



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

December 12, 2007



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 016-07

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 28, 2007

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

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

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

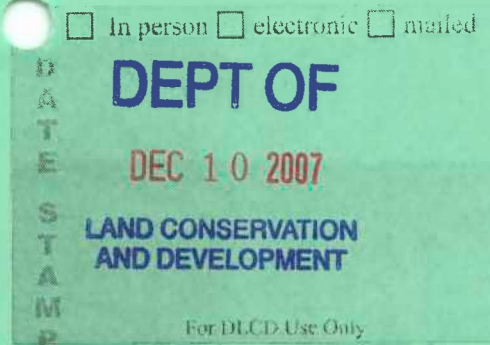
Cc: Gloria Gardiner, DLCD Urban Planning Specialist
John Renz, DLCD Regional Representative
Larry Ksionzyk, Community Development Planning Specialist
Bill Holmstrom, DLCD Transportation Planner
Summer Williams, City of Medford

<paa> ya

PROP 2

DLCD

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

Jurisdiction: **City of Medford**

Local file number: **ZC-07-225**

Date of Adoption: **11/29/2007**

Date Mailed: **12/2/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/17/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Consideration of a request for a change of county zoning from AD-MU (Airport Development-Mixed Use) to city I-L (Light Industrial) zoning district on a 2.06 acre parcel located on the north side of Bateman Drive, approximately 782 feet east of Table Rock Road. The subject parcel is further identified as Tax Lot 106 of the Jackson County Assessor's Map 36-2W-36D.

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

Plan Map Changed from:

to:

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

to: **I-L**

Location: **213 Bateman Dr.**

Acres Involved: **2**

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

016-07(1.6447)

DLCD file No. _____

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

Local Contact: **Summer Williams**

Phone: (541) 774-2380 Extension:

Address: **200 S. Ivy Street, Ste. 240**

Fax Number: **541-608-1708**

City: **Medford, OR**

Zip: **97501-**

E-mail Address:

summer.williams@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-07-225 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY JEFF WEATHERS)

ORDER granting approval of a request for change of county zoning from AD-MU (Airport Development-Mixed Use) to city I-L (Light Industrial) zoning district on a 2.06 acre parcel located on the north side of Bateman Dr., approximately 782 feet east of Table Rock Rd.. The subject parcel is further identified as Tax Lot 106 of the Jackson County Assessor's Map 36 -2W-36D.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from County AD-MU (Airport Development -Mixed Use) to city I-L (Light Industrial) zoning district on a 2.06 acre parcel located on the north side of Bateman Dr., approximately 782 feet east of Table Rock Rd.. The subject parcel is further identified as Tax Lot 106 of the Jackson County Assessor's Map 36 -2W-36D; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented hereby adopts the Planning Commission Report dated November 8, 2007, Applicant's Findings - Exhibit "A," and Legal Description - Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

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

36 2W 36D Tax Lot 106

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

Accepted and approved this 29th day of November, 2007.

CITY OF MEDFORD PLANNING COMMISSION



Planning Commission Chair
Vice

ATTEST:



Planning Department Representative



City of Medford

STAFF REPORT

Date: October 26, 2007

To: Medford Planning Commission

From: Kelly Akin, Senior Planner *KA*

By: Summer Williams, Planner I *SW*

Subject: Jeff Weathers Zone Change (ZC-07-225)
Jeff Weathers, Applicant (Richard Stevens & Assoc., Inc., Agent)

Background

Proposal

Consideration of a request for a change of zoning from County AD-MU (Airport Development-Mixed Use) to City I-L (Light Industrial) zoning district on a 2.06 acre parcel located on the north side of Bateman Drive, approximately 782 feet east of Table Rock Road. The subject parcel is further identified as Tax Lot 106 of the Jackson County Assessor's Map 36-2W-36D.

Subject Site Zoning, GLUP Designation and Existing Uses

The Medford General Land Use Plan (GLUP) Map designation for the subject property is GI (General Industrial). The subject property is developed with a 2400 square foot shop building.

Surrounding Property Zoning and Uses

North: Developed land zoned AD-MU.

South: Vacant land zoned I-G. Tax Lot 102 had Final Plat Approval for a 3-lot partition on March 15, 2007.

East: Developed land zoned I-L / I-OO / AA (Light Industrial/Limited Industrial Overlay/Airport Approach Overlay). Tax Lot 107 had Site Plan and Architectural approval (AC-07-035) for Climate Control Mini Storage, LLC.

West: Developed land zoned AD-MU.

Related Projects

There are no related projects to this site.

Other Comments

The City of Medford Fire Department, the City of Medford Building Department, and the Medford Water Commission had no comments.

Applicable Criteria

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

Issues/Analysis

Staff has reviewed the zone change request and found that it meets the approval criteria listed in *Medford Land Development Code* Section 10.227(d). There are adequate infrastructure facilities available to serve the site with the exception of the storm drainage as noted below. A traffic study was not required.

Storm Drainage

This site lies within the Midway Creek Drainage Basin. The City's current Drainage Master Plan indicates improvements are required in the downstream storm drainage system to meet current design standards for this basin (Exhibit "E"). A condition for compliance with the Engineering Division regarding storm drainage shall be included in this report.

Recommended Action

Direct staff to prepare a Final Order for approval of ZC-07-225 per the Staff Report dated October 26, 2007, including Exhibits "A" through "H".

- Exhibit "A" Conditions of Approval
- Exhibit "B" Approval Criteria
- Exhibit "C" Applicant's *Findings of Fact* received September 12, 2007
- Exhibit "D" Assessor's plat map received September 12, 2007
- Exhibit "E" Memorandum from the Medford Engineering Division dated September 28, 2007
- Exhibit "F" Letter from Rogue Valley Sewer Services dated October 2, 2007
- Exhibit "G" Memorandum from Jackson County Roads received October 10, 2007
- Exhibit "H" Adjacent Project Vicinity Map created by Staff

PLANNING COMMISSION AGENDA: November 8, 2007



City of Medford

ZC-07-225

EXHIBIT "A"

Conditions of Approval

October 26, 2007

CODE REQUIREMENTS

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

ZONE CHANGE APPROVAL CRITERIA
Medford Land Development Code Section 10.227

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

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

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

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

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

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

(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;

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

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

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

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

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

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

IN THE MATTER OF:

AN APPLICATION FOR A ZONE CHANGE FOR 2.06 ACRES, LOCATED AT 213 BATEMAN DRIVE, EAST OF TABLE ROCK ROAD, WITHIN THE CITY OF MEDFORD, OREGON, AND FURTHER DESCRIBED AS PLAT MAP T36S, R2W, SECTION 36D, Tax Lot 106

Darwin and Penny Weathers, Applicants

I. Findings of Fact Pertaining to the Site:

Property: T.36, R2W, Section 36D, Tax Lot 106, containing 2.06 acres, more or less)

Owners: Darwin and Penny Weathers
6070 Rock Way
Central Point, OR 97502

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

RECEIVED
SEP 12 2007
Planning Dept

Location: 213 Bateman Drive, East of Table Rock Road, Medford, OR

Proposed Zoning: Light Industrial (I-L)

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

City Comp. Plan: General Industrial, which allows both General and Light Industrial zoning

2007-07-22
"C"
ZC-07-225

Land Use: The site consists of 2.06 acres, and is currently developed with an existing shop building of 2400 square feet, access, and parking for Weathers Rock, a gravel and aggregate contracting firm. The use of the property was approved by Jackson County in 1988 via File 88-45-SPR.

Proposed Use: Same as on site. Any change of use in the future would be required to be submitted consistent with the Site Plan and Architectural Review Criteria.

Access: Access is via Bateman Drive, a paved public roadway, which connects to Table Rock Road.

Public Facilities: Category A public facilities exist in the vicinity that can be extended to service the property including water service, sewer service, drainage and streets (See Section III below).

Scope of the Application:

The purpose of this application is to apply for a zone change to the appropriate City Zoning (I-L) , for a site of 2.06 acres in order to allow the property owner to bring the property into compliance with City zoning.

Jackson County has eliminated the AD/MU zone from the JCLDO (Jackson County Land Development Ordinance), leaving the property owner in a "land use limbo." The information contained within these findings will demonstrate compliance with the applicable criteria contained in Section 10.227 of the Medford Land Development Code for a change in zoning designation from County, AD/MU to City of Medford, Light Industrial (I-L) zoning.

II. Applicable Criteria:

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

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

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

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

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

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

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

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

i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;

ii) At least 50 % of the subject property's boundaries abut zones that are expressly allowed under the criteria in 1(c) or 1(d) above;

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

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

III. Demonstration of Compliance:

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

The attached copy of the General Land Use Plan Map (GLUP) for the City of Medford indicates that the subject area is designated on the General Land Use Plan Map as **General Industrial**, which allows all categories of industrial use as noted in Sections 10-331 through 10.337 of the Medford Land Development Ordinance.

The requested zoning district, *Light Industrial*, is consistent with the General Industrial Plan designation, as noted in the Land Use Element, Page 3, Section 7. Further, the I-G designation, as noted in Section 10.331, MLDO, provides for

"... industrial uses in which production and processing activities involve a degree of noise, vibration, air pollution, radiation, glare, and fire and explosive hazards. Thy physical effects of such phenomena shall be limited to levels as per the performance standards contained in Article V. Offices shall be permitted only when accessory and subordinate to the principle permitted use. This district is not intended to be customer-oriented, and retailing shall be permitted as an accessory use only. "

A review of the uses that are allowed in the various Industrial zoning districts (Section 10.337) notes the permitted and conditional uses as outlined in the SIC Manual, 1987 Edition:

SIC Code	General Industrial	Light Industrial
152/153: Building Construction	Permitted	Permitted
154: Non-Residential Construction;	Permitted	Permitted
162: Heavy Construction:	Permitted	Permitted

Additionally,

FINDING:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B) Changes standards implementing a functional classification system;

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

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

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

Discussion:

In this case the existing city and state transportation systems will not be "significantly affected" (i.e, neither the functional classification nor the LOS, or Level of Service) by the proposed zone change, since the use of the subject property for Light Industrial use will not change by virtue of this zone change. The use is existing, and the zone change is necessary to bring the property into conformance with the current City zoning designations. Due to size (2.06 acres) and configuration (smaller lot in an industrially-developed area), this change simply cannot significantly alter the ability of the State and County transportation systems to serve the site.

The site consists of 2.06 acres, which is already developed. Based upon ITE Code 110, general Light Industrial uses are anticipated to generate 51.8 trips per acre, or 6.97 trips per thousand square feet of developed area. In this case, the site has a shop on site that is 2400 square feet, which would result in an average of 16.73 (17) ADT. Using the maximum (51.8 trips per acre) the site would generate 103.6 ADT.

Using this guide for the anticipated traffic generated from uses allowed on this parcel, it is anticipated that traffic generation will be between 17 and 103 ADT. Since the site takes access to a paved roadway that connects to Table Rock Road, and is already developed, it is clear that this zone change request does not meet the standardized threshold of 250 ADT which is required for a TIS.

The primary facility affected by this zone change is Table Rock Road, which in this vicinity is an Arterial as designated in the TSP. At the intersection of Bateman and Table Rock Road, the most recent published traffic count map does not reflect any numbers; however, south of this area, and just north of the Biddle Road/Table Rock Road interchange, traffic counts are approximately 9,500 ADT. Based upon ITE criteria, multiple lane roadways such as Table Rock Road have a theoretical capacity of 4,000 trips per hour (2000 trips per hour each lane).

FINDING:

The City of Medford finds that this application will have little or no impact on the transportation system, generating at this time approximately 17 ADT, with a maximum traffic generation potential of 103 ADT. This level of traffic generation at that location does not require a TIS, since adequate facilities are in place, and Table Rock Road is an arterial street which is, in this location, well under capacity. The application can be found to be consistent with the Transportation Planning Rule (OAR 660-Division 12). With this determination, the zone change can be found to be consistent with the applicable Goals and Policies contained in the Transportation Element of the Medford Comprehensive Plan.

2. ARE PUBLIC FACILITIES AVAILABLE TO SERVE THE PROPERTY:

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

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

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

Wastewater Collection:

The subject property is currently served by Rogue Valley Sewer Services (RVSS) for community sewer collection, as opposed to the City of Medford. Treatment is provided by the Regional Wastewater Treatment Plant, which is operated by the City of Medford. Wastewater collection for this property is provided by an existing service line in Bateman, and connection has been made (BCVSA Permit No. 5696). Adequate capacity is available in the vicinity to provide for this use.

Wastewater Treatment:

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

The plant has the capacity to serve the expected population growth within that planning period. The regional wastewater facility receives SDCs (Systems Development Charges) that are dedicated for the expansion and maintenance of the facility.

Current plans call for an expansion of the plant within the next five years to deal with current growth rates. Adequate capacity exists at the plant to serve the subject property.

Water Supply, Treatment and Distribution:

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

Primary sources for the MWC system are Big Butte Springs, at the base of Mt. McLaughlin, as well as supplementary supplies from the Rogue River (Lost Creek impoundment). The MWC system is capable of serving the water needs of the region until the year 2050, based upon a service population estimated today at approximately 80,000 persons. Current usage is reflected in a maximum day consumption of 45 MGD (Million Gallons per Day), and a maximum capacity of 56.5 MGD. Like wastewater, there are SDCs that apply for the eventual expansion and upgrading of the existing supply.

Treatment is provided for surface water by the Robert Duff water treatment plant located at Table Rock Road and the Rogue River. This is a state-of-the-art sand filter system, with chlorination for disinfection. The treatment plant comes on line only when the Big Butte Springs supply needs augmentation.

Distribution systems serving this site includes a 6" line located in the frontage of the property in Bateman, and a connection is made with a 1 inch meter. Current levels of development indicate that extension of potable water to the property has already been provided; no further coordination of this development with proposals in the vicinity will be necessary. Adequate capacity exists to serve the subject property.

Storm Drainage:

Drainage ditches currently serve this site, and storm drainage will be available to the property via those existing roadside drains. Underground storm drains exist just south and east of the site, and the open ditch fronting the property is part of the overall drainage system in the vicinity. The applicant notes that the City's drainage Master Plan does not address the storm drainage system downstream of this property.

As a result, the applicant stipulates to completion of one of the following prior to application for building permits for vertical construction:

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

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

Transportation Facilities:

Transportation Facilities to serve the subject site are limited to surface transportation (streets and roads), No concerns regarding this project are anticipated from Engineering or ODOT due to the size of the project, the fact development already exists in the vicinity, and the existing uses generate less than 20 average daily trips. No new development is anticipated; current construction exists.

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

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

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

FINDING:

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

CONCLUSORY FINDING:

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

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

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

FINDING: DO ADEQUATE CATEGORY "A" FACILITIES EXIST:

The City of Medford finds that:

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

B) The site is served by the Medford Water Commission for potable water, and water facilities (a 6" ductile iron line exists in the vicinity). Coordination with the Medford Water Commission is not necessary as the site is already served.

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

D) Adequate drainage exists or can be extended to the site, consistent with the Medford Master Drainage Plan, and the requirements for a study or report to demonstrate that storm drainage can be consistent with pre-construction runoff is stipulated to by the applicant.

CONCLUSORY FINDING:

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

IV. SUMMARY AND CONCLUSIONS:

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

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

Submitted this 9th day of September, 2007:

A handwritten signature in black ink, appearing to read 'J. Michael LaNier', with a long horizontal flourish extending to the right.

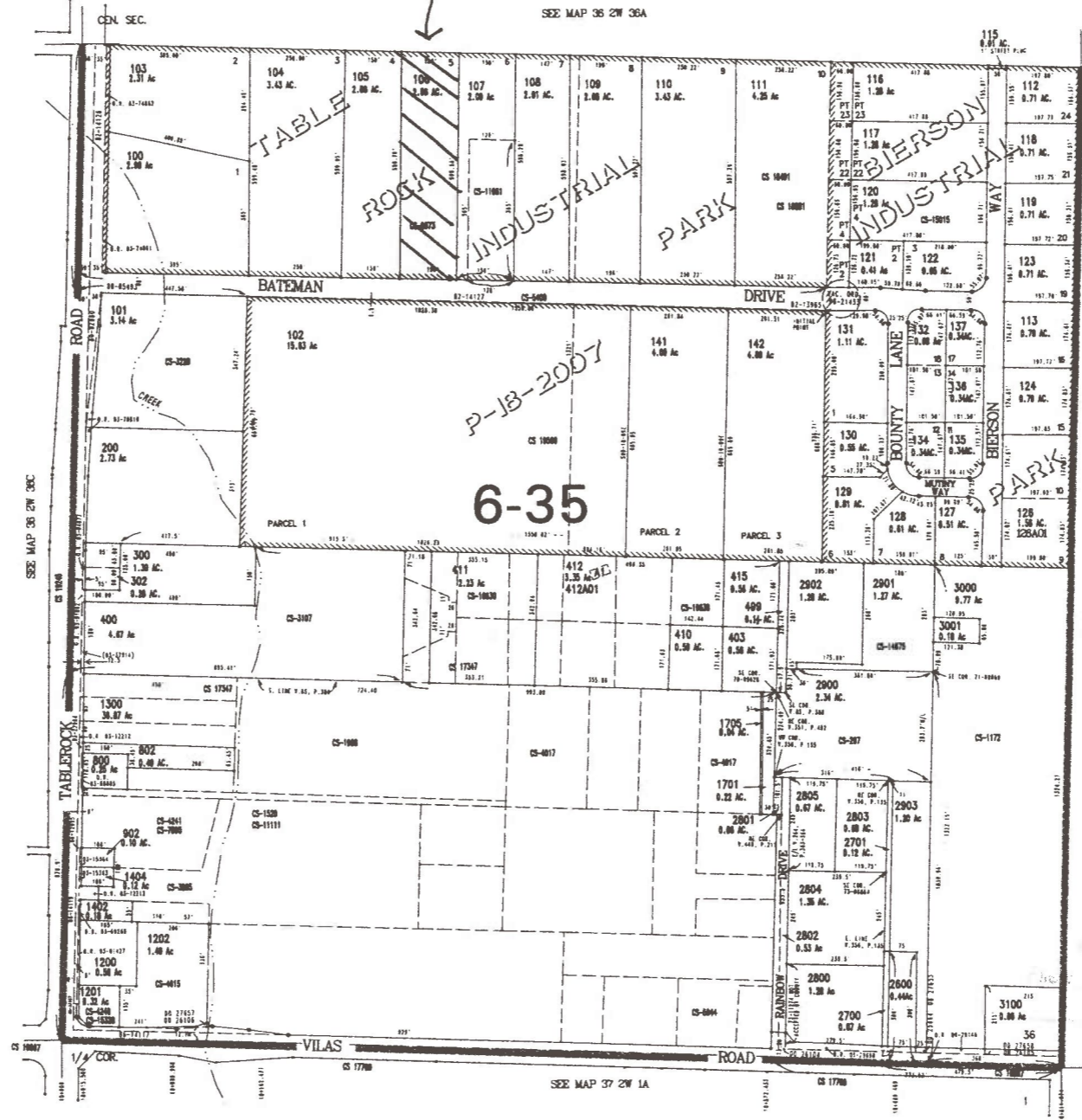
RICHARD STEVENS & ASSOCIATES, INC.
J. Michael LaNier

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SE1/4, SEC. 36, T.36S, R.2W, W.M.
JACKSON COUNTY
T= 200

36 2W 36D
MEDFORD

Subject Site



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RECEIVED
SEP 12 2007
Planning Dept

"D"
20-07-225

36 2W 36D
MEDFORD
DOR CONVERSION MARCH 08 2008
REV MARCH 08 2008

METATILE K:/MAP/362W/36/D/00 PLAT.GRA
CREATED WEDNESDAY JULY 18, 2007 7:41 AM By JOHNSOWH

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department

FROM: Engineering Division

SUBJECT: Zone Change Request, File No. ZC-07-225

DATE: September 28, 2007

1. Sanitary Services:

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

2. Streets:

A. Current condition of nearest streets:

Bateman Drive, a designated Industrial Street is paved with curb and gutter along the frontage of this site.

B: Who has maintenance responsibilities: Jackson County

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

Land Development Code Section 10.461 governs traffic impact analyses (TIA) required to determine development impacts on the street system. The proposed zone change from County AD-MU (Airport Development – Mixed Use) to City I-L (Light Industrial), on 2.06 acres has the potential to generate 618 average daily trips (ADT) or produce a net increase of 206 ADT to the transportation system. Based on this and code sections 10.460 and 10.461, a traffic impact analysis isn't required.

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

3. Drainage:

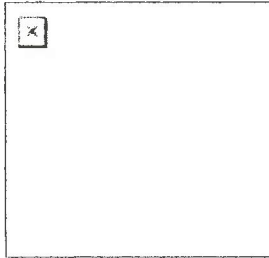
A. This site lies within the Midway Creek Drainage Basin. The City's current Drainage

Master Plan indicates improvements are required in the downstream storm drainage system to meet current design standards for this basin. As a zone change is not allowable without adequate storm drain facilities, the following criteria must be met prior to issuance of a development permit or a building permit:

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

Summer M. Williams

From: Carl Tappert [ctappert@rvss.us]
Sent: Tuesday, October 02, 2007 8:28 AM
To: Summer M. Williams
Subject: ZC-07-225_Weathers.doc
Attachments: image001.jpg



ROGUE VALLEY SEWER SERVICES

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

October 2, 2007

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

Re: ZC-07-225, Jeff Weathers Zone Change (362W36D-106)

ATTN: Summer

The subject property is currently served by a connection to the 8 inch sanitary sewer on Batement Drive. This sewer main has adequate capacity to serve the proposed zoning.

Sincerely,

Carl Tappert, PE
District Engineer

10/2/2007

CITY OF MEDFORD
EXHIBIT # "F"
File # ZC-07-225



JACKSON COUNTY

Roads

Roads

Dale Petrasek, PE
County Engineer

200 Antelope Road
White City, OR 97503
Phone: 541-774-6202
Fax: 541-774-6295
petrasdw@jacksoncounty.org
www.jacksoncounty.org

October 3, 2007

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

RE: Zone Change off Bateman Drive - a county-maintained section of the road.
Planning File ZC-07-225.


Dear Summer:

Thank you for the opportunity to comment on this request for a change of zone from County AD-MU (Airport Development-Mixed Use) to City I-L (Light Industrial) zoning district on a 2.06 acre parcel located on the north side of Bateman Drive, approximately 782 feet east of Table Rock Road. Roads has the following comments:

1. Bateman Drive is a county-maintained road with sixty foot right-of-way.
2. All proposed access roads, or frontage improvements shall be permitted and inspected by the City.
3. Future construction plans shall be submitted to Roads, so we may determine if county permits will be required.
4. Please note that there are drainage problems in this area and the City of Medford now maintains the storm water system along Bateman Drive.
5. If the county storm drainage facilities on or under Table Rock Road are utilized for any new development, the applicant's engineer shall prepare a hydraulic report and design a storm water collection and detention system for this development. Use City of Medford standards for calculating required detention volume. The applicant shall install storm drain and detention system at their expense. Jackson County Roads shall review and comment on the hydraulic report including the calculations and drainage plan. The engineer shall certify the storm water improvements and detention basin were constructed per plan prior to occupancy. Send a copy of the certification to Jackson County Roads.

If you have any questions or need further information feel free to call me at 774-6202.

Sincerely,


Dale Petrasek, PE
County Engineer

I:\Engineering\Development\CITIES\MEDFORD\2007\ZC-2007-225.wpd

CITY OF MEDFORD
SUBMIT "G"
File # ZC-07-225

Vicinity Map

- UGB
- City Limits

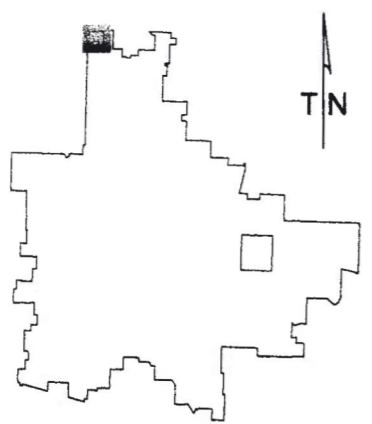
OVERLAY

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

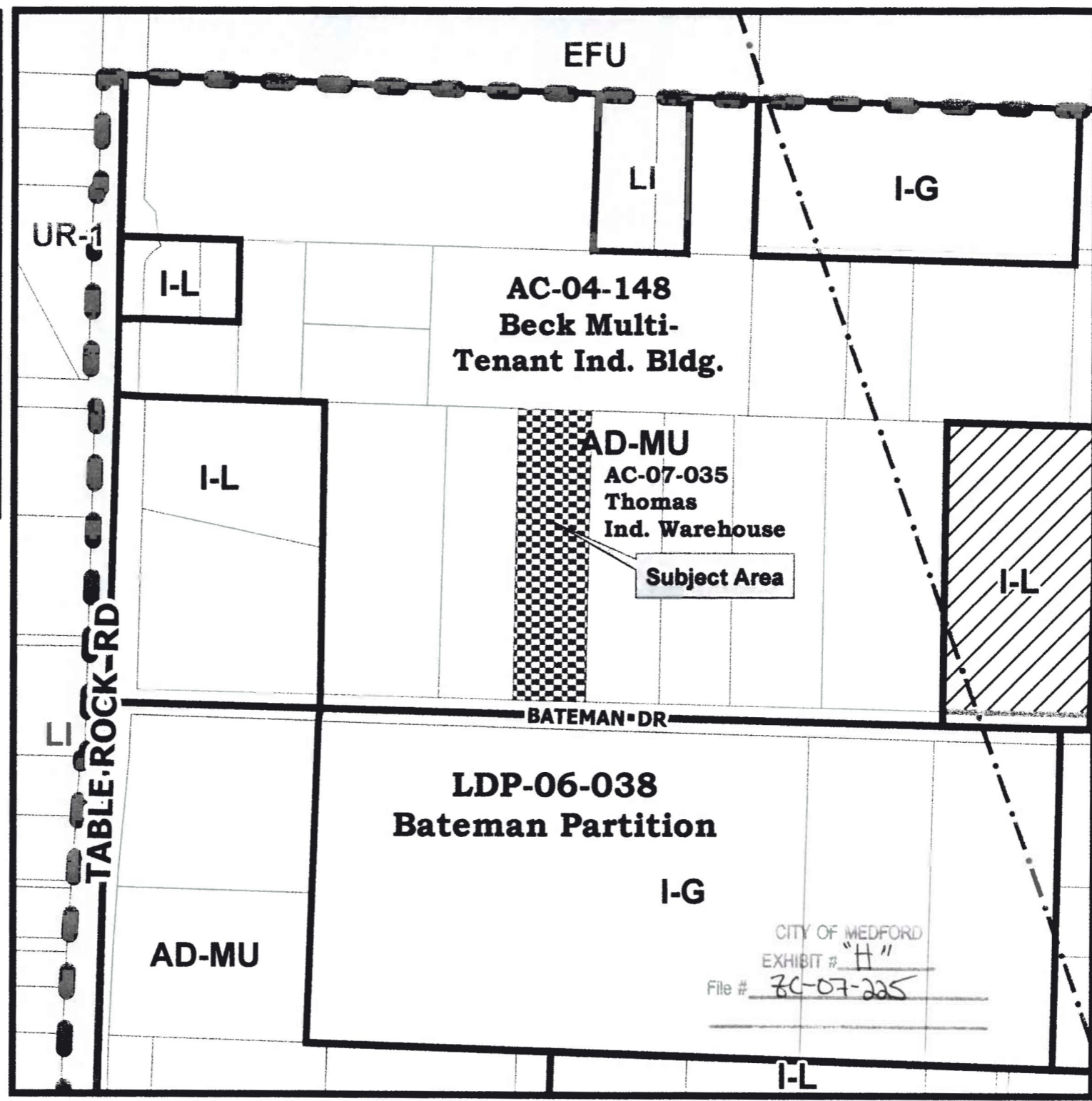
FILE NUMBER:
ZC-07-225

APPLICANT:
Jeff Weathers













Map: 362W36D
TL: 106



DATE: 9/14/2007



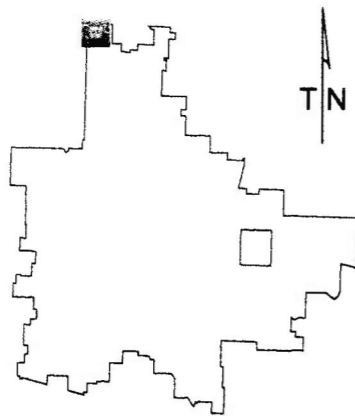
Vicinity Map

-  UGB
-  City Limits
- OVERLAY**
-  Airport Approach
-  Airport Radar
-  Central Business
-  Exclusive Agricultural
-  Freeway
-  Historic Outline
-  Limited Industrial
-  Limited Service
-  Planned Development
-  Southeast

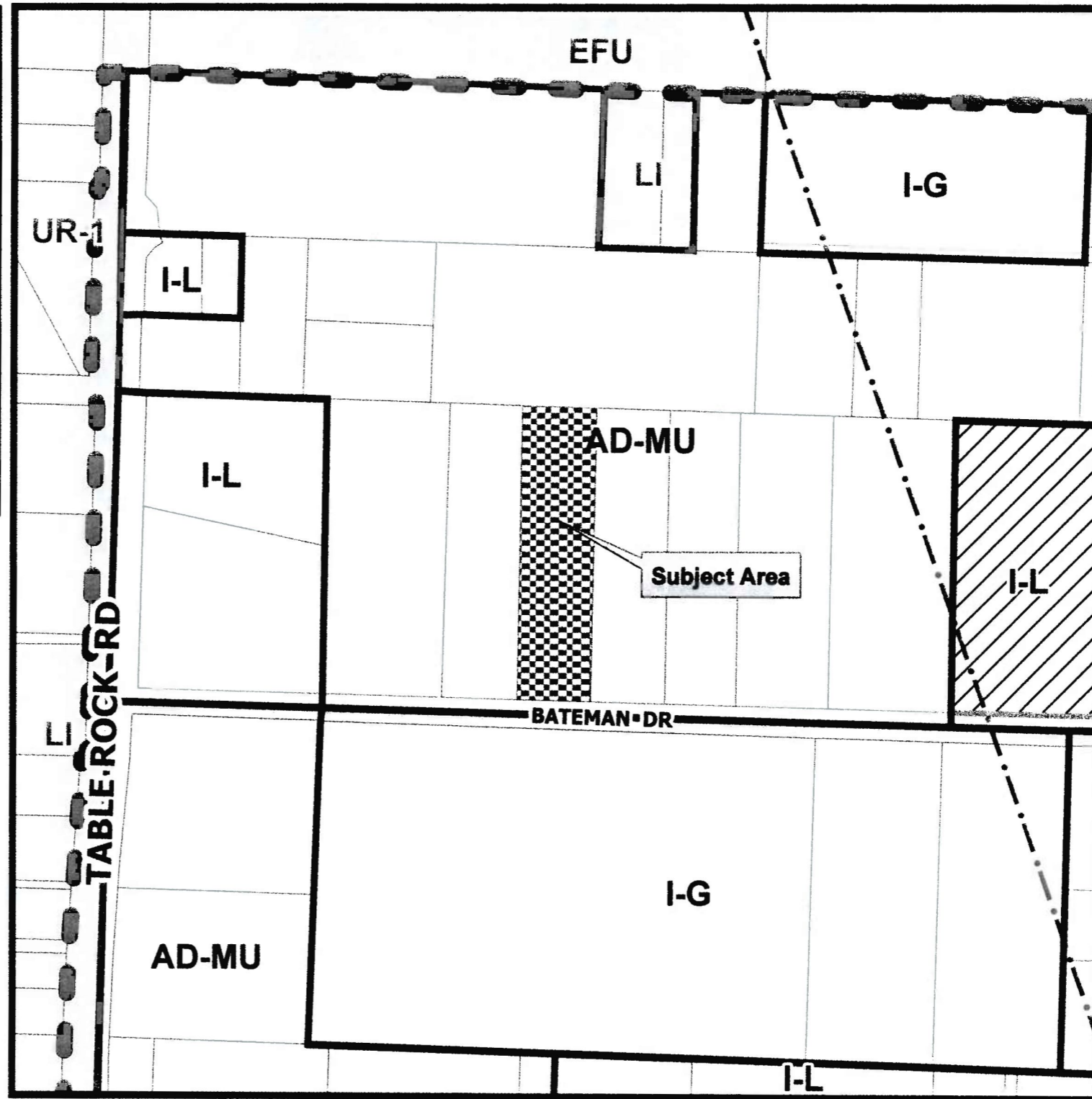
FILE NUMBER:
ZC-07-225

APPLICANT:
Jeff Weathers

Map: 362W36D
TL: 106



DATE: 9/14/2007



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12/07/2007

Mailed From 97501

US POSTAGE

RETURN RECEIPT
REQUESTED

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