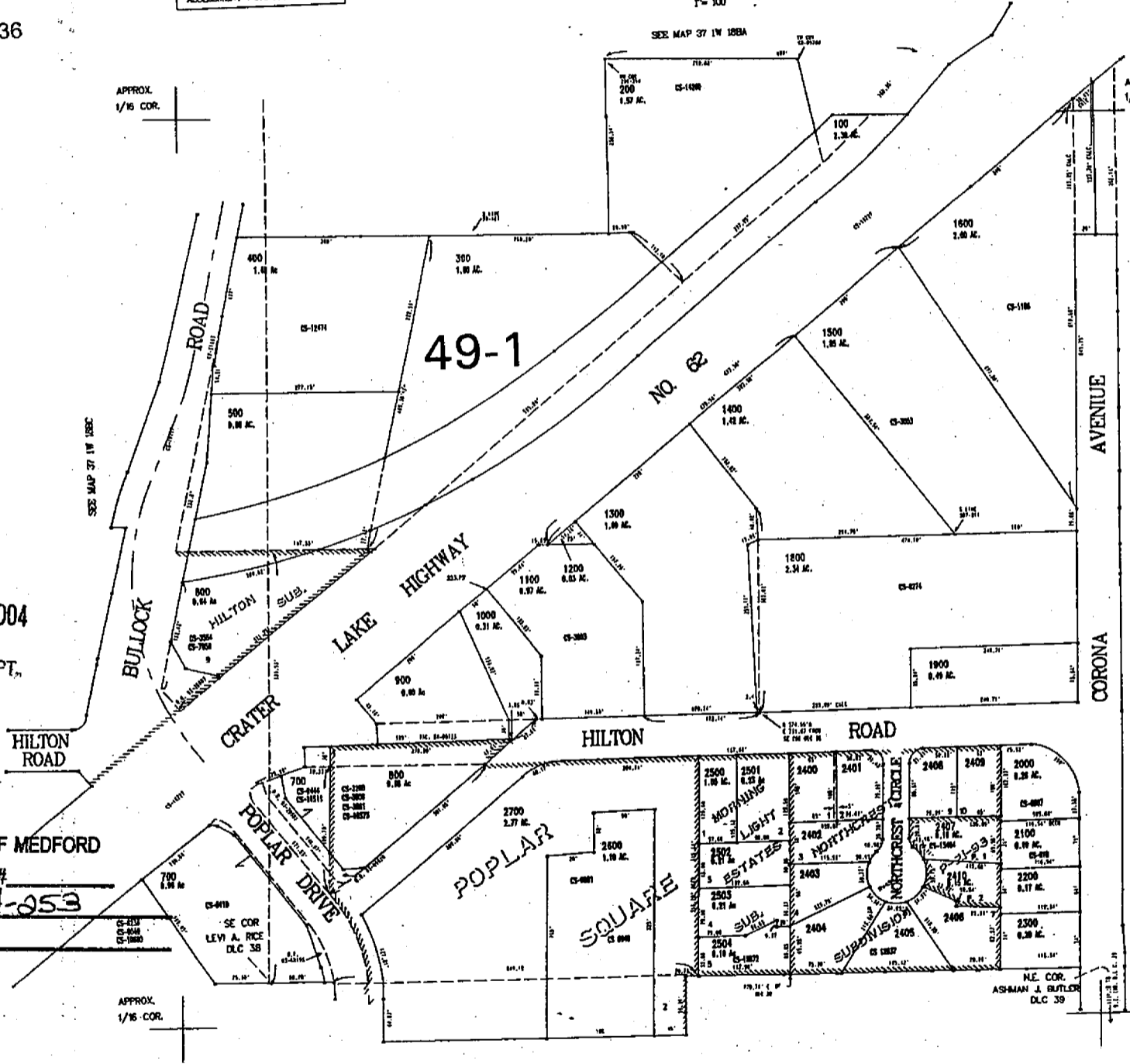
SE1/4 NW1/4 SEC.18 T37S R1W.
JACKSON COUNTY
1" = 100'

37 1W 18BD
MEDFORD

EXHIBIT 11a

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EXHIBIT # _____
File # CP-04-053



CANCELLED NO
100

SEE MAP 37 1W 18A

37 1W 18BD
MEDFORD

TAFLE C/WORKSPACE/371W18BD PLATGMA
EATED FRIDAY FEBRUARY 13, 2004 10:49 AM BY FRANKCJL

SEE MAP 37 1W 18CA

37 1W 18CA
MEDFORD

NE 1/4 SW 1/4 SEC 18 T37S R11W W.M.
JACKSON COUNTY

SCALE 1 INCH = 100 FEET

IMPORTANT
THIS MAP FOR ASSIGNMENT
AND TAXATION PURPOSES
ONLY

SE COR. REC
LEV. A. REC
DEC 35

APPROX.
V/S COR

8CA
ated
2004 06:26:32

EXHIBIT 119

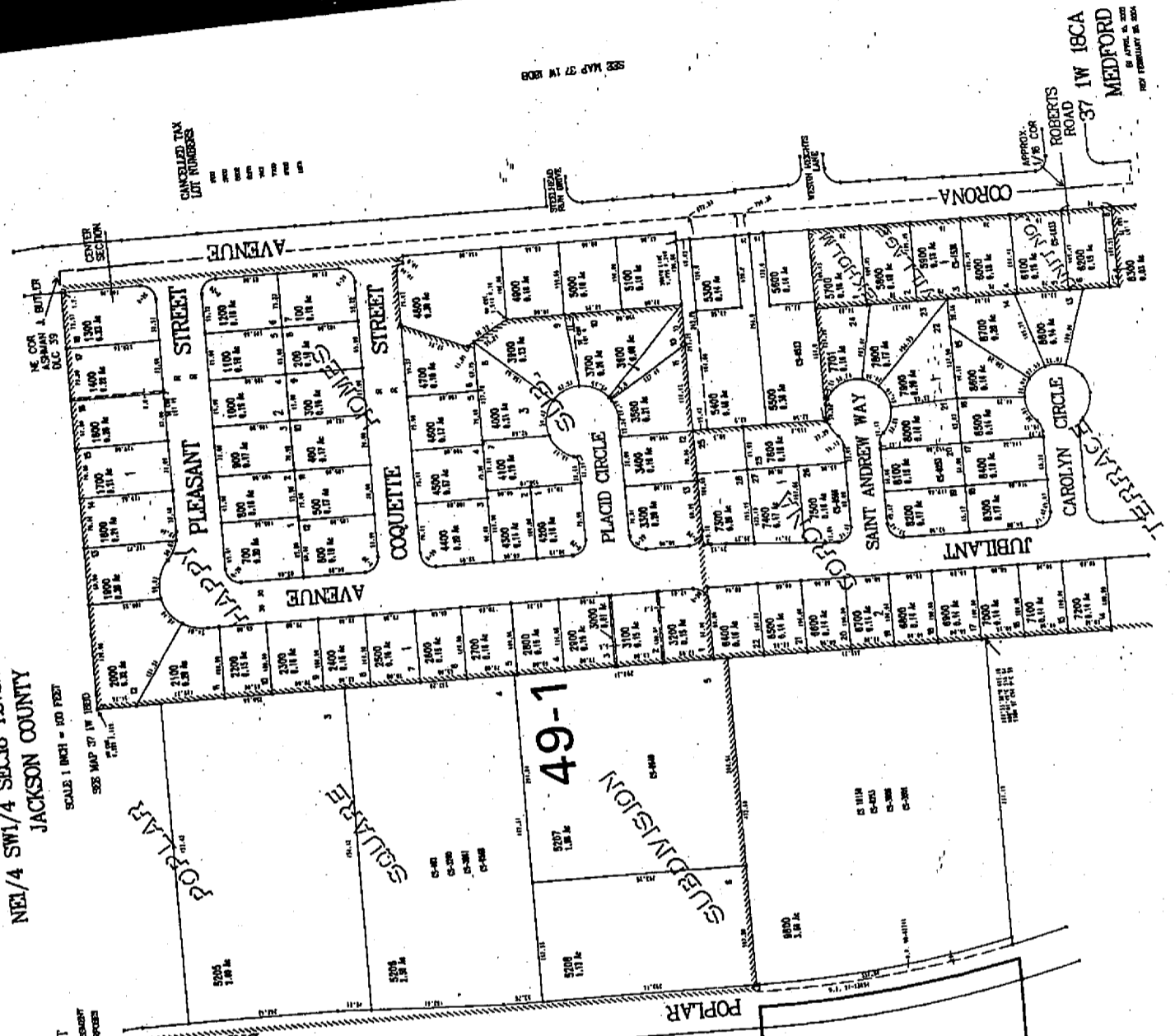
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CITY OF MEDFORD
EXHIBIT #
File # CP-04-253

SEE MAP 37 1W 18C

SEE
MAP
SUPPLEMENTAL
NO. 1

APPROX.
V/S COR



CANCELLED TAX
LOT NUMBERS

SEE MAP 37 1W 18C

37 1W 18CA
MEDFORD

APPROX.
V/S COR

37 1W 18CA
MEDFORD



□ Building Outlines
 □ Building Outlines
 □ Tax Lots
 ~ Streams & Ditches
 ~ Streams
 ~ Ditches

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Exhibit 12a
Aerial Map
 Aerial Photo Dated April 16, 1998
 Source: Jackson County GIS Services
Art Osbourn, Applicant
 September 30, 2004
 Craig A. Stone & Associates, Ltd.
 Medford, Oregon

CITY OF MEDFORD
 EXHIBIT #
 File # CP-04-253

100 0 100 200 3



SMARTMAP
 JACKSON COUNTY
 GEOGRAPHIC INFORMATION SYSTEM

Art Osbourn;
Applicant

- Front Counter Legend:
 Tax Lot Polygons
 Taxlot Numbers
 county

EXHIBIT 126

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CITY OF MEDFORD
 EXHIBIT # CP-04-25



**JACKSON
 COUNTY**
 Oregon

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**EXHIBIT 13**

October 12, 2004

Art Osbourn
4820 Crater Lake Avenue
Medford, Oregon 97504

RE: Traffic Analysis for Hilton ZC from SFR-6 to MFR-20

Dear Art,

JRH Transportation Engineering has performed an evaluation of potential traffic impacts for the proposed zone change from City SFR-6 to City MFR-20 on 2.83 acres (3.39 gross acres) west of Hilton Road and north of Poplar Drive. Our analysis indicates that there are no substantial impacts as a result of the zone change.

The proposed zone change site is located on Township 37 Range 1W Section 18BD, tax lots 1800 and 1900. Refer to Figure 1 for a Vicinity Map. The potential peak hour trip generation for the site is 42 PM peak hour trips with 27 inbound and 15 outbound. Trip generations are based on the Institute of Transportation Engineers (ITE) Trip Generation, 7th Edition.

Several intersections and driveways were counted along Hilton Road to determine trip distribution percentages from the site. Refer to Figure 2 for existing count distributions. Count data varied considerably depending on location and distance from Corona Avenue or Poplar Drive. An equal split of inbound and outbound trips to and from the north resulted in 21 PM trips in both directions with no need to distribute trips any further, but the residential cul-de-sac intersection of Northcrest Circle and Hilton Road slightly favored trips to and from Corona Avenue over Poplar Drive, and the subject site will have access to both Corona Avenue and Hilton Road, so it is our assumption that project trips will favor Corona Avenue as well. Assigning trips to favor Corona Avenue also provides a conservative analysis because the study area increases as a result.

Project trips were distributed to the intersection of Roberts Road and Corona Avenue before falling below 25 PM peak hour trips. None of the intersections impacted were collector/arterial intersections. Based on this and the City of Medford land development code, section 10.461, a level of service analysis was not performed on any of the intersections within the study area. Refer to Figure 3 for project trip distributions.

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PLANNING DEPT.

CITY OF MEDFORD

EXHIBIT #

File # CP-04-253

FIGURE 1: VICINITY MAP

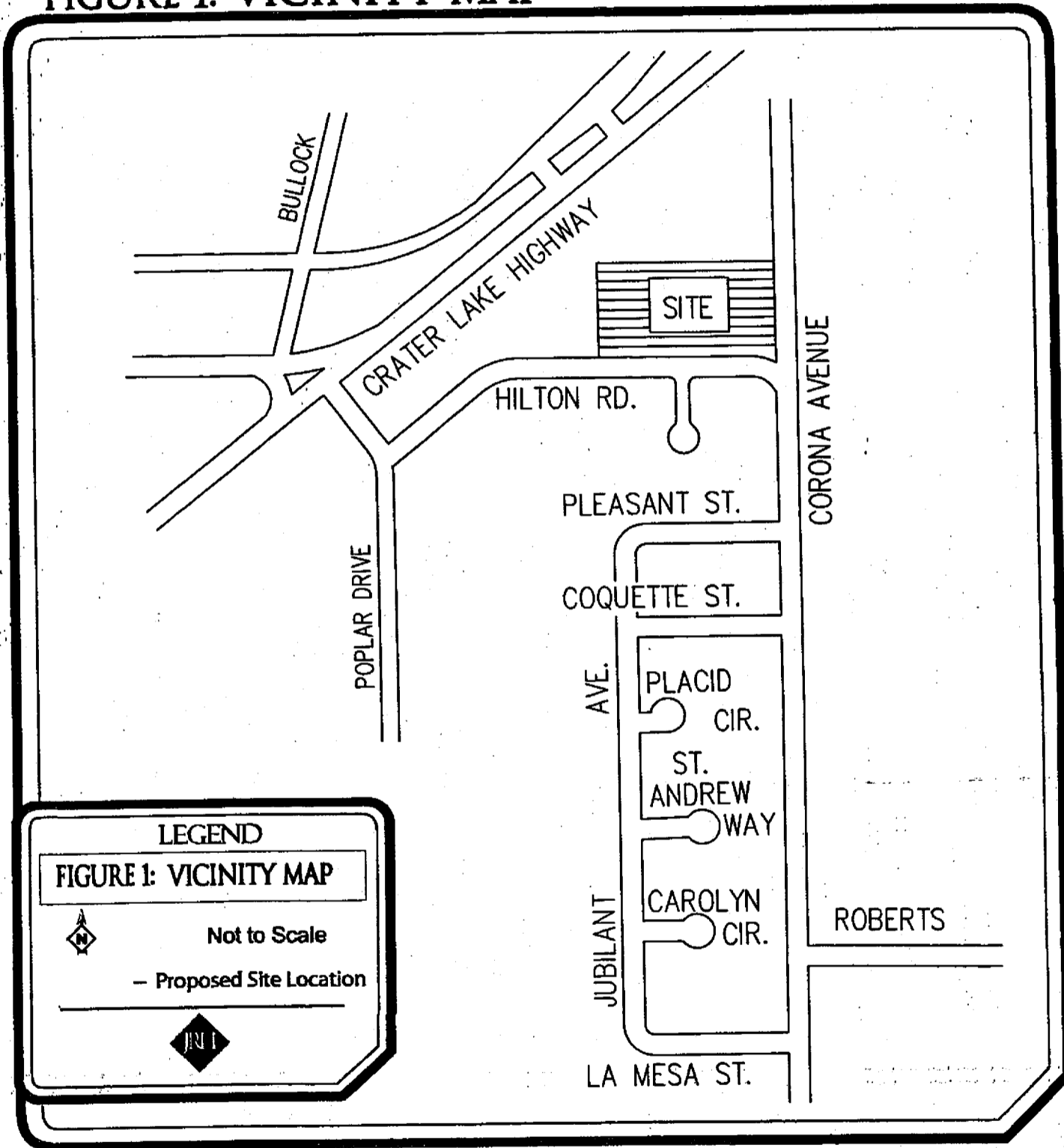
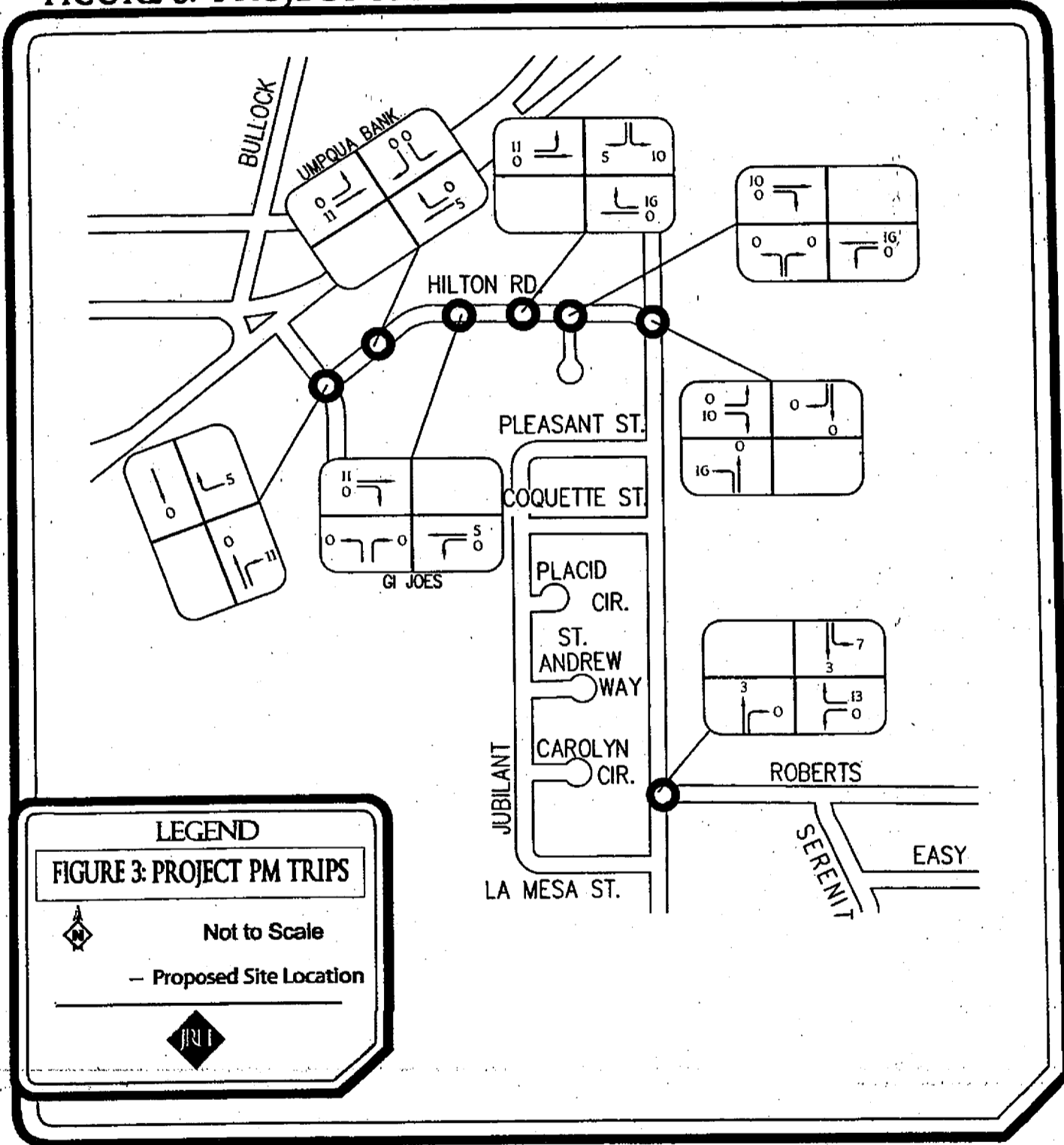


FIGURE 3: PROJECT PM TRIPS



Hilton Road Zone Change TIA
PM Peak Hour Turning Movement Volumes

Northcrest/Hilton Rd (May 27, 2004)

Hour	Southbound			Eastbound			Westbound			Northbound			15-min sum	Hour
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left		
16:00 to 16:15	0	17	2	0	0	0	0	0	1	1	15	0	36	6:00 to 17:00
16:15 to 16:30	0	18	0	0	0	0	0	0	0	1	13	0	32	6:15 to 17:15
16:30 to 16:45	0	17	0	0	0	0	1	0	0	0	18	0	36	6:30 to 17:30
16:45 to 17:00	0	16	1	0	0	0	0	0	0	0	20	0	37	6:45 to 17:45
17:00 to 17:15	0	32	0	0	0	0	0	0	0	0	25	0	57	7:00 to 18:00
17:15 to 17:30	0	27	1	0	0	0	0	0	2	0	24	0	54	
17:30 to 17:45	0	27	1	0	0	0	1	0	0	0	26	0	55	
17:45 to 18:00	0	35	0	0	0	0	1	0	0	0	25	0	61	
Peak Volume	0	121	2	0	0	0	2	0	2	0	100	0	141	
Peak Hour Factor														0.93

GI Joes / Hilton Rd (May 27, 2004)

Hour	Southbound			Eastbound			Westbound			Northbound			15-min sum	Hour
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left		
16:00 to 16:15	0	0	0	0	0	0	0	0	0	0	0	0	0	6:00 to 17:00
16:15 to 16:30	0	0	0	0	0	0	0	0	0	0	0	0	0	6:15 to 17:15
16:30 to 16:45	0	0	0	0	0	0	0	0	0	0	0	0	0	6:30 to 17:30
16:45 to 17:00	0	0	0	0	0	0	0	0	0	0	0	0	0	6:45 to 17:45
17:00 to 17:15	0	27	5	0	0	0	20	0	18	6	5	0	81	7:00 to 18:00
17:15 to 17:30	0	19	10	0	0	0	13	0	10	8	11	0	71	
17:30 to 17:45	0	23	4	0	0	0	12	0	8	2	14	0	63	
17:45 to 18:00	0	21	14	0	0	0	13	0	6	2	12	0	68	
Peak Volume	0	90	33	0	0	0	58	0	42	18	42	0	283	
Peak Hour Factor														0.87

Umpqua Bank / Hilton Rd (May 27, 2004)

Hour	Southbound			Eastbound			Westbound			Northbound			15-min sum	Hour
	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left	Right	Thru	Left		
16:00 to 16:15	0	0	0	0	0	0	0	0	0	0	0	0	0	6:00 to 17:00
16:15 to 16:30	0	0	0	0	0	0	0	0	0	0	0	0	0	6:15 to 17:15
16:30 to 16:45	0	0	0	0	0	0	0	0	0	0	0	0	0	6:30 to 17:30
16:45 to 17:00	0	0	0	0	0	0	0	0	0	0	0	0	0	6:45 to 17:45
17:00 to 17:15	4	41	0	4	6	0	0	0	0	0	5	6	66	7:00 to 18:00
17:15 to 17:30	3	26	0	6	7	0	0	0	0	0	12	5	59	
17:30 to 17:45	4	27	0	4	6	0	0	0	0	0	10	4	55	
17:45 to 18:00	3	24	0	6	7	0	0	0	0	0	7	7	54	
Peak Volume	14	118	0	20	26	0	0	0	0	0	34	22	234	
Peak Hour Factor														0.89



September 23, 2004

Dan Dorrell, PE
ODOT
200 Antelope Road
White City, Oregon 97503

RE: Request for Scoping Letter

Dear Dan,

JRH Transportation Engineering is requesting a scoping letter for a proposed comprehensive plan map amendment from Single Family Residential (SFR-6) to Multi-Family Residential (MFR) on 2.83 acres (3.39 gross acres) located west of Hilton Road and north of Poplar Drive on Township 37 Range 1W Section 18BD, tax lots 1800 and 1900. The property will have the ability to apply for MFR-15, 20, or 30 within the proposed comprehensive plan map designation. It is the client's intention to apply for MFR-20 at the time of zone change application, but the potential MFR-30 designation will be evaluated in our analysis based on City of Medford requirements.

There are no ODOT intersections expected to be impacted by 25 or more peak hour trips due to the new right-in, right-out configuration at the intersection of Poplar Drive and Hilton Road. In a preliminary look of the trip distributions from the site there are 41 total peak hour inbound trips and 22 outbound trips. If all 22 outbound trips are distributed to Poplar Drive as a worst case scenario then there will still be less than 25 trips that reach the intersection of Poplar Drive & Crater Lake Highway, which is the closest ODOT intersection to the site.

No access will be taken to a State facility. Access to the site is proposed from Hilton Road. A map of the area is attached for reference.

Thank you for your time and consideration of this request.

Sincerely,

Kimberly Parducci PE, PTOE
JRH Transportation Engineering

Cc: Raul Woener, Stone & Associates



September 27, 2004

Dan Dorrell, PE
ODOT
200 Antelope Road
White City, Oregon 97503

RE: Request for Scoping Letter

Dear Dan,

JRH Transportation Engineering is requesting a scoping letter for a proposed zone change from SFR-6 to MFR-20 on Township 37 Range 1W Section 18BD, tax lots 1800 and 1900. The property currently carries a comprehensive plan map zone of Commercial but a comprehensive plan map amendment is being proposed to change the designation from Commercial to Multi-Family Residential (MFR). A zone change request will be submitted after approval of the comprehensive plan map amendment.

The site includes 2.83 acres (3.39 gross acres) west of Hilton Road and north of Poplar Drive. The property will have the ability to apply for MFR-15, 20, or 30 within the proposed comprehensive plan map designation and it is the client's intention to apply for MFR-20.

There are no ODOT intersections expected to be impacted by 25 or more peak hour trips due to the new right-in, right-out configuration at the intersection of Poplar Drive and Hilton Road. In a preliminary look of the trip distributions from the site there are 27 total peak hour inbound trips and 15 outbound trips. If all 15 outbound trips are distributed to Poplar Drive as a worst case scenario then there will still be less than 25 trips that reach the intersection of Poplar Drive & Crater Lake Highway, which is the closest ODOT intersection to the site.

No access will be taken to a State facility. Access to the site is proposed from Hilton Road and Corona, which are both City standard residential streets. A map of the area is attached for reference.

Thank you for your time and consideration of this request.

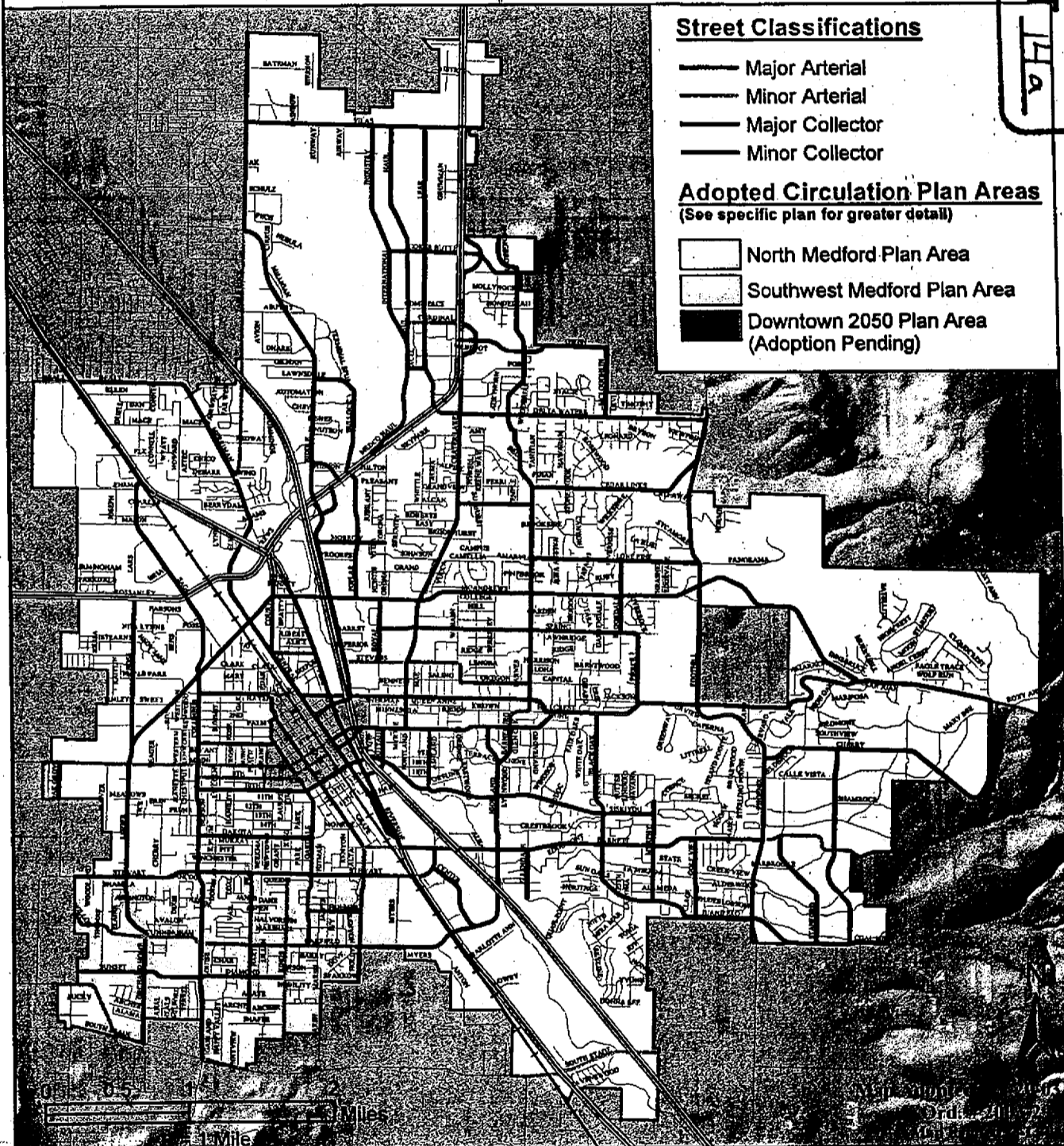
Sincerely,

Kimberly Parducci PE, PTOE
JRH Transportation Engineering

Cc: Raul Woener, Stone & Associates

Figure 1-2: Medford Street Functional Classification Plan

EXHIBIT 14a



Other Streets
Highway
Railroad

UGB
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CITY OF MEDFORD

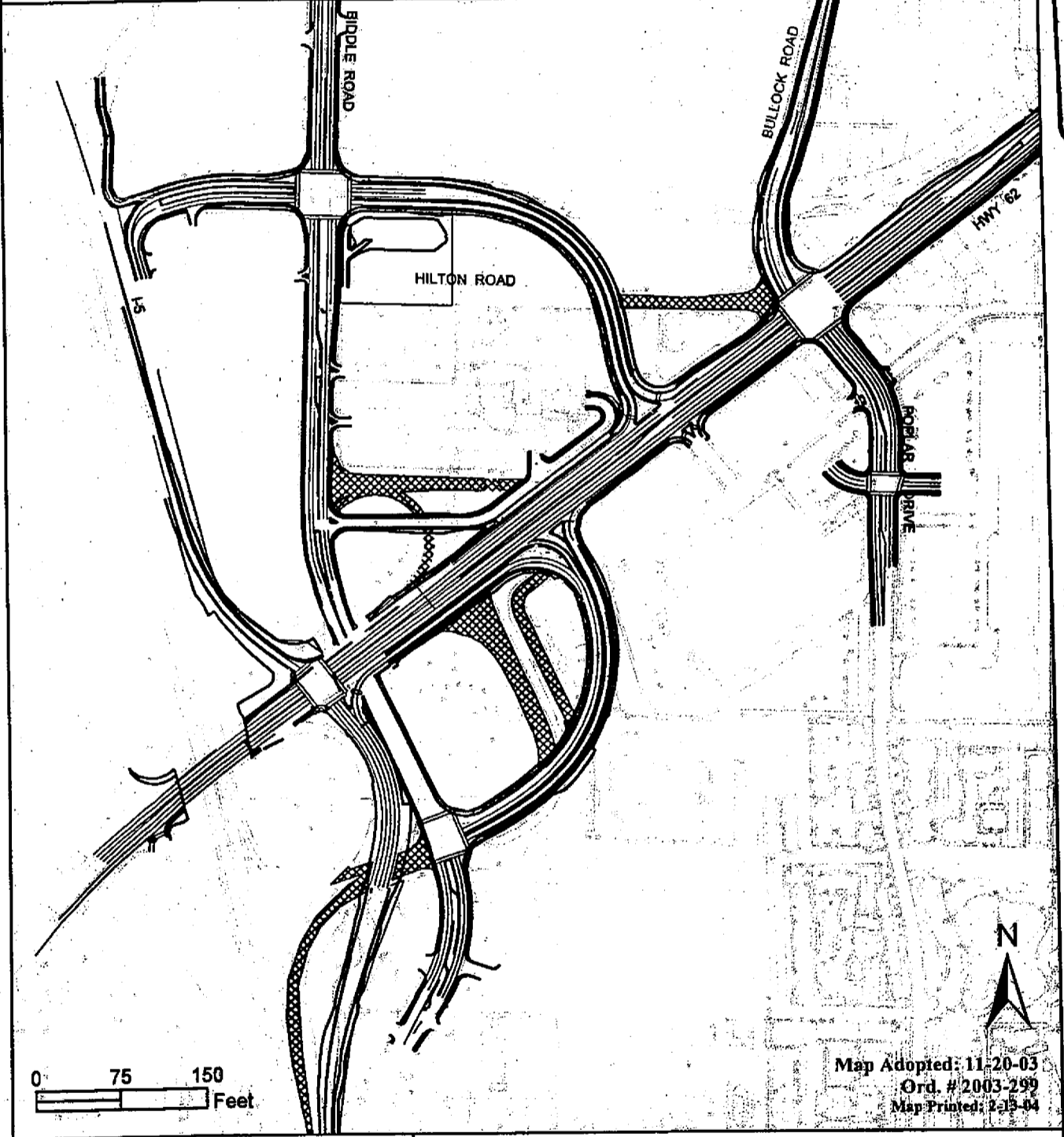
OCT 19 2004

EXHIBIT # _____
File # CP-04-253

DIANNING FDT

Figure 2-1: North Medford Interchange Project - Build Alternative

EXHIBIT 14c



Map Adopted: 11-20-03
 Ord. # 2003-299
 Map Printed: 2-15-04

- Improvements
- Abandoned Roadways (Pavement Removed)

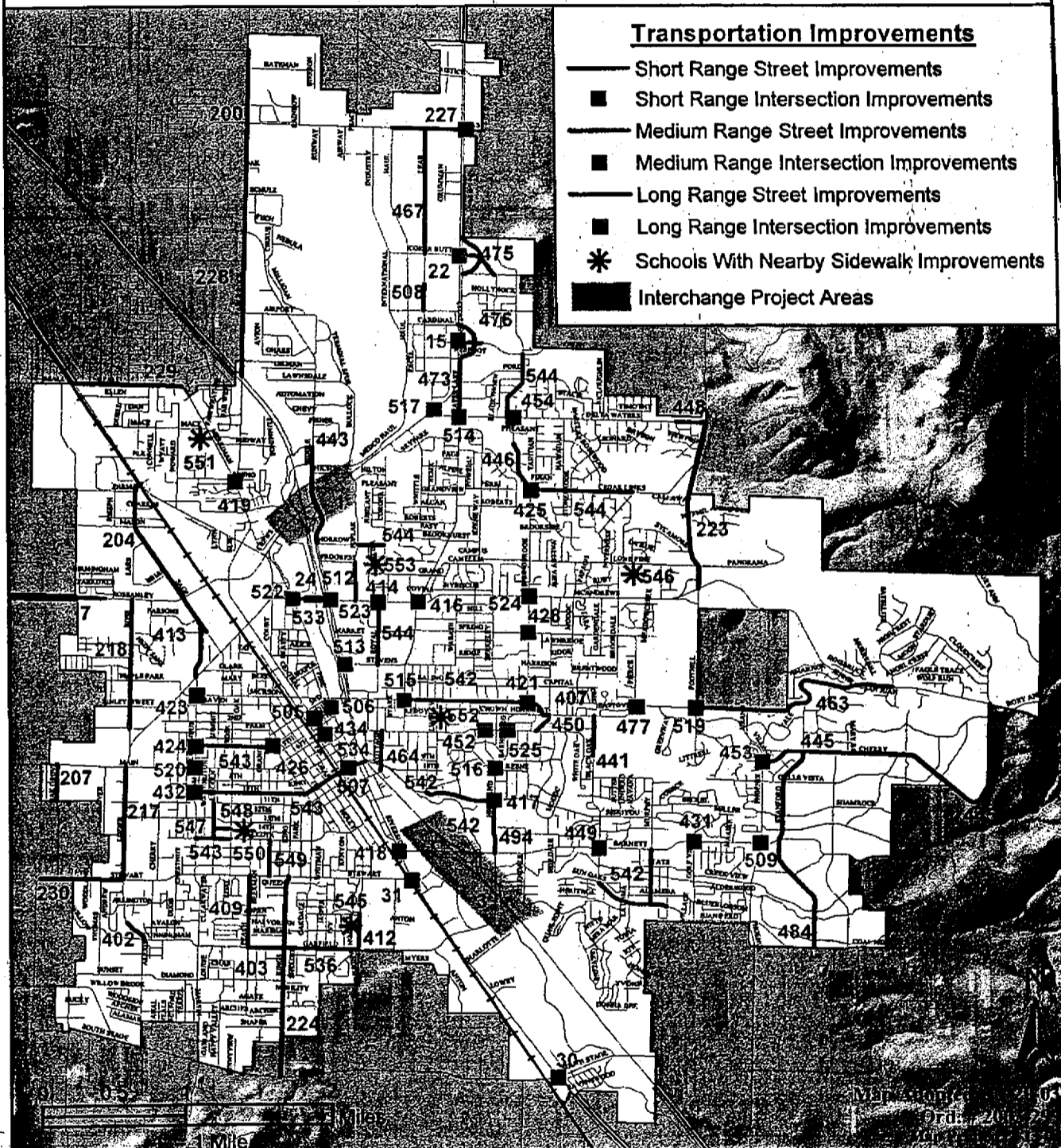


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Figure 1-3: Planned Tier 1 Medford Transportation Improvements

EXHIBIT 14e



999 = Project ID Number
(See Tables 13-2, 13-3 & 13-4
for project ID number detail)

- Other Streets
- == Highway
- +— Railroad
- ⊕ UGB

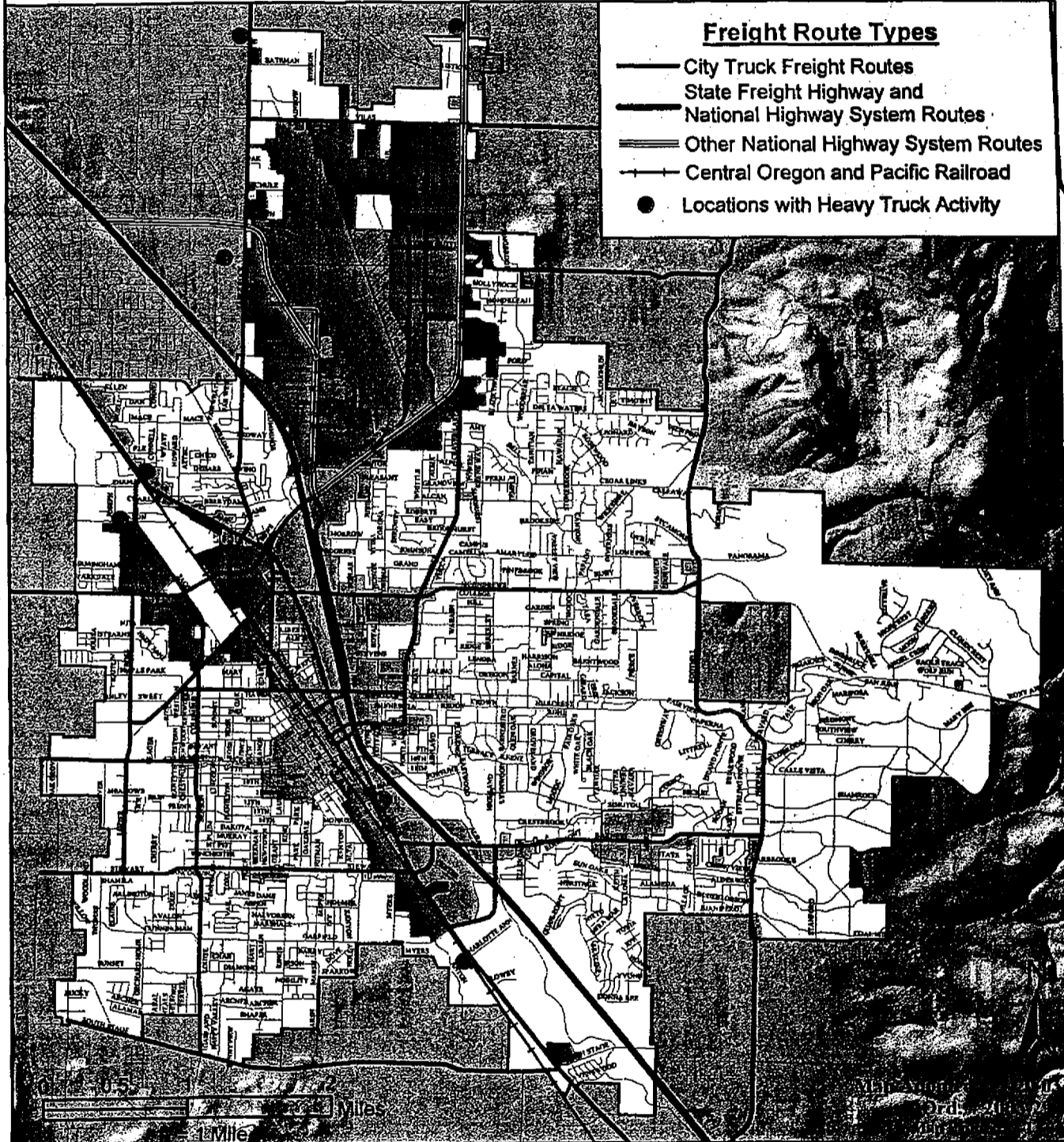


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Figure 1-4: Medford Designated Truck Routes and Other Freight Facilities

EXHIBIT 149



	Foreign Trade Zone		Other Streets
	Rogue Valley International - Medford Airport		UGB
	Commercial Zones		
	Industrial Zones		



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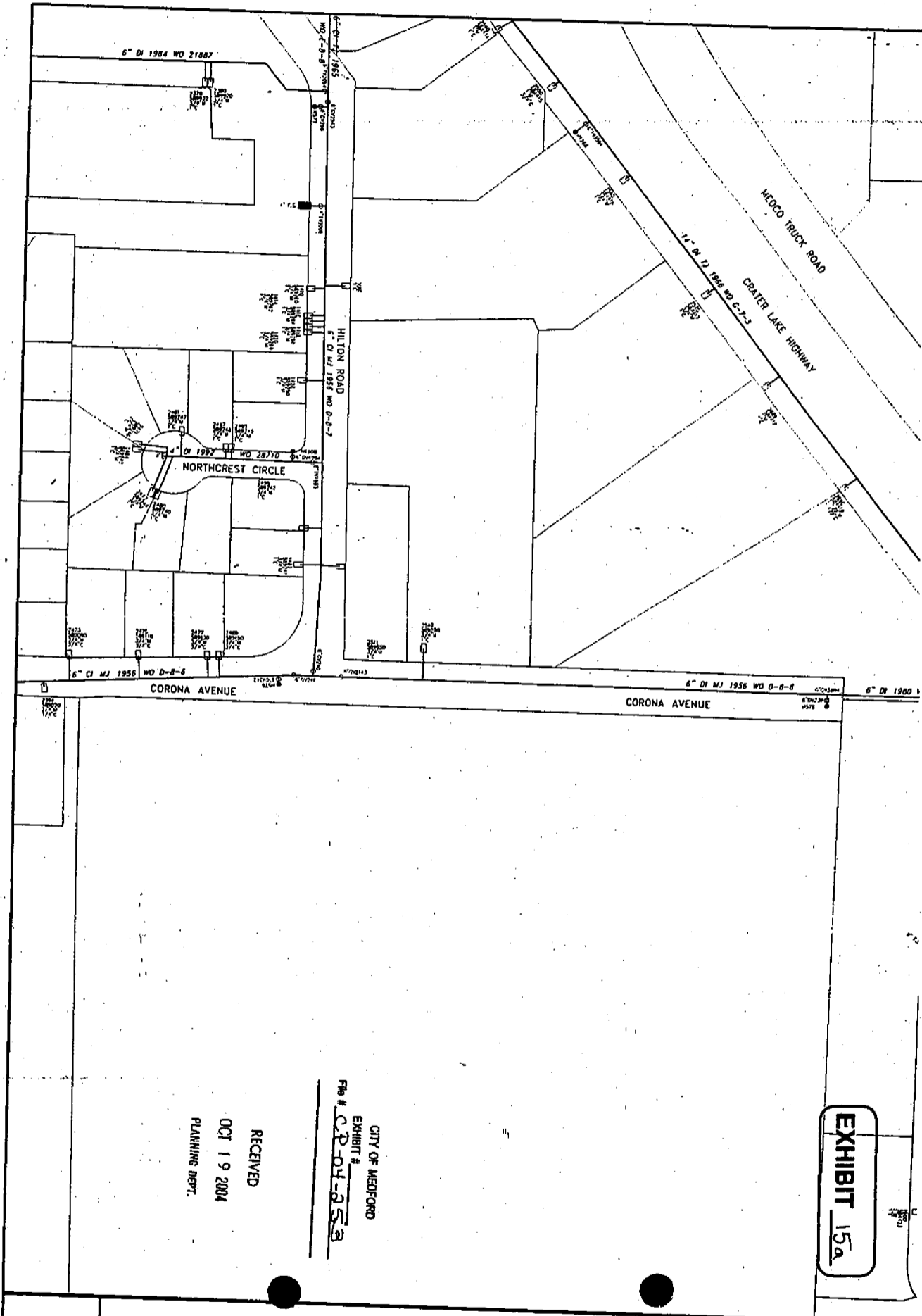


EXHIBIT 15a

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CITY OF MEDFORD
 EXHIBIT #
 FILE # CP-04-253

EXHIBIT 156**SYSTEM OPERATIONS****Sources**

The Medford Water Commission's principal source of water is Big Butte Springs, located about thirty miles northeast of Medford, Oregon and five miles east of the town of Butte Falls. The springs' watershed, or recharge area, is approximately 56,000 acres in size and includes the westerly slopes of Mt. McLoughlin. The springs' capacities vary from 25 million gallons per day (mgd) to 35 mgd and are the primary source of system water for the entire year. The maximum withdrawal from the springs, limited by the capacity of the transmission facilities and water rights, is 26.4 mgd.

The Medford Water Commission (MWC) holds three water rights equaling 67 cubic feet per second (cfs) on the Big Butte Springs source. The Oregon Legislature closed Big Butte Springs drainage from any additional appropriation in 1925 and gave all additional water to the City of Medford.

The Rogue River is used as a supplemental source during the summer months of May through September. Water is withdrawn at the Robert A. Duff Water Treatment Plant (Duff WTP) near TouVelle State Park. The treatment plant was built in 1968 and had an original capacity of 15 mgd. During 1997 there were improvements at the Duff WTP, which ensure efficient operation of the plant under wintertime conditions if needed. Design and construction involving structural, mechanical, electrical, and instrumentation and control upgrades were undertaken during the 1998-99 fiscal period. Phase III filter expansion was completed in the year 2000 and increased our water treatment capacity to 45 mgd. Current permits allow the use of up to 65 mgd (100 cubic feet per second) of natural stream flow water rights out of the Rogue River.

Lost Creek Reservoir, which contains approximately 250,000 acre feet of total storage is located approximately 20 miles upstream from the Duff WTP. This reservoir is operated by the U.S. Army Corps of Engineers primarily as flood control facility but it also helps maintain stream flows during the summer. There are 10,000 acre-feet of stored water allocated for municipal and industrial use in Lost Creek Reservoir.

Currently, only the City of Phoenix purchases water from Lost Creek Reservoir. Each of the other cities served are required by 2015, as part of their water supply contract, to purchase their own Lost Creek water for treatment and transportation by MWC.

Service Area

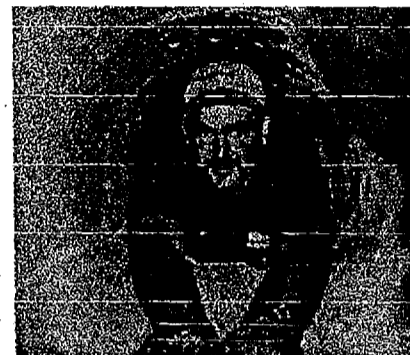
The MWC directly serves customers inside the City of Medford, and some outside customers such as in White City. In 2000, the water system supplied a total of approximately 31,468 customer accounts and a population of around 97,000. The average daily water production is approximately 25.8 mgd, with peak demands reaching 50 mgd during the summer months. Per capita usage is approximately 234 mgd.

The Commission's wholesale customers have an estimated population of 36,450. These include the cities of Central Point, Jacksonville, Phoenix, Talent and Eagle Point.

Other wholesale customers outside Medford include four domestic water districts and the Coker Butte Water Association, which purchase their water from the Medford Water Commission and contract with the Commission for operation and maintenance of their systems. These districts account for about 4.5% of the total number of customers in the system and, together with the other city customers, they use about 7.5% of the total annual water production.

Willow Creek Dam

Willow Creek Dam was constructed in 1952 and is owned and operated by the Water Commission.



Utility person performing inspection inside BBS pipeline replacement, Eagle Point, Oregon, 2001.

The water pressure varies within the distribution system between 35 and 100 pounds per square inch (psi). The pressure at any given point is mostly dependent upon the elevation within the pressure zone.

Both the Big Butte Springs and Rogue River sources supply the gravity level and low level up to elevation 1,500 feet. Interchange of water between the two levels in both directions is done through the pressure control stations, which contain both pressure reduction valves and pumps.

Water from the Rogue Source is lifted approximately 87 feet from the mean river elevation of 1,178 feet to the Robert A. Duff Water Treatment Plant. Treated water from the reservoir at the plant is then pumped into the Rogue transmission main that supplies the low-level pressure zone.

High Level Areas

An intricate network of strategically placed pumping stations serve higher elevation areas. There are five pressure levels above the gravity system to which water can be pumped.

The maximum level of service within the city is 2,250 feet in elevation. Each pressure zone above the gravity level has a pumping station. Each pressure level has at least one storage reservoir.

East Side: The East Side High Level service area contains all of the property above the service elevation of 1,500 feet located on the east side of the City of Medford. This area is currently comprised of five pressure zones served by a series of pump stations and storage reservoirs. Each pressure zone serves approximately 150 feet in elevation. Future plans call for the addition of at least two additional zones above our current maximum service elevation of 2,250 feet. Outlined below is the current list of the east side pressure zones and existing facilities serving each zone.

East Side High Level Facilities						
Pressure Zone	Pump Station	Year constructed	Capacity (gpm)	Reservoir	Year constructed	Capacity (mg)
1	Brookdale	1969	3000	Barnett	1983	2.00
				Stanford	1971	1.50
2	Stanford	1971	2000	Hillcrest #1	1971	0.14
3	Hillcrest	1971	1600	Hillcrest #2	1971	0.10
4	Angelcrest	1971	1100	Stardust	1971	0.18
				Cherry Lane	1998	0.50
5	Stardust	1995	800	Highlands	1998	0.50

Barneburg: This area is located on a hill in the southeast section of the system. With completion of construction by the Rogue Valley Manor, this high level area will be totally developed. The facilities supplying this area are comprised of a single pump station, and a .50 mg storage reservoir, both constructed in 1959.

Southwest: This area is located in the southwest corner of the distribution system. Facilities have been constructed to allow approximately 80 acres to obtain service in this new high-level area. The Archer Pump Station has been outfitted to supply service to this area. Any further development within this area will require construction of a new high-level reservoir.

Meters

All customers are metered. The most common size is 3/4". There are a scheduled number of new installations and replacements each year. Meters are usually located at the customer's front property line and readings are taken by MWC utility staff once a month. If you need help finding your meter call Customer Service: (541) 774-2430.

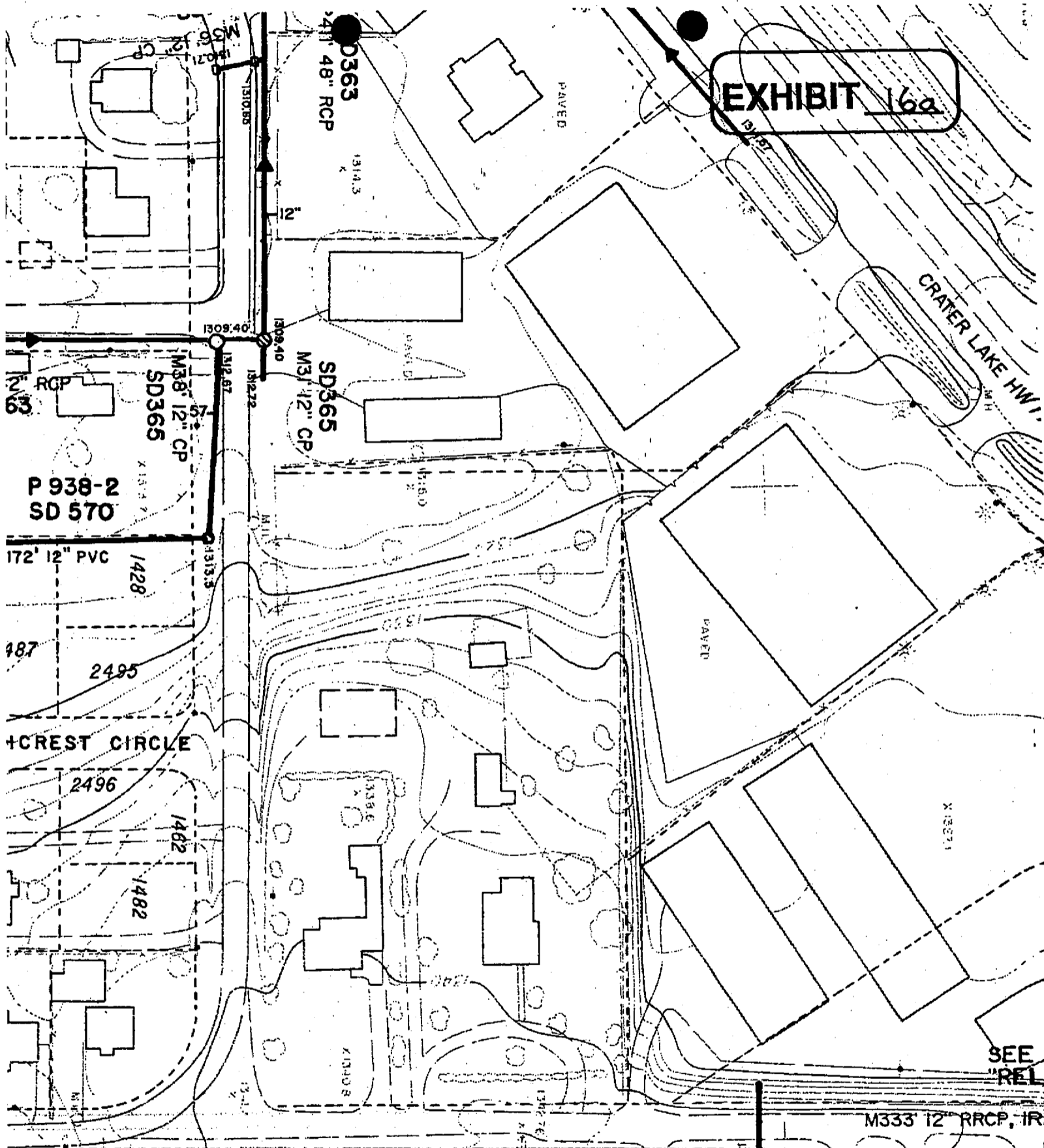


EXHIBIT 16a

**P 938-2
SD 570**

CREST CIRCLE

M333 12" RRCP, IR

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File # CP-04-253

Adjacent Sheet: 1A C

6

EXHIBIT 17

NOTE:
THIS REPORT IS ON FILE
AT THE PLANNING DEPT.

MEDFORD ECONOMIC MARKET ANALYSIS

Prepared for:
City of Medford

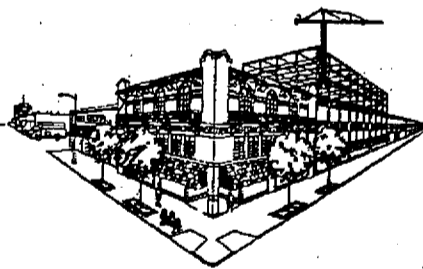
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March 2003

CITY OF MEDFORD
EXHIBIT # _____
File # CP-04-253

**E. D. Hovee
& Company**

Economic and Development Services



CITY OF MEDFORD
INTRA-OFFICE MEMORANDUM

EXHIBIT 18a

To: Rob Scott, Planning Director
From: John Hutt, Senior Assistant City Attorney
Subject: Interpretation of 10.227 for commercial zone change applications
Date: June 7, 2004

ISSUE

How does the Planning Commission apply 10.227(1)(c) when reviewing commercial zone change applications?

DISCUSSION

The code allows consideration of both the parcel sought to be changed and the existing zoning districts when applications come in under 10.227(1)(c)(i)-(iii). For these zones (C-N, C-C, C-R), the analysis of the zoning district area includes previously zoned abutting areas.

However, for applications requesting a zone change to C-H under 10.227(1)(c)(iv), the Planning Commission reviews whether the subject property sought to be changed fronts a highway or arterial, not whether the proposed newly-formed zoning district has any frontage on a highway or arterial.

These different results are supported by the plain language of 10.227(1)(c)(i)-(iii) which includes provisions to consider the "overall area" of the "zoning district," whereas such language is absent from 10.227(1)(c)(iv).

The code as written currently allows a parcel without frontage on a highway or arterial to combine with a parcel that does, so as to form a "subject property" for a zone change application. This would allow a non-fronting parcel to obtain C-H designation so long as it combines its application with a parcel that fronts a highway or arterial. It is not clear this is an intended result, and this office leaves open the question whether a clarifying code amendment is needed.

If you have any questions, please give me a call.

John R. Hutt, ext. 2024
Senior Assistant City Attorney

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EXHIBIT #

File # CP-04-253



Planning Department

Continuous Improvement - Customer Service

EXHIBIT 18b

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

July 28, 2004

Matt Samitore
708 Cardley Avenue
Medford, OR 97504

RE: Possible zone change to C-C for property located at
37-1W-18BD Tax Lots 1800 and 1900

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File # CP-04-253

Dear Matt:

This letter is in regards to your email received by Jim Maize on July 9, 2004. You asked whether or not staff would consider the subject properties for a possible zone change to Community Commercial (C-C).

You are asking for a determination as to whether or not the subject parcels "abut" the C-C zoning district on the opposite side of Hilton Road to the southwest. The zone change criteria for C-C from MLD 10.227(1)(c)(ii) is as follows:

(ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.

After meeting with John Huttel and Ron Doyle of the City Attorney's office yesterday, it was determined that the subject properties do not "abut" the C-C zoning district to the southwest. The MLDC defines "abutting" as *having a common border with, or being separated from such common border by, an alley, easement, or right of way*. The property has common borders on the west and north with C-H zoned property. To the east across Corona Avenue and to the south, across Hilton Road, the subject would be abutting SFR-6 zoning, because a common border is separated by the right-of-way of Corona and Hilton. If Corona or Hilton were not there, they would have a common border with those properties zoned SFR-6. The C-C zoning district to the southwest of Hilton Road cannot be considered abutting to the subject properties because the properties do not share a common border. If Hilton Road were not there, they still would not share a common border.

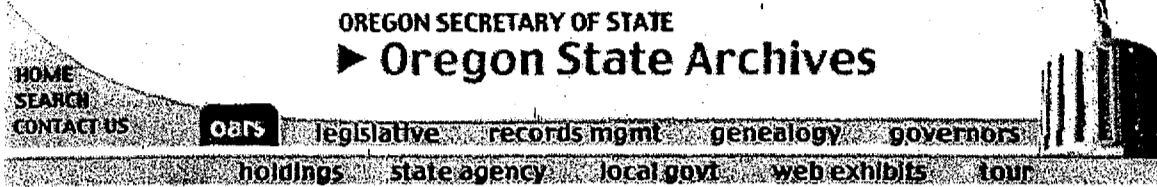
At the present time, if the property owners want to develop the property with multi-family housing, staff recommends, and would support, undergoing a minor comprehensive plan amendment to either Urban Medium Density Residential (which permits the MFR-15 zoning district) or Urban High Density Residential (which permits either MFR-20 or MFR-30 zoning districts). A subsequent zone change application would be necessary prior to a site plan and architectural review application for the development.

If you have any further questions, please do not hesitate to give me a call.

Sincerely,

Amy Weiser
Assistant Planner

Enclosures



The Oregon Administrative Rules contain OARs filed through September 15, 2004

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

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OCT 19 2004

DIVISION 13

PLANNING DEPT.

AIRPORT PLANNING

CITY OF MEDFORD

EXHIBIT #

File # OP-04-253

660-013-0010

Purpose and Policy

(1) This division implements ORS 836.600 through 836.630 and Statewide Planning Goal 12 (Transportation). The policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. These rules are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses.

(2) Ensuring the vitality and continued operation of Oregon's system of airports is linked to the vitality of the local economy where the airports are located. This division recognizes the interdependence between transportation systems and the communities on which they depend.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.635 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0020

Definitions

For purposes of this division, the definitions in ORS Chapter 197 apply unless the context requires otherwise. In addition, the following definitions apply:

(1) "Airport" means the strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

(2) "Aircraft" means helicopters and airplanes, but not hot air balloons or ultralights.

Aviation Facility Planning Requirements

A local government shall adopt comprehensive plan and land use regulation requirements for each state or local aviation facility subject to the requirements of ORS 836.610(1). Planning requirements for airports identified in ORS 836.610(1) shall include:

(1) A map, adopted by the local government, showing the location of the airport boundary. The airport boundary shall include the following areas, but does not necessarily include all land within the airport ownership:

(a) Existing and planned runways, taxiways, aircraft storage (excluding aircraft storage accessory to residential airpark type development), maintenance, sales, and repair facilities;

(b) Areas needed for existing and planned airport operations; and

(c) Areas at non-towered airports needed for existing and planned airport uses that:

(A) Require a location on or adjacent to the airport property;

(B) Are compatible with existing and planned land uses

surrounding the airport; and

(C) Are otherwise consistent with provisions of the acknowledged comprehensive plan, land use regulations, and any applicable statewide planning goals.

(d) "Compatible," as used in this rule, is not intended as an absolute term meaning no interference or adverse impacts of any type with surrounding land uses.

(2) A map or description of the location of existing and planned runways, taxiways, aprons, tiedown areas, and navigational aids;

(3) A map or description of the general location of existing and planned buildings and facilities;

(4) A projection of aeronautical facility and service needs;

(5) Provisions for airport uses not currently located at the airport or expansion of existing airport uses:

(a) Based on the projected needs for such uses over the planning period;

(b) Based on economic and use forecasts supported by market data;

(c) When such uses can be supported by adequate types and levels of public facilities and services and transportation facilities or systems authorized by applicable statewide planning goals;

(d) When such uses can be sited in a manner that does not create a hazard for aircraft operations; and

(e) When the uses can be sited in a manner that is:

(A) Compatible with existing and planned land uses surrounding the airport; and

(b) The overlay zone for airports described in ORS 836.608(2) shall be based on **Exhibit 2** incorporated herein by reference.

(c) The overlay zone for heliports shall be based on **Exhibit 3** incorporated herein by reference.

(2) For areas in the safety overlay zone, but outside the approach and transition surface, where the terrain is at higher elevations than the airport runway surface such that existing structures and planned development exceed the height requirements of this rule, a local government may authorize structures up to 35 feet in height. A local government may adopt other height exceptions or approve a height variance when supported by the airport sponsor, the Oregon Department of Aviation, and the FAA.

[ED. NOTE: Exhibits referenced are available from the agency.]

Stat. Auth.: ORS 183

Stats. Implemented: ORS 836.600 - 836.630 & 1997 OL, Ch. 859

Hist: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99; LCDD 3-2004, f. & cert. ef. 5-7-04

660-013-0080

Local Government Land Use Compatibility Requirements for Public Use Airports

(1) A local government shall adopt airport compatibility requirements for each public use airport identified in ORS 836.610(1). The requirements shall:

(a) Prohibit new residential development and public assembly uses within the Runway Protection Zone (RPZ) identified in Exhibit 4;

(b) Limit the establishment of uses identified in **Exhibit 5** within a noise impact boundary that has been identified pursuant to OAR 340, Division 35 consistent with the levels identified in **Exhibit 5**;

(c) Prohibit the siting of new industrial uses and the expansion of existing industrial uses where either, as a part of regular operations, would cause emissions of smoke, dust, or steam that would obscure visibility within airport approach corridors;

(d) Limit outdoor lighting for new industrial, commercial, or recreational uses or the expansion of such uses to prevent light from projecting directly onto an existing runway or taxiway or into existing airport approach corridors except where necessary for safe and convenient air travel;

(e) Coordinate the review of all radio, radiotelephone, and television transmission facilities and electrical transmission lines with the Oregon Department of Aviation;

(f) Regulate water impoundments consistent with the requirements of ORS 836.623(2) through (6); and

(g) Prohibit the establishment of new landfills near airports, consistent with Department of Environmental Quality (DEQ) rules.

(2) A local government may adopt more stringent regulations than the minimum requirements in section (1)(a) through (e) and (g) based on the requirements of ORS 836.623(1)

(8) Aeronautic Recreational and Sporting Activities, including activities, facilities and accessory structures at airports that support recreational use of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic Recreation and Sporting Activities on airport property shall be subject to approval of the airport sponsor. Aeronautic recreation and sporting activities include but are not limited to: fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft; aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used in this rule, parachuting and parachute drops includes all forms of skydiving. Parachuting businesses may be allowed only where they have secured approval to use a drop zone that is at least 10 contiguous acres. A local government may establish a larger size for the required drop zone where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

(9) Crop Dusting Activities, including activities, facilities and structures accessory to crop dusting operations. These include, but are not limited to: aerial application of chemicals, seed, fertilizer, pesticide, defoliant and other activities and chemicals used in a commercial agricultural, forestry or rangeland management setting.

(10) Agricultural and Forestry Activities, including activities, facilities and accessory structures that qualify as a "farm use" as defined in ORS 215.203 or "farming practice" as defined in ORS 30.930.

(11) Air passenger and air freight services and facilities at public use airports at levels consistent with the classification and needs identified in the state ASP.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6 -1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0110

Other Uses Within the Airport Boundary

Notwithstanding the provisions of OAR 660-013-0100, a local government may authorize commercial, industrial, manufacturing and other uses in addition to those listed in OAR 660-013-0100 within the airport boundary where such uses are consistent with applicable provisions of the acknowledged comprehensive plan, statewide planning goals and LCDC administrative rules and where the uses do not create a safety hazard or otherwise limit approved airport uses.

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 836.600 - ORS 836.630 & 1997 OL, Ch. 859

Hist.: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99

660-013-0140

Safe Harbors

A "safe harbor" is a course of action that satisfies certain requirements of this division. Local governments may follow safe harbor requirements rather than addressing certain requirements in these rules. The following are considered to be "safe harbors":

airports required by ORS 836.610(3). For airports affecting more than one local government, applicable requirements of this division shall be included in a coordinated work program developed for all affected local governments concurrent with the timing of periodic review for the jurisdiction with the most land area devoted to airport uses.

(2) Amendments to plan and land use regulations may be accomplished through plan amendment requirements of ORS 197.610 to 197.625 in advance of periodic review where such amendments include coordination with and adoption by all local governments with responsibility for areas of the airport subject to the requirements of this division.

(3) Compliance with the requirements of this division shall be deemed to satisfy the requirements of Statewide Planning Goal 12 (Transportation) and OAR 660, Division 12 related Airport Planning.

(4) Uses authorized by this division shall comply with all applicable requirements of other laws.

(5) Notwithstanding the provisions of OAR 660-013-0140 amendments to acknowledged comprehensive plans and land use regulations, including map amendments and zone changes, require full compliance with the provisions of this division, except where the requirements of the new regulation or designation are the same as the requirements they replace.

Stat. Auth.: ORS 183 & 197

Stats. Implemented: ORS 836.600 - 836.630 & 1997 OL, Ch. 859

Hist: LCDC 6-1996, f. & cert. ef. 12-23-96; LCDD 3-1999, f. & cert. ef. 2-12-99; LCDD 3-2004, f. & cert. ef. 5-7-04

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Chapter 836 — Airports and Landing Fields

2003 EDITION

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OCT 19 2004

PLANNING DEPT.

AIRPORTS AND LANDING FIELDS

AVIATION

GENERAL PROVISIONS

836.005 Definitions

STATE ASSISTANCE

836.010 Availability of services of department

836.015 Financial assistance by director

836.020 Department as municipal agent

836.025 Establishment of airports and air navigation facilities by department

836.030 Disposal of property

836.035 Effect of statute on airport zoning

836.040 Joint exercise of power

836.045 Condemnation by department

836.050 Condemnation of railroad or public utility property

836.055 Commercial concessions at state airports

836.060 Operation of state airports by private persons

836.065 Liens of state for repairs, improvements or services to personal property

CITY OF MEDFORD

EXHIBIT #

File # CP-04-253

- 836.500 Marks and lights on structures or obstructions; acquisition of right or easement
- 836.505 Designation of landing places on public lands; rules governing user
- 836.510 Use of certain ocean beaches as landing fields
- 836.515 Petition to set aside shore as landing field
- 836.520 Action on petition; order setting aside area for landing field; user permits; revocation of order or permit
- 836.525 Enforcement of ORS 836.510 and 836.520
- 836.530 Rules and standards; orders; appeals

LOCAL GOVERNMENT AIRPORT REGULATION

- 836.600 Policy
- 836.605 Definitions for ORS 836.600 to 836.630
- 836.608 Airport operation as matter of state concern; local planning documents to recognize airport location; limitations on use; expansion of facility
- 836.610 Local government land use plans and regulations to accommodate airport zones and uses; funding; rules
- 836.612 Approval or expansion of land use activities subject to prior court decisions
- 836.616 Rules for airport uses and activities
- 836.619 State compatibility and safety standards for land uses near airports
- 836.623 Local compatibility and safety requirements may be more stringent than state requirements; criteria; water impoundments; report to federal agency; application to certain activities
- 836.625 Application to airport uses of land use limitations in farm use zones; effect on tax assessment
- 836.630 Siting of new airports to comply with land use laws; limitation on rules

GENERAL PROVISIONS

836.005 Definitions. When used in the laws of this state relating to aviation, unless the context otherwise provides:

(1) "Air navigation facility" means any facility other than one owned or operated by the United States used in, available for use in, or designed for use in, aid of air navigation, including airports and any structures, mechanisms, lights, beacons, markers, communicating system or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking-off, navigation and landing of aircraft, or the safe and efficient operation or maintenance of an airport, and any combination of any or all of such facilities.

(2) "Aircraft" means any contrivance used or designed for navigation of or flight in the air, but does

purposes. [Formerly 492.030]

836.020 Department as municipal agent. The Oregon Department of Aviation shall, upon request, act as agent of any municipality or municipalities acting jointly, in accepting, receiving, receipting for and disbursing federal moneys and other moneys, public or private, made available to finance in whole, or in part, the planning, acquisition, construction, improvement, maintenance or operation of a municipal airport or air navigation facility. The department shall upon request, act as its or their agents in contracting for and supervising such planning, acquisition, construction, improvement, maintenance or operation. All municipalities are authorized to designate the department as their agent for such purposes. [Formerly 492.040]

836.025 Establishment of airports and air navigation facilities by department. (1) The Oregon Department of Aviation may, on behalf of and in the name of the state, out of moneys made available for such purposes, plan, establish, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police airports and air navigation facilities, either within or without the state, including the construction, installation, equipment, maintenance and operation at such airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers.

(2) For such purposes the department may, by purchase, gift, devise, lease, condemnation or otherwise, acquire property, real or personal, or any interest therein, including easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the airports or to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards, or to prevent the establishment of airport hazards. In like manner the department may acquire existing airports and air navigation facilities; provided it shall not acquire or take over any airport or air navigation facility owned or controlled by a municipality of this or any other state without the consent of the municipality. [Formerly 492.050]

836.030 Disposal of property. The Oregon Department of Aviation as authorized by the State Aviation Board may by sale, lease, or otherwise, dispose of any property mentioned in ORS 836.025, any airport, air navigation facility, or portion thereof or interest therein. The disposal by sale, lease or otherwise shall be in accordance with the laws of this state governing the disposition of other property of the state, except that in the case of disposals to any municipality or state government or the United States for aviation purposes incident thereto, the sale, lease, or other disposal may be effected in such manner and upon such terms as the department may deem in the best interest of the state. [Formerly 492.060]

836.035 Effect of statute on airport zoning. ORS 836.005 to 836.120, 836.200, 836.205, 836.215, 836.220 and 836.240 do not limit any right, power or authority of the state or a municipality to regulate airport hazards by zoning. [Formerly 492.070]

836.040 Joint exercise of power. The Oregon Department of Aviation may exercise any powers granted by ORS 836.025 to 836.050 jointly with any municipalities or agencies of the state government, with other states or their municipalities, or with the United States. [Formerly 492.080]

836.045 Condemnation by department. In the condemnation of property authorized by ORS 836.025, the Oregon Department of Aviation as authorized by the State Aviation Board shall proceed in the name of the state in the manner provided by ORS chapter 35. For the purpose of making surveys and examinations relative to any condemnation proceedings, it shall be lawful to enter upon any land in the manner provided by ORS 35.220, doing no unnecessary damage. Notwithstanding the provisions of any other statute, or the charter of any municipality, the department may take possession of any property to be condemned at any time after the commencement of the condemnation proceedings. The department shall not be precluded from abandoning the condemnation of any such property in any case where

of this chapter and ORS chapters 835 and 837. In accepting federal moneys under this subsection, the department shall have the same authority to enter into contracts on behalf of the state as is granted to the department with respect to federal moneys accepted on behalf of municipalities. [Formerly 492.140]

836.072 Use of moneys from increase in taxes. (1) Moneys from the increases in taxes by the amendments to ORS 319.020 by sections 1 and 3, chapter 1037, Oregon Laws 1999, shall be used by the Oregon Department of Aviation to establish and fund a program to maintain and preserve the pavements used for runways, taxiways and aircraft parking areas at public use airports in this state.

(2) Projects for maintenance and preservation of pavements at public use airports that are identified in the plan developed under ORS 835.015 are eligible for funding under this section. The following expenses of projects selected may be funded under this section:

- (a) Construction expenses;
- (b) Engineering expenses; and
- (c) Administrative expenses.

(3) The Director of the Oregon Department of Aviation shall prepare a list of recommended projects. Factors to be used by the director include, but are not limited to:

- (a) The age and condition of pavements;
- (b) An airport's role in the state's aviation system, as described by the plan developed under ORS 835.015; and
- (c) Local financial participation in projects.

(4) The director shall forward the list of recommended projects to the State Aviation Board for approval.

(5) The department may adopt such rules as it deems necessary for implementation of the airport pavement preservation program. [1999 c.1037 §5; 2001 c.104 §318; 2001 c.378 §2]

Note: 836.072 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 836 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

836.075 State airway system. The Oregon Department of Aviation as authorized by the State Aviation Board may designate, design and establish, expand or modify a state airway system which will serve the interest of the state. It may chart such airways system and arrange for publication and distribution of such maps, charts, notices and bulletins relating to such airways as may be required in the public interest. The system shall be supplementary to and coordinated in design and operation with the federal airways system. It may include all types of air navigation facilities, whether publicly or privately owned, provided that such facilities conform to federal safety standards. [Formerly 492.150]

836.080 Exemptions from ORS 836.085 to 836.120. (1) The provisions of ORS 836.085 to 836.120 do not apply to airports owned or operated by the United States.

(2) The Oregon Department of Aviation as authorized by the State Aviation Board may, from time to time, to the extent necessary, exempt any class of airports, pursuant to a reasonable classification or grouping, from any rule or regulation promulgated under ORS 836.085 to 836.120, or from any requirement of such a rule or regulation, if it finds that the application of such rule, regulation or requirement would be an undue burden on such class and is not required in the interest of public safety. [Formerly 492.160]

836.085 Approval of airport sites; fee. Except as provided in ORS 836.080, the Oregon Department of Aviation as authorized by the State Aviation Board shall provide for the approval of proposed airport sites and the issuance of certificates of such approval. The following apply to this section:

- (1) A nonrefundable fee of \$75, together with an amount not to exceed \$300 established by the

- (3) All licenses shall be renewable annually upon payment of the fees prescribed.
- (4) Licenses and renewals thereof may be issued subject to any reasonable conditions that the department may deem necessary to effectuate the purposes of ORS 836.085 to 836.120. [Formerly 492.210; 1997 c.585 §2]

836.110 Revocation of license; refusal of renewal. The Oregon Department of Aviation may, after notice and opportunity for hearing to the licensee, revoke any airport license or renewal thereof, or refuse to issue a renewal, when it shall reasonably determine:

- (1) That there has been an abandonment of the airport as such;
 - (2) That there has been a failure to comply with the conditions of the license or renewal thereof; or
 - (3) That because of change of physical or legal conditions or circumstances the airport has become either unsafe or unusable for the aviation purposes for which the license or renewal was issued.
- [Formerly 492.220]

836.115 Public hearing regarding site or license; transcripts. In connection with the grant of approval of a proposed airport site or the issuance of an airport license under ORS 836.085 to 836.110, the Oregon Department of Aviation may, on its own motion or upon the request of an affected or interested person, hold a hearing open to the public on any issue. Hearing transcripts shall be provided to requesting parties, at cost. [Formerly 492.230]

836.120 Unlicensed airport operation prohibited. Except as provided in ORS 836.080, no person, municipality or officer or employee thereof, shall operate an airport without an appropriate license for such, as is duly required by rule or regulation issued pursuant to ORS 836.105. [Formerly 492.240]

MUNICIPAL AIRPORTS

836.200 Authority to establish airports. All municipalities of this state, separately or jointly or in cooperation with the federal government or state, may acquire, establish, construct, expand or lease, control, equip, improve, maintain, operate, police and regulate airports for the use of aircraft, either within this state or within any adjoining state, and may use for such purposes any available property owned or controlled by such municipalities or political subdivisions. All municipalities shall notify the Oregon Department of Aviation of, and allow the department to participate in an advisory capacity in, all municipal airport or aviation system planning. [Formerly 492.310]

836.205 Acquisition of lands declared to be for public purpose. All lands heretofore or hereafter acquired, owned, leased, controlled or occupied by municipalities, for the purposes specified in ORS 836.200 are declared to be acquired, owned, leased, controlled or occupied for public and governmental and municipal purposes. [Formerly 492.320]

836.210 Delegation of authority to develop and maintain airports; regulations for charges, fees and tolls. Municipalities of this state which establish airports, or which acquire, lease or set apart real property for such purposes, may:

- (1) Delegate the authority for the planning, construction, equipment, improvement, maintenance and operation thereof in any offices, board or body of such municipality.
- (2) Provide by regulation for charges, fees and tolls for the use of such airport and civil penalties for the violation of such regulations. [Formerly 492.330]

836.215 Municipal acquisition of property for airports. Private property, or any interest therein of whatever kind, and an easement for the operation of aircraft and all operations incidental thereto, to and from the property for the purposes specified in ORS 836.200, may be acquired by any municipality, by gift, grant, purchase, lease or contract, if the municipality is able to agree with the property owners on

836.305 [Formerly 492.530; 1995 c.285 §11; repealed by 1997 c.859 §14]

836.310 [Formerly 492.540; repealed by 1997 c.859 §14]

836.315 [Formerly 492.550; repealed by 1997 c.859 §14]

836.320 [Formerly 492.560; repealed by 1997 c.859 §14]

836.325 [Formerly 492.570; repealed by 1997 c.859 §14]

836.330 [Formerly 492.580; repealed by 1997 c.859 §14]

836.335 [Formerly 492.590; repealed by 1997 c.859 §14]

MISCELLANEOUS

836.340 Procedure for relocation of public utility property. (1) No airport zoning regulations adopted under authority of ORS 836.600 to 836.630 shall require the alteration or relocation of the operating property of any public utility, as defined in ORS 757.005, without the consent of such utility or unless the Public Utility Commission, after notice and hearing in accordance with the rules of procedure of the commission, determines that such alteration or relocation is justified by the public interest.

(2) All administrative expenses incurred in any such hearing shall be paid by the party not prevailing therein. All actual and necessary expenses incurred in making such alteration or change, if any, shall be borne by the municipality. [Formerly 492.600; 1995 c.733 §51; 1997 c.859 §1]

836.345 [Formerly 492.610; repealed by 1997 c.859 §14]

836.350 [Formerly 492.629; repealed by 1997 c.859 §14]

836.355 [Formerly 492.630; repealed by 1997 c.859 §14]

836.360 [Formerly 492.640; repealed by 1997 c.859 §14]

836.365 [Formerly 492.650; repealed by 1997 c.859 §14]

836.370 [Formerly 492.660; repealed by 1997 c.859 §14]

836.375 [Formerly 492.670; repealed by 1997 c.859 §14]

836.380 [Formerly 492.680; repealed by 1997 c.859 §14]

836.385 [Formerly 492.690; repealed by 1997 c.859 §14]

836.390 [Formerly 492.700; repealed by 1997 c.859 §14]

836.395 [Formerly 492.710; repealed by 1997 c.859 §14]

836.400 [Formerly 492.510; repealed by 1997 c.859 §14]

the Director of the Oregon Department of Aviation may adopt rules:

- (a) To define physical hazards to air navigation and determine whether specific types or classes of objects or structures constitute hazards. Rules defining physical hazards and determining whether specific types or classes of objects or structures constitute hazards may be adopted only after a fact-finding process and must be supported by substantial evidence.
- (b) Establishing standards for lighting or marking objects and structures that constitute hazards to air navigation.
 - (2) In accordance with the rules adopted under this section, the director shall do the following:
 - (a) Determine whether specific objects or structures constitute a hazard to air navigation.
 - (b) Determine responsibility for installation and maintenance of lighting or marking specific objects or structures that constitute hazards to air navigation.
 - (c) Issue orders to require that specific objects or structures determined to be hazards to air navigation be marked or lighted in accordance with rules adopted under this section.
 - (3) Rules and standards adopted under this section are limited to and shall not be more restrictive than current federal norms, including but not limited to, regulations and circulars, pertaining to objects affecting navigable airspace.
 - (4) Any person or entity required to comply with an order issued under this section may contest the order as provided under ORS chapter 183. [Formerly 492.820; 1999 c.935 §37]

LOCAL GOVERNMENT AIRPORT REGULATION

836.600 Policy. In recognition of the importance of the network of airports to the economy of the state and the safety and recreation of its citizens, the policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. Such encouragement and support extends to all commercial and recreational uses and activities described in ORS 836.616 (2). [1995 c.285 §2]

836.605 Definitions for ORS 836.600 to 836.630. As used in ORS 836.600 to 836.630:

- (1) "Aircraft" means helicopters and airplanes but not hot air balloons or ultralights.
- (2) "Airports" means the strip of land used for taking off and landing aircraft, together with all adjacent land used in 1994 in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for the existing commercial and recreational airport uses and activities as of December 31, 1994. [1995 c.285 §3]

836.608 Airport operation as matter of state concern; local planning documents to recognize airport location; limitations on use; expansion of facility. (1) The continued operation and vitality of airports registered, licensed or otherwise recognized by the Department of Transportation on December 31, 1994, is a matter of state concern.

(2) A local government shall recognize in its planning documents the location of private-use airports and privately owned public-use airports not listed under ORS 836.610 (3) if the airport was the base for three or more aircraft, as shown in the records of the Department of Transportation, on December 31, 1994. Local planning documents shall establish a boundary showing areas in airport ownership, or subject to long-term lease, that are developed or committed to airport uses described in ORS 836.616 (2). Areas committed to airport uses shall include those areas identified by the airport owner that the local government determines can be reasonably expected to be devoted to airport uses allowed under ORS 836.616 (2).

(3)(a) A local government shall not impose limitations on the continued operation of uses described in ORS 836.616 (2) that existed at any time during 1996 at an airport described in subsection (2) of this section. A local government shall allow for the growth of uses described in ORS 836.616 (2) that existed at any time during 1996 at an airport described in subsection (2) of this section. A local government shall not impose additional limitations on a use approved by the local government prior to January 1,

- (A) Provide important links in air traffic in this state;
- (B) Provide essential safety or emergency services; or
- (C) Are of economic importance to the county where the airport is located.

(2)(a) Local governments shall amend their comprehensive plan and land use regulations as required under subsection (1) of this section not later than the first periodic review, as described in ORS 197.628 to 197.650, conducted after the date of the adoption of a list of airports by the Oregon Department of Aviation under subsection (3) of this section.

(b) A state agency or other person may provide funding to a local government to accomplish the planning requirements of this section earlier than otherwise required under this subsection.

(3) The Oregon Department of Aviation by rule shall adopt a list of airports described in subsection (1) of this section. The rules shall be reviewed and updated periodically to add or remove airports from the list. An airport may be removed from the list only upon request of the airport owner or upon closure of the airport for a period of more than three years. [1995 c.285 §4; 1997 c.859 §2]

836.612 Approval or expansion of land use activities subject to prior court decisions. Nothing in ORS 836.608 or 836.616 is intended to allow the approval or expansion of a land use activity inside the boundaries of an airport if the activity has been limited or prohibited by the decision of a court of competent jurisdiction rendered prior to August 13, 1997. [1997 c.859 §6]

Note: See note under 836.608.

836.615 [1995 c.285 §5; repealed by 1997 c.859 §4 (836.616 enacted in lieu of 836.615)]

836.616 Rules for airport uses and activities. (1) Following consultation with the Oregon Department of Aviation, the Land Conservation and Development Commission shall adopt rules for uses and activities allowed within the boundaries of airports identified in ORS 836.610 (1) and airports described in ORS 836.608 (2).

(2) Within airport boundaries established pursuant to commission rules, local government land use regulations shall authorize the following uses and activities:

(a) Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tie-downs, construction and maintenance of airport facilities, fixed-base operator facilities and other activities incidental to the normal operation of an airport;

(b) Emergency medical flight services;

(c) Law enforcement and firefighting activities;

(d) Flight instruction;

(e) Aircraft service, maintenance and training;

(f) Crop dusting and other agricultural activities;

(g) Air passenger and air freight services at levels consistent with the classification and needs identified in the State Aviation System Plan;

(h) Aircraft rental;

(i) Aircraft sales and sale of aviation equipment and supplies; and

(j) Aviation recreational and sporting activities.

(3) All land uses and activities permitted within airport boundaries, other than the uses and activities established under subsection (2) of this section, shall comply with applicable land use laws and regulations. A local government may authorize commercial, industrial and other uses in addition to those listed in subsection (2) of this section within an airport boundary where such uses are consistent with applicable provisions of the acknowledged comprehensive plan, statewide land use planning goals and commission rules and where the uses do not create a safety hazard or limit approved airport uses.

(4) The provisions of this section do not apply to airports with an existing or approved control tower on June 5, 1995. [1997 c.859 §5 (enacted in lieu of 836.615)]

CITY OF MEDFORD
INTRA-OFFICE MEMORANDUM



EXHIBIT 18a

To: Rob Scott, Planning Director
From: John HuttI, Senior Assistant City Attorney
Subject: Interpretation of 10.227 for commercial zone change applications
Date: June 7, 2004

ISSUE

How does the Planning Commission apply 10.227(1)(c) when reviewing commercial zone change applications?

DISCUSSION

The code allows consideration of both the parcel sought to be changed and the existing zoning districts when applications come in under 10.227(1)(c)(i)-(iii). For these zones (C-N, C-C, C-R), the analysis of the zoning district area includes previously zoned abutting areas.

However, for applications requesting a zone change to C-H under 10.227(1)(c)(iv), the Planning Commission reviews whether the subject property sought to be changed fronts a highway or arterial, not whether the proposed newly-formed zoning district has any frontage on a highway or arterial.

These different results are supported by the plain language of 10.227(1)(c)(i)-(iii) which includes provisions to consider the "overall area" of the "zoning district," whereas such language is absent from 10.227(1)(c)(iv).

The code as written currently allows a parcel without frontage on a highway or arterial to combine with a parcel that does, so as to form a "subject property" for a zone change application. This would allow a non-fronting parcel to obtain C-H designation so long as it combines its application with a parcel that fronts a highway or arterial. It is not clear this is an intended result, and this office leaves open the question whether a clarifying code amendment is needed.

If you have any questions, please give me a call.

John R. HuttI, ext. 2024
Senior Assistant City Attorney

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CITY OF MEDFORD
EXHIBIT #
File # CP-04-253

If you have any further questions, please do not hesitate to give me a call.

Sincerely,

Amy Weiser
Assistant Planner

Enclosures

TRANSMITTAL

Craig A. Stone & Associates, Ltd.

708 Cardley Avenue • Medford, Oregon 97504
Telephone 541-779-0569
Fax 541-7790114
E Mail cstone@cstoneassociates.com

CITY OF MEDFORD

EXHIBIT # _____

File # CP-04-253

To: Jason Haley

Re: GLUP Map Amendment Application
Act Osbourn, Applicant

Date: 10-19-04

Copy: _____

Method of Transmittal:

- First Class Mail
- FAX 2 # pages including this page
- Messenger/Hand Delivered
- Picked-up at This Office
- Federal Express
- UPS
- Express Mail
- Other

RECEIVED



OCT 19 2004

PLANNING DEPT.




No. Copies	Items Being Sent
1	Letter from Kim Perducci, PE, JRH Trans Engin

Remarks: Jason: JRH faxed this to me after I had already submitted the application today. Could you please append it to Exhibit 13 in support of "Finding of Fact 12g, Traffic Impacts"? A copy should be routed to Alex Georgevitch w/ the notice. Thanks - Ravi 842-4186



Vicinity Map

 UGB
  City Limits



RESIDENTIAL






-  Urban High Density (UH)
-  Urban Medium Density (UM)
-  Urban (UR)

COMMERCIAL

-  Commercial (CM)
-  Service (SC)

INDUSTRIAL

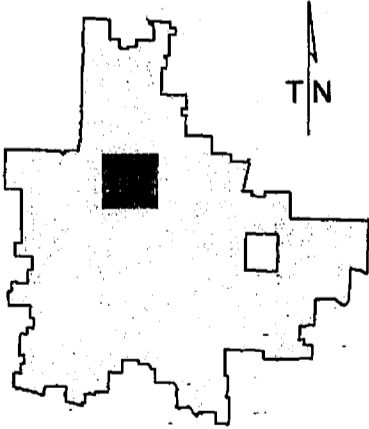
-  Heavy (HI)
-  General (GI)

 Airport (A)
 City Center (CC)
 Greenway
 Limited Service Area (LS)
 Parks & Schools (PS)

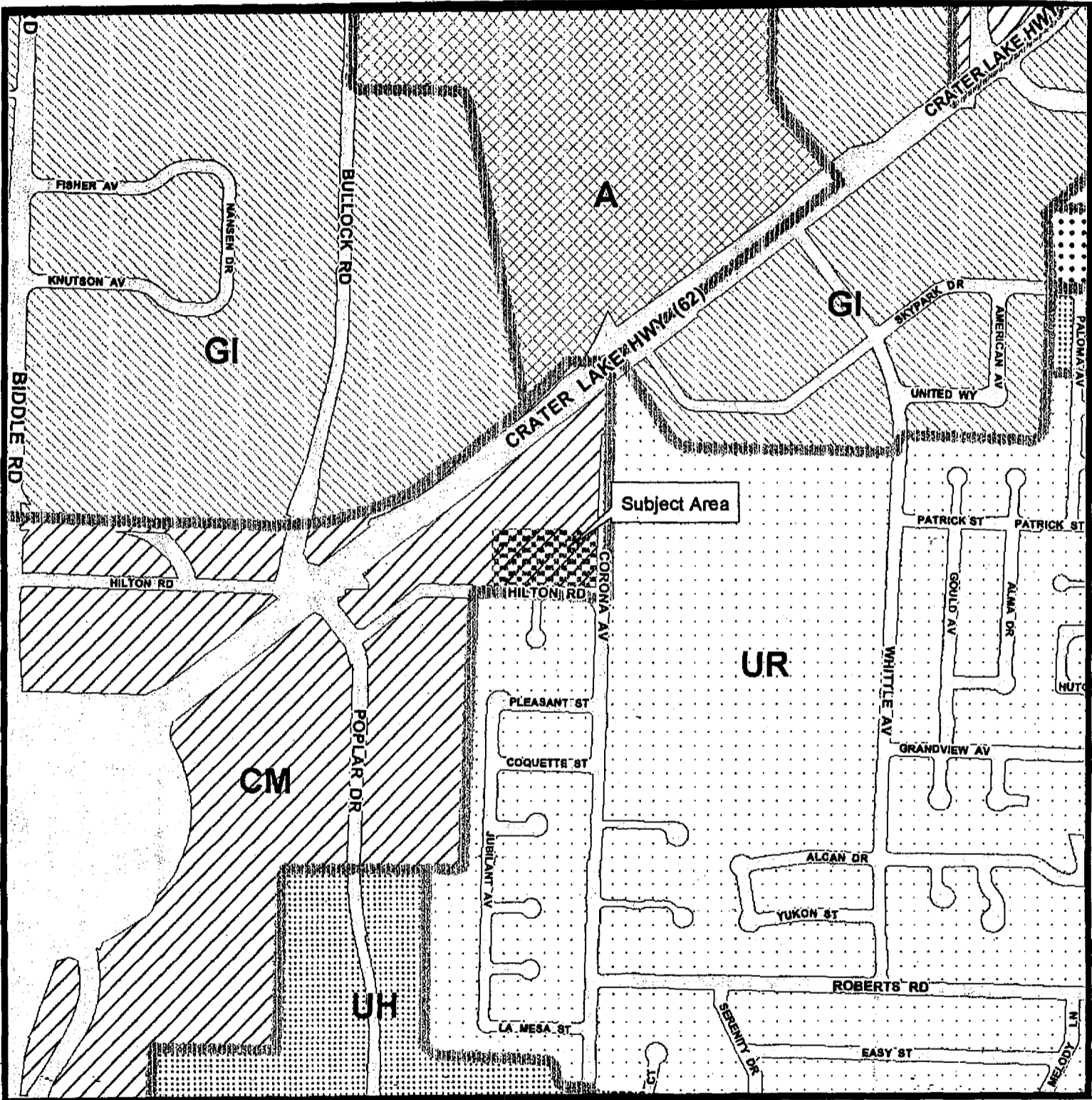
FILE NUMBER:
CP-04-253

APPLICANT:
Arthur K. Osbourn

Map: 371W18BD
TL: 1800, 1900



DATE: 11/11/2004



FILE: Vicinity Map GLUP TEMPLATE 01/11/04