



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>

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 002-06

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

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

Jurisdiction: City of Medford Local file number: CP-06-012
Date of Adoption: 5/18/2006 Date Mailed: 5/26/2006
Date original Notice of Proposed Amendment was mailed to DLCD: 3/31/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

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

COUNCIL BILL 2006-117 approved a minor amendment to the General Land Use Plan Map of the Medford Comprehensive Plan, changing the designation from Urban Residential (UR) to Urban Medium Density Residential (UMDR) on one parcel totaling 2.36 acres, located on the south side of Stewart Avenue, east of Lozier Lane and west of Cherry Lane, in a RR-5 (Rural Residential – 5 acre minimum) zoning district.

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: Urban Residential (UR) to: Urban Medium Density Res.
Zone Map Changed from: NA to: NA
Location: SOUTH OF STEWART AVE. Acres Involved: 2.36
Specify Density: Previous: 1-10 DU/ACRE New: 10-15 DU/ACRE
Applicable Statewide Planning Goals: 2, 9, 10, 11, 12, 14

Was and Exception Adopted? YES NO

DLCD File No.: 002-06 (15126)

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:

None.

Local Contact: Robert Scott, Director Phone: (541) 774-2380 Extension: _____
Address: 200 S. Ivy City: Medford, OR
Zip Code + 4: 97501- Email Address: planning@cityofmedford.or

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. 2006-117

AN ORDINANCE approving a minor amendment to the General Land Use Plan Map of the *Medford Comprehensive Plan* changing the land use designation from Urban Residential (UR) to Urban Medium Density Residential (UMDR) on one parcel totaling 2.36 acres, located on the south side of Stewart Avenue, east of Lozier Lane and west of Cherry Lane, within an RR-5 (Rural Residential – 5 acre minimum) zoning district.

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 land use designation from Urban Residential (UR) to Urban Medium Density Residential (UMDR) on one parcel totaling 2.36 acres, located on the south side of Stewart Avenue, east of Lozier Lane and west of Cherry Lane, within an RR-5 (Rural Residential – 5 acre minimum) zoning district is approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law contained in the Staff Report dated January 30, 2006, 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 18 day of May, 2006.

ATTEST: /s/Glenda Owens
 City Recorder

/s/Gary H. Wheeler
 Mayor

APPROVED May 18, 2006.

/s/Gary H. Wheeler
 Mayor

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City of Medford

January 30, 2006

STAFF REPORT

File No: CP-06-012 - General Land Use Plan Map Amendment (Minor Class 'B', Quasi-Judicial)

Applicant: Carleton Thompson, Owner

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 Urban Residential to Urban Medium Density Residential on one parcel totaling 2.36 acres, located on the south side of Stewart Avenue, approximately 250' east of Lozier Lane, and within an RR-5 zoning district.

Background:

The subject site consists of one parcel totaling 2.36 acres. The parcel currently has the Urban Residential (UR) General Land Use Plan (GLUP) map designation and county zoning of RR-5 (Rural Residential – one unit per 5 acres). The parcel contains one single family residence. The site abuts land with the Urban High Density Residential (UHDR) map designation to the east (MFR-20), and it abuts an SFR-10 Planned Unit Development to the southwest. If this application for changing the GLUP map designation to Urban Medium Density Residential is approved, the site may be rezoned to MFR-15 (Multiple-Family Residential – 10 to 15 units per acre).

Approval Criteria for Minor *Comprehensive Plan* Amendments

Medford Land Development Code Section 10.191, Application Form, requires findings that 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 factors, three 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 Comprehensive Plan.*
7. *All applicable Statewide Planning Goals.*

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December 23, 2005

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.

Findings:

The applicant's Findings of Fact and Conclusions of Law, received January 16, 2006, are, by this reference, incorporated and attached hereto as Exhibit "A". A discussion 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. Instead, some additional comments are included in the discussion that 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 would have on public facilities, particularly transportation facilities; 2) the affect it would have on the supply of Urban Medium Density Residential and Urban Residential land; and, 3) the appropriateness of the site for the Urban Medium 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 when a change in a *Comprehensive Plan* map designation creates the potential for more than 250 *additional* average daily trips (ADT) to be generated as a result of the proposed change. The Engineering Division has determined that the existing potential trip generation for the site is 9 ADTs. The requested change to Urban Medium Density Residential would increase the potential number of trips generated to 248 ADT, resulting in a net increase of 239 ADT. Since this is less than 250 ADT, no TIA is required.

The other potential public facility impact is the effect of development-related drainage to downstream sections of Elk Creek, which is part of Medford's Master Storm Drain System. Elk Creek transects this property. The applicant has acknowledged the need for a drainage plan and engineered calculations of impacts on the system for the future zone change process.

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

Urban Residential

In 1994, it was determined that there would be a need for 1,838 gross vacant buildable acres of Urban Residential land between 1994 and 2010. This assumed the need for a yearly average of approximately 115 vacant acres of Urban Residential land during that same period. The most recent residential land inventory conducted by the Planning Department ("2000 Year-End Report on

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Residential Development Activities”, January 2001) indicated that there were 2,666 acres of vacant and underutilized residential land classified as Urban Residential inside Medford’s Urban Growth Boundary (UGB). This suggests that there is enough Urban Residential land for the 20-year planning period within the Urban Growth Boundary.

Urban Medium Density Residential

In 1994, the Urban Medium Density category (UM), ranging from 10 to 15 dwelling units (DUs) did not exist. It was subsumed under Urban High Density Residential (UHDR), which ranged from 10 to 30 DUs. In 1994, it was determined that 265 gross vacant buildable acres of Urban High Density Residential land would be needed between 1994 and 2010 and that there was a vacant land inventory of 200 acres designated for multiple-family use in the city and UGB, resulting in the need for at least 65 additional acres for that use.

The most recent residential land inventory of vacant and underutilized residential land inside the Urban Growth Boundary (UGB) was produced by the Planning Department in January 2001 (“2000 Year-End Report on Residential Development Activities”). That study indicated that there were a total of 3023 vacant/underutilized acres within the UGB. Of that total, however, only 11.8% were in UM or UHDR categories. The remaining 88.2% were in Urban Residential categories, i.e., SFR-2 through SFR-10. Recommendations for new development within the Housing Element of the Medford Comprehensive Plan call for a mix of 65% single-family dwelling units and 35% multiple-family dwelling units. If one assumes that the UR lands develop at an average of 6 units per acre and the UM/UHDR lands develop at an average of 20 units per acre, the resulting mix would be 69% single-family and 31% multi-family, indicating a potential need for more UM and UHDR lands. This plan amendment will provide additional Urban Medium Density Residential land to accommodate that need.

The *Medford Comprehensive Plan* “Housing Element” Policy 2-A states: “The City of Medford shall strive to prevent sprawl and provide a compact urban form that preserves livability and adjacent resource lands. Implementation 2-A (1): Prepare amendments to the GLUP Map for consideration by the City Council that provide for a minimum overall housing density of eight dwelling units per net acre of buildable land, including an increase in multiple-family housing types.”

This plan amendment supports the policy of a more compact urban form and constitutes an amendment to the GLUP Map that provides for higher densities. It encourages the use of fewer acres to produce the same number of residences, and, thus, may result in lower costs to the consumer and reduced urban sprawl.

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

The subject site abuts an UHDR designation of MFR-20 on its east side. Consistency with the SFR-10 property to the southwest may be addressed by bufferyard requirements to provide a visual and spatial separation of multiple-family development from the single-family residential development. In the three lots on the north side of Stewart Ave. and across from the subject property, there are

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several commercial uses, including a mini-storage business, a corner store on Lozier Lane, and a car repair shop. These uses are unlikely to present compatibility issues with MFR-15 development.

The *Medford Comprehensive Plan* "Housing Element" Policy 3-C states: "*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 Transportation System Plan, the subject site is not located within one-quarter mile of a designated transit route. The property is, however, off Stewart Ave., an arterial with the capacity to serve the development. The adjoining section of Stewart has bike lanes and shoulders for ¼ mile. As an arterial, Stewart is likely to develop better bike, pedestrian and transit features in the future as the population density increases.

Conclusion:

The requested change would increase the potential net number of vehicular trips generated by 239 ADT, not triggering the requirement for a TIA. No other public facility deficiencies have been identified. Changing the designation of this site from Urban Residential to Urban Medium Density Residential will have no significant impact on the supply of developable UR land, and would provide more UM land to meet the City's projected 20-year need. The subject site can be found to be appropriate for the Urban Medium Density Residential GLUP map designation based on Housing Element Policies concerning increasing the density of uses within the City, the relative proportion of multiple-family housing units to single-family units, and the location of high density residential development on arterials with the capacity to serve such development.

Recommended Action:

Forward a favorable recommendation to the City Council for CP-06-012 per the Staff Report dated **January 30, 2006**, including:

Exhibit "A" – Applicant's Findings of Fact and Conclusions of Law received January 16, 2006

Exhibit "B" – Applicant's General Land Use Plan Map Excerpt

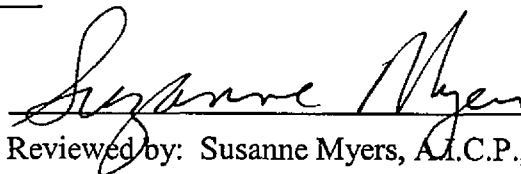
Exhibit "C" – Assessor's Map

Exhibit "D" – General Land Use Plan Map with legend

Exhibit "E" – Vicinity Map



Kathy Helmer, Planner IV



Reviewed by: Susanne Myers, A.C.P., Senior Planner

PLANNING COMMISSION AGENDA: March 9, 2006

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

IN THE MATTER OF A REQUEST FOR A)
MINOR GENERAL LAND USE PLAN MAP)
AMENDMENT FOR A PARCEL OF 2.36)
ACRES, DESCRIBED AS TAX LOT 1500,)
T.37S-R.2W-SECTION 35AD; LOCATED ON)
THE SOUTH SIDE OF STEWART AVENUE,)
EAST OF LOZIER LANE, IN MEDFORD, OR:)
CARLTON THOMPSON, APPLICANT;)
RICHARD STEVENS & ASSOCIATES, INC.,)
AGENTS.)

FINDINGS OF FACT
AND
CONCLUSIONS

I. BACKGROUND INFORMATION ON THE APPLICATION:

APPLICATION: An application for a minor Amendment to the City of Medford Comprehensive Plan (General Land Use Plan) Map from Urban Residential (UR) to Urban, Medium Density Residential (UM) for approximately 2.36 acres located on Stewart Avenue, east of Lozier Lane, and west of Cherry Lane, in Medford, Oregon.

APPLICANT: Carlton Thompson
1608 Crown Avenue
Medford, OR 97504
(541) 772-5356

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

RECEIVED

JAN 16 2006

Planning Dept.

CITY OF MEDFORD
EXHIBIT # A
File # CPA-06-12

II. RECITALS PERTAINING TO THE PROPERTY:

A) Legal Description and Ownership:

The proposed GLUP (Comprehensive Plan Map) Amendment from Urban Residential (UR) to Urban, Medium Density Residential (UM) is requested for a parcel of approximately 2.36 acres located on the south side of Stewart Avenue, east of Lozier Lane and west of Cherry Lane. The property is described as Tax Lot 1500, T. 37S, Range 2 West, Section 35AD, Jackson County, Oregon. The property is owned by Carlton Thompson, 1608 Crown Avenue, Medford, OR 97504.

B) Purpose:

The purpose of this application is to change the GLUP map Designation on the property from UR (Urban Residential) to UM (Urban, Medium Density Residential) to allow, ultimately, a zone change to MFR-15.

The property was annexed to the City in 2001 (File No. A-01-135), and is currently zoned RR-5 in the County. The current City zoning designation applicable to the site would be SFR-6, with the abutting properties. The UM/MFR-15 designation provides for greater flexibility in terms of the density issues facing the site arising from the fact that the abutting property to the east is zoned MFR-20, and a PUD (Planned Unit Development) is located to the southwest. More importantly, the site is affected by the main channel of Elk Creek which bisects the property, and has a significant impact on the land available for development.

The area towards the south is currently zoned SFR-6 which is a district defined in Section 10.310-1 of the Medford Code. Lands towards the north and west are designated as UR with SR- 2.5 Jackson County zoning. The proposal is to amend the GLUP map to allow for MFR-15 zoning, which is defined in Section 10.310-2 of the MLDC. This district provides for

"...medium density townhouses (rowhouses) duplexes, apartments, mobile home parks, and group quarters. It is suitable and desirable for locations near neighborhood activity centers, or mass transit. In MFR-15, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range: 10.0 to 15.0 DU/gross acre."

Properties in the immediate vicinity are zoned in a mix of multiple family and single family uses, and zoned SFR-6, SFR-10, and MFR-20. The property is bound on the east by a tract zoned MFR-20. The area to be changed has been developed to the extent that water, sewer, street improvements and other public facilities have already been extended to the area, and are in place.

The applicant simply wishes to (1) coordinate development on his property consistent with the property immediately abutting to the east, which is zoned MFR-20, (2) utilize the property in an effective manner due to the location of Elk Creek on the site, and (3) provide a balance and transition of densities between Stewart Avenue and the single family zoning to the south.

C) Land Use:

The subject property consists of one parcel, as noted on the plat attached. The property is designated Urban Residential; the appropriate current City zoning, based upon the location of the tract, as well as transportation issues, is SFR-6.

As noted above, a PUD was prepared to address the development of the property immediately to the southwest, and the tract immediately to the east is zoned MFR-20. An SFR-10 development exists across Stewart on Cherry Lane (not abutting the site), and there is a block of UH designated property further to the west. The site is generally flat with little slope. The site is served by the City of Medford for streets, water, sewer and storm drainage.

State jurisdictional wetlands exist, the site is bisected by Elk Creek, and a review is required from the Division of State Lands, as well as compliance with the riparian corridor requirements of the Ordinance (Section 10.922 *et seq.*).

D) Sewerage:

Sewage collection is provided by Rogue Valley Sewer Service from a 12-inch collector line that lies in Stewart Avenue, and there are major collector lines in Lozier Lane and Cherry Lane. One of the motivations for the change is effective and efficient provision of sewer service.

E) Water Service:

Water service is provided to the site via a City of Medford Water Commission 16-inch main located in Stewart Avenue, which ties into both Cherry Lane and Lozier Lane. The system is looped to the extent of existing development.

F) Storm Drainage:

Storm Drainage is proposed also to be coordinated with the City regarding the Elk Creek Drainage Basin. The main channel for Elk Creek, located on this site, is part of the existing Medford Master Storm Drain system. The existing MFR projects and PUD developments in the area utilize this system as part of the drainage for the site.

The applicant proposes to prepare a drainage plan that will coordinate with this project consistent with the requirements of the City of Medford to have Engineered calculations prepared to address the downstream impacts of development.

G) Streets:

Stewart Avenue in this vicinity is a major arterial. The intersection of Lozier (a Collector Street) and Stewart has a traffic volume of 7700 ADT west of the intersection, and 10900 ADT east of the intersection, which is a controlled intersection; i.e, traffic signals exist. Net traffic generation from development of this property, not including the existing dwelling, is based upon the following information:

- | | |
|-------------------------|--|
| 1. Acreage: | 2.36 acres |
| 2. Net acreage: | 2.36 acres less approximately 20% for Riparian Corridor, less 20% for open space, street dedication and PUEs: 1.42 acres, more or less |
| 3. # of Units @ MFR-15: | Between 14.2 & 21.30 dwelling units, more or less (depends on riparian corridor) |
| 4. Traffic Generation: | ITE Code 230: Residential Condominium or Townhouse (anticipated use): 5.86 ADT per dwelling unit, or a total of 123 ADT. (21DU X 5.86= 123.06) |

Gross Traffic generation (5.86 ADT x 15 units per acre x 2.36 acres =205 ADT) is generally not a reasonable or feasible calculation for this site, due to the fact the site is bisected by Elk Creek, and the riparian corridor issues. However, even if the site were developed to the maximum, the ADT calculation is still under the 250 ADT standard required for a traffic impact study.

If the site were to be developed to the SFR-6 density that is currently available, the traffic generation figure would be approximately 134 ADT (9.57 ADT for single family, x 6 units per acre for 2.36 acres).

**III. COMPLIANCE WITH THE CITY OF MEDFORD COMPREHENSIVE
PLAN AND LAND DEVELOPMENT CODE:**

Section 10.102 of the Medford Land Development Code (MLDC) provides that a minor amendment to the Comprehensive Plan (GLUP) Map is a Class "B" action, and the City Council is the approving authority for Class "B" actions as noted in Section 10.111. Under Section 10.122, the Planning Commission is an advisory agency to the Council on all Comprehensive Plan Amendments.

Class "B" actions are defined in Section 10.185 of the MLDC, and the required findings are noted in Sections 10.191 and 10.192 of the MLDC. A review of these sections indicates that an application for a Comprehensive Plan amendment must contain the following:

1. **A vicinity map, identifying the proposed area to be changed on the General land Use Map;**
2. **Written Findings which address the following:**
 - A) **Consistency with all applicable Statewide Planning Goals;**
 - B) **Consistency with the applicable goals and policies of the Comprehensive Plan;**
 - C) **Consistency with the applicable provisions of the Land Development Code.**

The information submitted herein, and the enclosed attachments, will provide the City of Medford with adequate documentation to determine that the application is consistent with the requirements of the City of Medford for a minor map amendment.

SUBSECTION 10.191(1):

In accordance with the provisions of Section 10.191 of the MLDC, an application for a minor Comprehensive Plan amendment must contain a vicinity map, drawn at a scale of 1"=1,000 feet, which identifies the proposed area to be changed on the General Land Use Plan Map.

FINDING:

The Planning Commission and City Council find that the accompanying map meets the criteria for a vicinity map, as required by Section 10.191(1) of the MLDC.

SUBSECTION 10.191(2):

In accordance with the provisions of Section 10.191(2) of the MLDC, written findings are required to support an application for a minor Comprehensive Plan Amendment. The following information is submitted to demonstrate compliance with this section.

(A) CONSISTENCY WITH THE APPLICABLE STATEWIDE PLANNING GOALS:

A review of the Statewide Planning Goals, and the relationship of those goals to the City of Medford Comprehensive Plan, indicates that Comprehensive Plans are required to be consistent with the Statewide Goals if the Plan is to be acknowledged by LCDC. By extension, if an application for an amendment is consistent with the Comprehensive Plan, it must be consistent with the applicable Statewide Goals.

There are four Statewide Goals that apply in the case of a Class "B" Amendment, which is a change in the land use designation that is typically focused on a specific individual property or properties, and considered as a quasi-judicial land use application. These four goals are Goal 2, Land Use Planning, which sets forth the criteria for the planning process; Goal 10, the Housing Goal, Goal 11, Public Facilities and Services, and Goal 14, which is the Urbanization goal.

Compliance with Goal 2:

The City of Medford has adopted a Comprehensive Plan that has been acknowledged by LCDC. The "Review and Amendment Procedures" as contained in that section of the Plan provides for various types of amendments, and specific criteria for adoption. Because "Review and Amendment Procedures" have already been acknowledged as being consistent with Goal 2 via the acknowledgment, demonstrated compliance with the procedures is prima facie evidence of compliance with Goal 2.

Compliance with Goal 10:

Goal 10 is the Housing Goal, which indicates that it is a statewide priority to provide for the housing needs of the citizens of the state. Buildable lands for residential use are to be inventoried, and plans shall encourage the availability of adequate numbers of needed housing units, at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

The subject property has only recently been added into the City of Medford inventory, and is classified as 2.36 acres with an existing dwelling, and marginal developmental status. Further, a zoning designation consistent with the UHDR designation (MFR-20) was approved on the abutting site, and the applicant is requesting a UMDR designation, and concurrent MFR-15 zoning, due to the topography and natural features on the property, which impacts the site, rendering not only a portion of the property unbuildable, but impacting the density as well.

The subject site is abutting existing UHDR designated lands to the east on the GLUP Map. The request here is to allow for a certain flexibility in terms of location and density, which can be obtained by this application from RR-5 (potential SFR-6) to MFR-15 under the UMDR designation. The City can determine that this amendment is consistent with the overall priority (from DLCD) to increase densities, but also necessary to address the density issue on a parcel that has been impacted by abutting development, existing and proposed with the topographical features that significantly impact density issues. The application is consistent with the provisions of Goal 10.

Compliance with Goal 11:

Goal 11 requires a planning process that provides for a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural developments. In most cases, urban public facilities have been defined as water and sewer facilities, police and fire protection, storm drainage systems, streets, zoning, subdivision and community governmental services.

In this case, the development will probably not exceed 24 units, is essentially an infill project that has adequate access to water, sewer, storm drainage facilities and streets that are paved.

The property is controlled by local governmental services, including planning, zoning, and subdivision control, all administered by the City of Medford. The City can find that there are adequate public facilities to serve the site; however, an efficient and effective extension of services is generally based upon higher densities and economies of scale. This request simply reiterates the basic approval criteria.

Compliance with Goal 14:

The provisions of Goal 14 indicate that urban facilities and services must be available to the site if the City is to consider more intensive urbanization by amending the Plan. The City of Medford can find that the proposed use, while more intensive than the existing potential for an SFR-6 zone, is, however, essentially an "infilling" procedure as abutting and surrounding properties are developed or zoned for more intensive development, and, adequate public facilities such as water, sewer, police and fire service, and other public services are available. The presence of these facilities to this site is evidence of compliance with Goal 14.

Existing public facilities on the site include:

1. Water: There is an existing 16-inch line in Stewart Avenue.
2. Sewer: There is an existing 12-inch line in Stewart Avenue
3. Drainage: The site is in the Elk Creek drainage basin. The City of Medford has an adopted Master Drainage Plan that includes this site. The City requires the property owner and developer to engage an engineer, registered in the State

of Oregon, to prepare engineering studies or documentation to demonstrate compliance with the Master Drainage Plan. The applicant stipulates to this as a condition of approval.

4. Streets: The site is currently served by Stewart Avenue, which is a major arterial street. Development of the site will be limited to, at best, a single entrance/exit for the overall development program of this property. An additional east/west residential street is being proposed with the development towards the east, Sky Vista. Since the applicant has not prepared a development plan at this time, it is assumed that a development will be coordinated with Medford Engineering and Public Works.

Class "B" facilities (police, fire, etc.) are available, and are generally extended by the City as development occurs.

FINDINGS OF COMPLIANCE:

Based upon the information contained within these findings, and the attachments supporting the application, the City of Medford can find that this application has demonstrated compliance with the applicable Statewide Planning Goals and Guidelines, which are identified as Goals 2, 10, 11 and 14. The site is within an incorporated city, is within the UGB, and the amendment is minor in nature, allowing the development to occur to a higher density than originally planned due to topographic issues and natural features. Maximum density for the site can be achieved by cooperating with the abutting property owner (on property zoned MFR-20), and within the natural constraints of the site, while providing for needed housing in concert with adequate public facilities.

(B) CONSISTENCY WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN:

The provisions of the Comprehensive Plan and the MLDC requires consistency with applicable Goals and Policies of the Medford Comprehensive Plan. These are noted below:

ENVIRONMENTAL ELEMENT:

This element of the Medford Comprehensive Plan is a comprehensive delineation of the various physical attributes that make up the greater Medford urbanizable area, including topography, climate, air and water quality, historic areas and sites, and related features.

The Goals and Policies of this element are specifically oriented to insuring that urban land uses are planned, located, and conducted in such a manner as to minimize conflicts and potential hazards (flood, landslides, noise impacts, etc.) These Goals and Policies were prepared to guide the City in preparation of the Comprehensive Plan, and to identify physical areas that require special recognition (flood plains, etc.). Goal 3, which notes that it is a Goal to “a...*assure that urban runoff is managed in a manner that will continue to improve the quality of drainage ways in the Urban Growth Boundary.*”

In this case before the City, the applicant has chosen to request a Map Amendment similar to, but also less intensive than that of an abutting parcels to the east, so that they can develop the site consistent with the abutting infrastructure, to utilize public facilities that have been already developed, and address the issue of the Elk Creek drainage, which significantly impacts the overall density and intensity of use on this site. This potential development is proposed to be designed in such a way as to enhance the liveability of the site and allows development that will be more effective in terms of the access, as well as working around an environmental feature on the site (Elk Creek). The inclusion of this feature is consistent with the Goals and Policies of the Environmental Element of the Plan.

FINDING:

The City of Medford finds that the application acknowledges that there are physical attributes that exist within the City, and that the application and findings prepared for the property address those issues where applicable.

ECONOMIC ELEMENT:

The economic element is a set of policies and goals that are designed to address a community economic development plan by aggressively stimulating economic development and growth that will diversify and strengthen the mix of economic activity in the marketplace.

With the changes that have occurred in the Greater Medford area in terms of the change in orientation of the local economy, the focus of the City of Medford has shifted from a manufacturing based economy to one that is more service oriented.

The proposed zone change to MFR-15 is consistent with the Economic Element, as it provides consistency with policy statements and implementation strategies for construction and development related activities that are essential to a part of the local economy.

FINDING:

The City of Medford finds that this application is consistent with Goal 1, to stimulate economic development and growth that will diversify and strengthen the mix of economic activity in the local marketplace. Further, the City finds that the application is consistent with Policy 4, to monitor growth and development patterns, and Goal 2, to assure an adequate land base to accommodate the types and amount of economic development and growth anticipated in the future.

HOUSING ELEMENT:

The Housing Element provides for a comprehensive set of goals and policies to address housing need, superior residential developments, with a goal of emphasizing the unique natural setting of the community. Policy 1-A notes the City "...shall promote a community design that emphasizes aesthetics, alternative transportation modes, and pedestrian scale development." Policy 1-C provides that the City will encourage provision and conversion of open space throughout the community, and Policy 1-D requires the city to encourage innovative design in multiple family developments so that projects are aesthetically appealing. Implementation Strategy 6-A(5) discusses the need for the UMDR designation, and allow the MFR-15 zoning district.

Again, in this case, the development considered for this property is more consistent with the UMDR designation and the MFR-15 designation due to topography and natural features, both of which are noted to be important parts of the Housing Element.

The application, both on the surface and after in-depth evaluation, can be found to be consistent with the applicable Goals and Policies of the Housing Element.

FINDING:

The application in this case provides for UMDR, with lower-level multiple family densities and, ostensibly, an MFR-15 zoning designation, consistent with the provisions of Goal 6 of the Housing Element and the applicable Implementation Strategies. As a means to address the various types and pricing in the Housing market, the UMDR and MFR-15 designation provides reasonable alternatives to the SFR-6 uses, but allows better coordination with the abutting MFR-20 zoned properties. The application is consistent with this criteria.

PUBLIC FACILITIES ELEMENT:

This element is designed to assure that there has been adequate planning for public facilities and services. Goal #1, Policy #3, notes that in order to provide for maximum consistency and coordination of individual Public Facility plans, the Land Use Element MATS sectors shall be the basic geographic planning unit whenever possible.

Further, Goal #2 notes that the City shall make every reasonable effort to assure a continuing and consistent process for the development, coordination and prioritization of a city public facilities Capital Improvement Program.

Goal #3, Policy #1, delineates the essential urban facilities and services necessary for "minimum adequate service levels". These are basically Sanitary Sewer, Domestic Water, Storm Drainage, Streets and Public Safety.

In reviewing the element, the policies and goals for the Wastewater, Drainage, Water System, and Public Safety systems are in fact statements of public policy, delineating how the City of Medford will realistically provide the various levels of service within the City Limits and UGB.

The traffic and street issues have generally been subordinated to comply with the Statewide Transportation Planning Rule, OAR 660-012-0060, and the Traffic System Plan. In this case, however, traffic generation, due to the size and scope of this application, should not create a significant issue.

Anticipated traffic generation is approximately between 109 for the difference with SFR-10 and 204 ADT for the difference with SFR-6, or approximately 18 Peak Hour trips into the nearest intersection.

FINDING:

Based upon the fact the City of Medford has implemented the Goals and Policies of the Public Facilities Element, specifically by providing for adequate potable water, wastewater treatment, drainage and public safety, consistent with these Goals and Policies, the City of Medford finds that the application is consistent with those ongoing public facilities plans, and that the public facilities existing are adequate to serve the area; further, the applicant has stipulated to conditions of engineering review for storm drainage as part of the development proposal. The City finds that the general area in the vicinity of the property requested to be amended has already been developed with public facilities including sewer, water and storm drainage, and that public safety considerations have been extended to the site.

COMPLIANCE WITH OAR 660, DIVISION 12: TRANSPORTATION

Chapter 660, Division 12 of the Oregon Administrative Rules provides for implementation of the Statewide Transportation Goal (Goal 12). It is also designed to explain how local governments and state agencies responsible for transportation planning can demonstrate compliance with other statewide planning goals, and to identify how transportation facilities are provided on rural lands consistent with the goals.

The Transportation Planning Rule directs local governments to incorporate transportation planning processes (create TSPs) that will

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

More specifically, there are provisions within the chapter that apply specifically to Plan and Land Use Regulation Amendments. These provisions are contained in OAR 660-12-060, and state:

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

- a) Limiting allowed land uses to be consistent with he 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 junction, 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 a 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,
 - d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.
- 3) Determinations under sections 1 and 2 of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

I. Existing Transportation Facilities:

An overview of existing transportation facilities that would provide service to the subject property indicates that ground transportation via existing state highways and city streets is the sole transportation facility that is affected by this amendment.

The parcel does not have access to rail, light rail, water, or other alternative transportation facilities or services. Pedestrian and bicycle access will be available via the sidewalks and bicycle lanes along Stewart Avenue in the immediate vicinity; the development of the site will include additional improvements in this area.

The site is currently accessible by motor vehicle, bicycle and pedestrian use via Stewart Avenue, a major arterial in the Medford Street System. All access from this property currently is from Stewart Avenue. It is anticipated that additional residential streets will be used from the development of properties to the east and any future development proposal on the subject site will discuss the access issues.

II. Transportation Planning Issues:

An evaluation of the subject property and the orientation, location and size of the existing structural development, as well as the existing and historic uses of the neighboring properties, indicates that there are basically two transportation issues that should be addressed:

1. The first planning issue is access management, involving the size, location, orientation and control of the access to Stewart Avenue.
2. Trip generation potential, and if that trip generation will result in a significant effect on the function, capacity, or level of service of either street.

1. Access Management:

The existing parcel is the result of development that was created under the provisions of the Jackson County Land Development Ordinance. Any new development of this site will be required to conform with all access management requirements of the City of Medford to insure adequate and effective Access Management.

2. Trip Generation Potential:

The applicants submit that this requested map amendment and eventual zone change will not have a significant effect on the transportation facility serving the site.

Existing and potential uses on this property is in essence already documented, and the traffic generation from this site has already been calculated into the traffic generation statistics accumulated by the State of Oregon Department of Transportation (ODOT) at approximately 204 ADT when compared with the SFR-6 zoning district. Traffic generation from the proposed development of the existing parcel is generally less than the threshold (250 ADT, or 25 Peak Hour trips) since the application is for a parcel of 2.36 acres in size, and will reflect approximately 109 to 204 ADT. This issue, as part of the overall traffic management plan for this area, can be found to be consistent with the existing traffic facilities.

Traffic capacity at this location is based upon Jackson County and City of Medford background traffic counts. Traffic counts in this vicinity range from 7700 to 10,300 ADT, east and west of the nearest intersection (Lozier Lane). Actual traffic capacity for local arterial streets, developed to urban standards, is generally calculated at 28,000 ADT.

A comparison of the traffic capacity and the traffic counts of this area, as provided by the City of Medford, indicates that there is capacity available. This capacity will not be significantly affected by the application, due to the fact that the properties are already included into the calculations for the traffic generation figures, by both the State and the City of Medford, and that the proposed use will be significantly lower than the previous use and land use designation on the site.

FINDING:

The City of Medford finds that this application is consistent with the intent of the Statewide Transportation Planning Rule, in that:

- 1. The site is within an incorporated city with an adopted and acknowledged Comprehensive Plan.**
- 2. The Plan Amendment does not significantly affect the overall transportation capacity, or service levels of the existing transportation facility, as defined in OAR 660-012-0060(2) since the proposed traffic generation is under the 250 ADT threshold necessary for a traffic study; further, the site has already been evaluated by ODOT at the Single Family Residential level for background traffic (an additional 204 ADT compared with SFR-6) .**

FINDING:

Based upon the information contained above, the City of Medford finds that the application has demonstrated consistency with the applicable Goals and Policies of the Comprehensive Plan as contained in the Review and Amendment Element of the Comprehensive Plan. Each applicable plan element has been discussed above, and the applicant has demonstrated how the application is consistent with those criteria.

C. COMPLIANCE WITH THE APPLICABLE PROVISIONS OF THE MEDFORD LAND DEVELOPMENT CODE (MLDC):

A review of the MLDC indicates that the applicable provisions have been discussed above, particularly in reviewing the provisions of Sections 10.185, 10.190 and 10.191. Section 10.191 (2), which discusses the written findings, notes that consistency with the applicable provisions of the MLDC must be addressed.

Section 10.192 of the MLDC simply refers the applicant to the Review and Amendment Section of the Comprehensive Plan Text, which is addressed below and has been discussed above.

FINDING:

The City of Medford finds that the applicant has addressed the applicable criteria contained in Sections 10.185, 10.190, 10.191 and 10.192. The application is consistent with the criteria contained in the Review and Amendment Element of the Comprehensive Plan Text, as noted above.

SECTION 10.192, Review and Amendment Criteria:

The City of Medford has an adopted Comprehensive Plan, which contains several criteria that are applicable in this case. In the "Review and Amendment" element of the Plan, minor plan amendments are discussed as "Class B" applications. This section also notes that there are seven specific criteria for amendments to Map Designations, in addition to the Goals and Policies. These are:

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."*

Discussion:

A review of the General Land Use Plan Map of the City of Medford indicates that the subject site is designated on the General Land Use Plan Map as "UR" or Urban Residential, with "UHDR", or Urban, High Density Residential abutting to the east.

The mapping designations contained in the General Land Use Plan Element of the Comprehensive Plan indicate that permitted zoning districts within the "Medium Density Residential" designation is limited to the "MFR-15" zoning district. Coupled with these actions, the City adopted minimum density standards for each district as well.

This amendment is consistent with Criteria #1, since changes in an implementation strategy (the Zoning Ordinance) occurred recently with the change of zoning standards, storm drainage standards riparian corridor standards, and creation of the Urban Medium Density Residential designation and the MFR-5 district within the last few years; Criteria #2 applies, since the project has been demonstrated earlier to be necessary to address urban housing needs. Criteria #4 and #5 also apply, since the potential development of the site represents the maximum efficiency of residential use of this property, consistent with the environmental issues of preserving a stream and riparian habitat as part of the process. The application demonstrates consistency with the Statewide Planning Goals, satisfying Criteria #7 as well. Criteria #3 and #6 can be found to be satisfied, since the public facilities and services have been extended and can be made available to serve the site, consistent with other elements of the Comprehensive Plan.

FINDING:

As the subject property lies within the Urban Growth Boundary and City Limits of the City of Medford, and found to be committed to Urban use, and specifically, meets the General Land Use Plan Map as UM, the city can find that this amendment is consistent with the criteria contained in the Map Designations section of the Comprehensive Plan "Review and Amendment" provisions.

CONCLUSION:

The Planning Commission and City Council concludes that this application for a change in the Comprehensive Plan designation from UR (Urban Residential) to UM (Urban, Medium Density Residential) is a class "B" amendment, and with the information presented in support of the application, is consistent with the criteria for submission as required above.

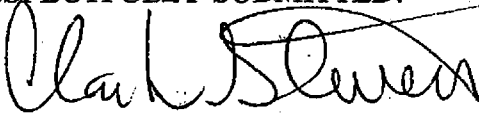
The application, accompanied with the applicable maps, and the names and addresses of all adjacent properties within 200 feet typed on mailing labels, and the above findings are consistent with the requirements of Section 10.191 and 10.192 of the MLDC, as well as the Review and Amendment standards of the Comprehensive Plan Text.

V. SUMMARY:

In order for an amendment to be approved, the Planning Commission and City Council must find that the applicant has made the requisite findings for a Plan Map Amendment. A review of the application and supporting documentation demonstrates that the application complies with the applicable elements of the Comprehensive Plan, and the Land Development Code.

With this in mind, the applicant respectfully requests that the Planning Commission and the City Council approve the Comprehensive Plan amendment from UR to UM, to allow a zone change to MFR-15.

RESPECTFULLY SUBMITTED:














A handwritten signature in black ink, appearing to read "Richard Stevens". The signature is written in a cursive style with a large, sweeping initial "R".

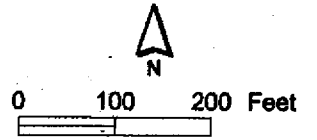
RICHARD STEVENS & ASSOCIATES, INC.



Owner: Carlton Thompson
 Subject Lot: 37-2W-35AD - 1500
 Requested By: Clark Stevens
 Date: 1/10/2006

General Land Use Map

-  Subject Parcel
-  Taxlots
- Land Use Classifications**
-  Airport
-  City Center
-  Commercial
-  General Industrial
-  Heavy Industrial
-  Limited Service Area
-  Parks & Schools
-  Service Commercial
-  Urban High Density Residential
-  Urban Medium Density Residential
-  Urban Residential



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RECEIVED
 JAN 16 2006
 Planning Dept.
 CITY OF MEDFORD
 EXHIBIT # B
 File # CP-08-12

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

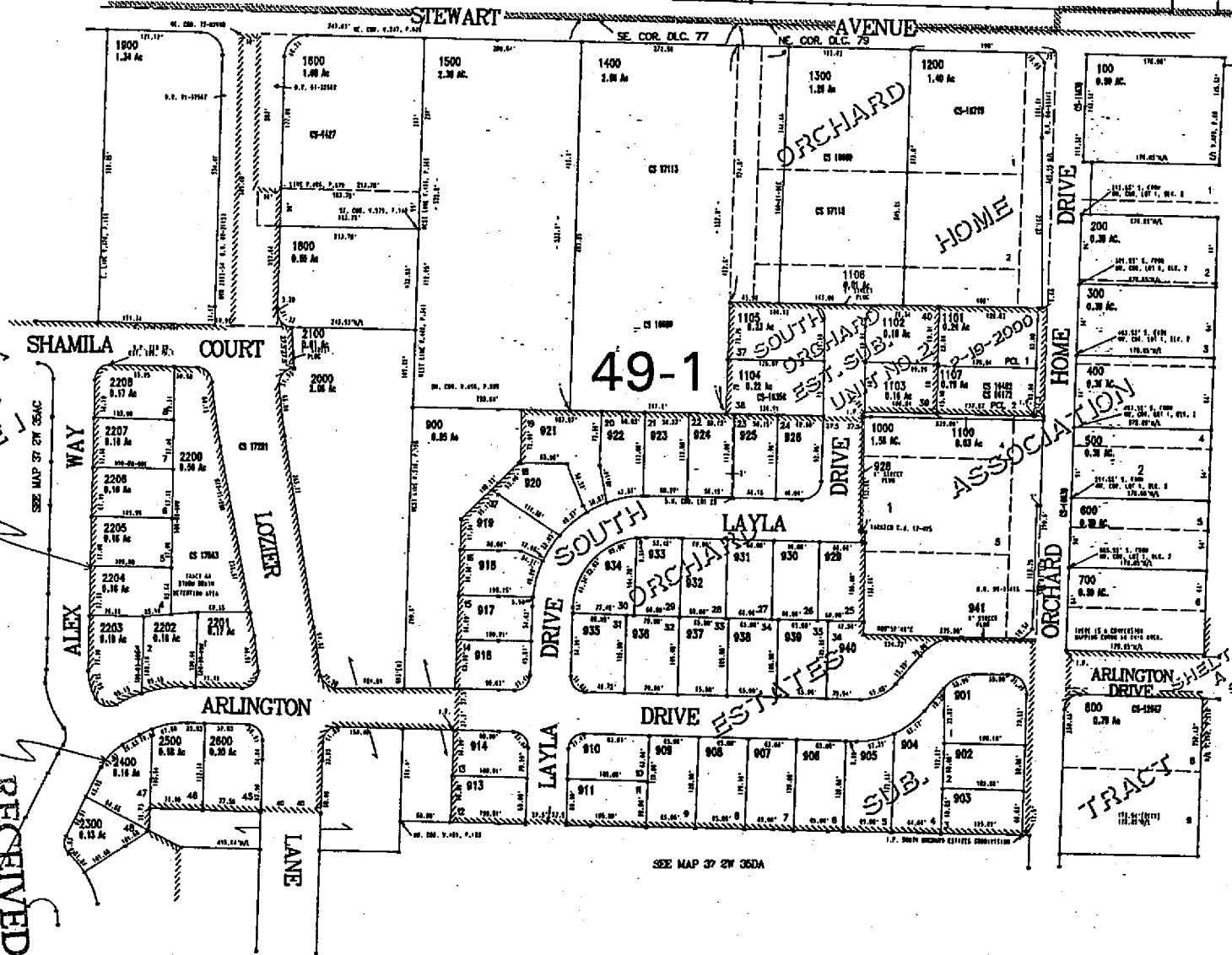
SE1/4 NE1/4 SECTION 35, T37S. R2W. W.M.
JACKSON COUNTY

T-100

CANCELLED NO.

KEY
1ST CALLED TO STREET
2ND CALLED TO STREET
3RD CALLED TO STREET
4TH CALLED TO STREET

SEE MAP 37 2W 35AA



SEE MAP 37 2W 35BC

SEE MAP 37 2W 35DA

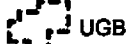
ELK CREEK
ESTATES
SUB. PHASE 1

ELK CREEK
ESTATES
SUBDIVISION
PHASE 2
CITY OF MEDFORD
Planning Dept.
JAN 16 2006
RECEIVED

File # CPA-06-12
EXHIBIT # 2

METAFLE 12/MAP/372W/35AD PLATFORA
CREATED THURSDAY MAY 25, 2006 12:41 PM BY LYONSIA

Vicinity Map



UGB



City Limits

OVERLAY



Airport Approach



Airport Radar



Central Business



Exclusive Agricultural



Freeway



Historic Outline



Limited Service



Planned Development



Southeast

FILE NUMBER:

CP-06-12

APPLICANT:

Carleton and
Linda Thompson

Map:372W35AD

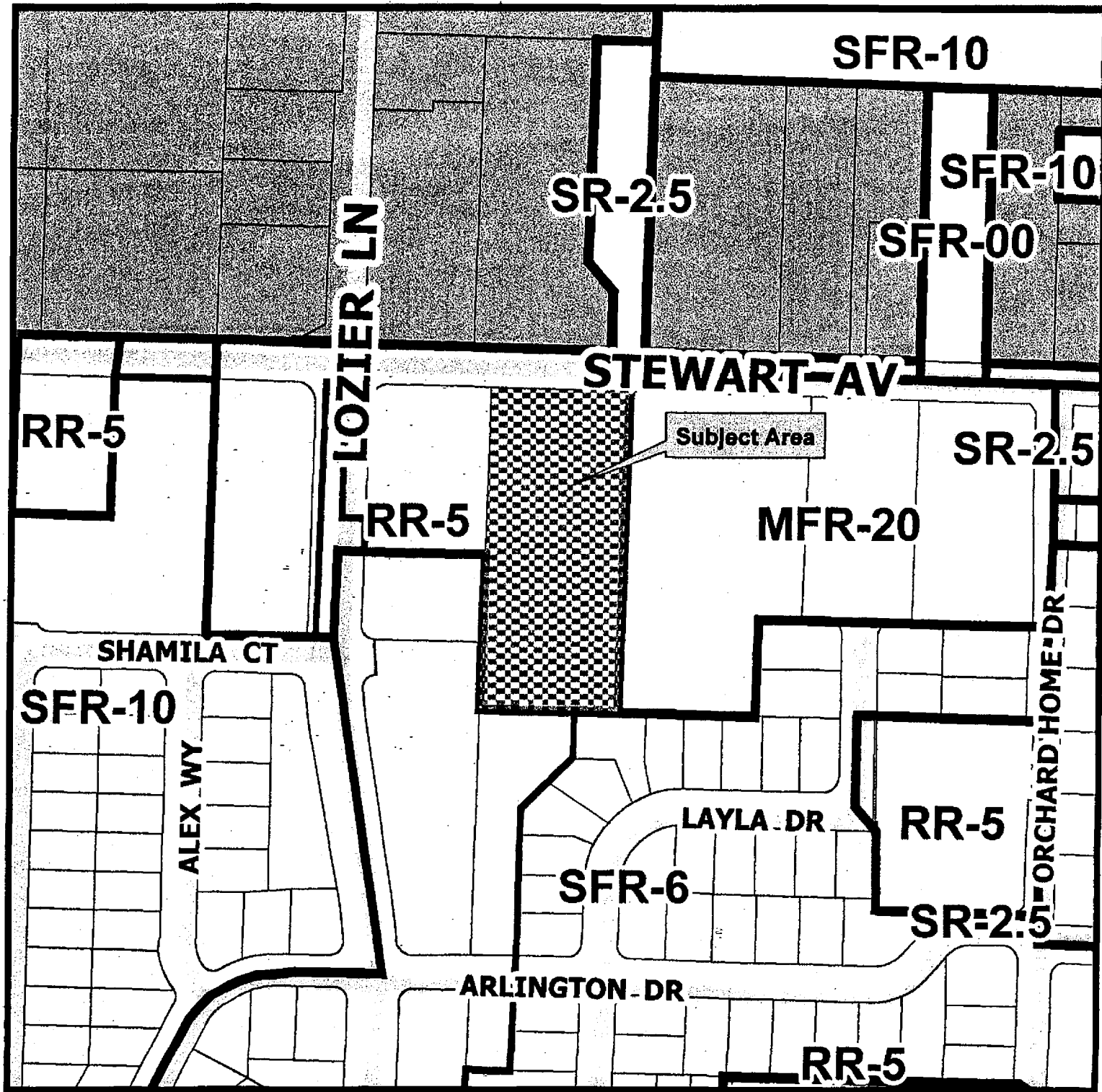
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CITY OF MEDFORD TN

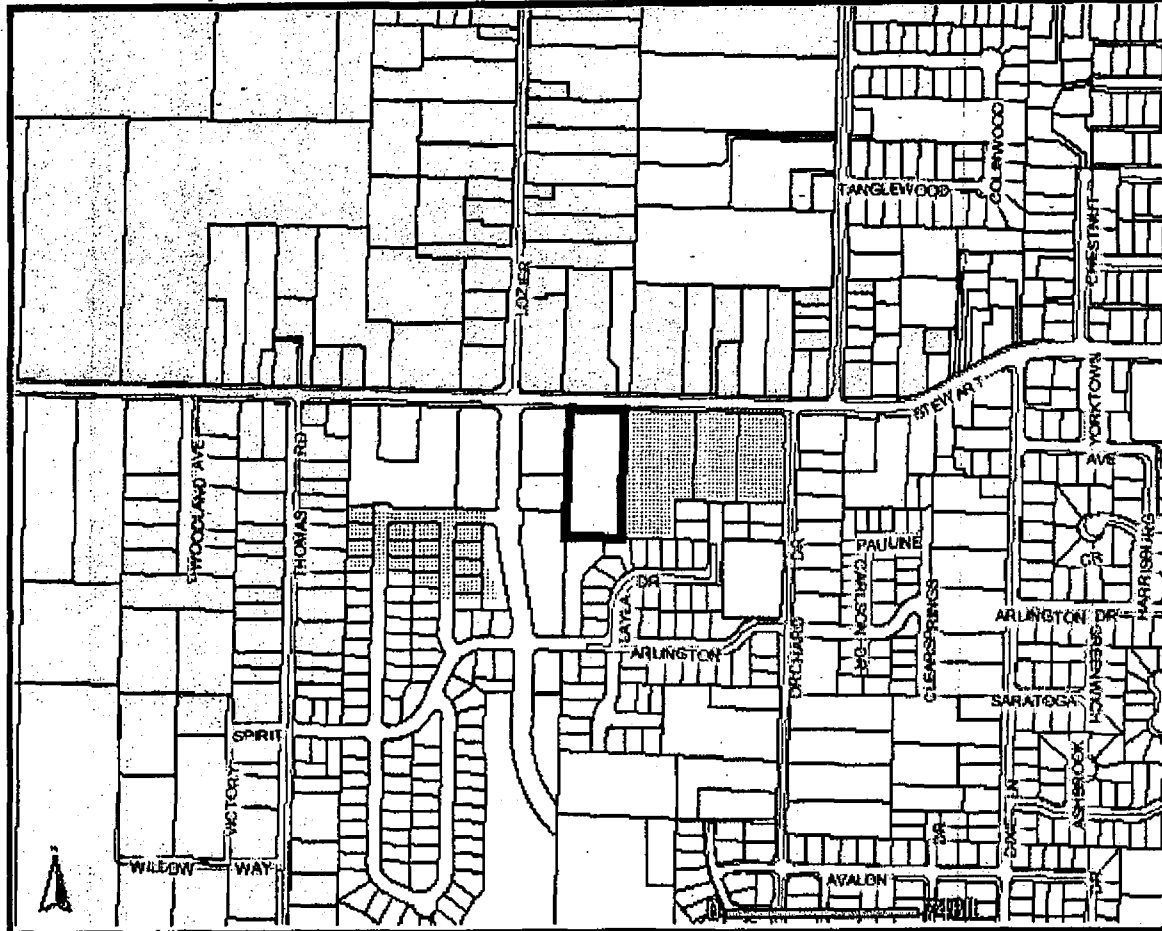
EXHIBIT # D

FILE # CPA-06-012

DATE: 1/26/2006



20.10, PAGE.26



Site Information	
Assessor's Account #:	10438807
Maplot:	372W35AD1500
Acres:	2.353
Vacant Acres:	0
Owner Name:	THOMPSON CARLETON I TRUSTEE ET
Site Address:	2185 STEWART AVE
In City?:	YES
Land Value:	163990
Improvement Value:	68620
Owner Address:	1608 CROWN AVE MEDFORD, OR 97504
Zoning:	RR-5
Comprehensive Plan:	UH, UR
Zoning Overlays:	Not in Zoning Overlay
Floodplain:	Not in Floodplain
Historic District:	Not in Historic Site
Building Permits:	
Planing Projects File #:	PZ 1-135
Occupational License:	OL - 996, OL - 11033, OL - 630811
property Class:	191
Factor Book:	131
Ward:	2

CITY OF MEDFORD
 EXHIBIT # E
 File # CPA-06-012

LEGEND

Selected Features	Road lines	A-Airport	Heavy Industrial	Urban High Density Residential
street text	Taxlots	C-City Center	Limited Service Area	Urban Medium Density Residential
Interstate 5	Comprehensive Plan	C-Commercial	Parks and Schools	Urban Residential
	(cont)	General Industrial	Service Commercial	
		(cont)	(cont)	



The City of Medford, Oregon
 411 West 8th St.
 Medford, Oregon 97501
 Phone: (541) 774-2524

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