



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

04/20/2009

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

FROM: Larry French, Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 003-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, May 01, 2009

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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

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

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City of Medford
Agenda Item Commentary

Item No.: 120.2
Meeting Date: April 2, 2009
Page: 1 of 1

SUBJECT:

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

INITIATOR:

Dan and Debra Ross (Maize and Associates, Inc., Agent)

STAFF INFO. SOURCE:

John W. Hoke, Interim Planning Director
Kathy Helmer, Planner IV
File No. CP-08-121

FISCAL IMPACT:

NA

RECOMMENDATION:

Adopt the ordinance amending the General Land Use Plan Map.

BACKGROUND & KEY ISSUES:

The Traffic Impact Analysis identified no City transportation facilities that would be affected by the change, but Oregon Department of Transportation (ODOT) recommended minor improvements to the East Vilas Road/Crater Lake Avenue intersection. Those conditions are reflected in the proposed ordinance.

This change will have no significant effect on the quantity of available Urban Residential lands. It will serve a long-term need for adequate small industrial sites, identified in the Economic Element adopted in 2008. The proposed General Industrial designation matches the current designation of properties to the south and west. With a new designation, the subject parcel can ultimately propose uses more compatible with existing uses in the area which include the Lithia autoplex and outside storage for Rogue Disposal and Recycling. Finally, the parcel's proximity to Crater Lake Avenue and Crater Lake Highway, as well as the future realignment of Crater Lake Avenue through the parcel, makes the existing Urban Residential designation less appropriate than General Industrial.

The Medford Planning Commission, at their February 12, 2009, meeting, voted to forward a favorable recommendation to the City Council for approval of this application, per the Staff Report dated January 29, 2009, including the Exhibits A - N, and subject to the Conditions of Approval.

EXHIBITS:

Excerpt, Minutes of the February 12, 2009, Planning Commission Meeting
Staff Report, Exhibits A through N, dated March 18, 2009

MINUTES - Planning Commission Meeting

February 12, 2009

Industrial) zone district.

Gregory Schuler, Applicant (Hoffbuhr & Associates, Agent)

Motion: Approve Consent Calendar Items 20.1, 20.3 and 20.4

Moved by: Commissioner Tull Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 7-0

- 20.2** CP-08-121 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 (UR) to General Industrial (GI) on one parcel totaling 4.96 acres, in an SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) zoning district, located on the east side of Crater Lake Avenue, approximately 1273 feet north of the current alignment of Coker Butte Road.

Kathy Helmer, Planner IV, spoke to the request for a minor amendment to the Medford Comprehensive Plan. Ms. Helmer identified the location of the property, described uses surrounding the property, and described the realignment of Crater Lake Avenue. She indicated that it would go through the Ross property, effectively splitting it into two parcels. The public facilities analysis included a Traffic Impact Analysis. Several intersections were studied. The intersection to the north of this lot, on Vilas Road and Crater Lake Avenue, will require improvements as a condition of this application. The condition comes from ODOT. Ms. Helmer indicated three questions are assessed when considering a Comprehensive Plan Amendment as listed below:

1. Land supplies effect: The most recent Buildable Lands Inventory showed that we had over 1,000 acres of Urban Reserve lands within the city. As this application addresses only 5 acres, it will not significantly impact Urban Reserve lands. It will increase the General Industrial land, which the Economic Element shows as a deficit over the planning period.
2. Appropriateness of application. Current uses surrounding area are conducive to General Industrial and would be appropriate.
3. Staff suggests a favorable recommendation to City Council.

Commissioner Tull thanked Ms. Helmer for her presentation.

Motion: Approve Consent Calendar Item #20.2.

Moved by: Commissioner Tull Seconded by: Commissioner Nelson

Voice Vote: 6-0-1 Commissioner Jackle abstained.

- 30. Minutes.** The minutes for the January 22, 2009, meeting were approved as submitted.
- 40. Oral and Written Requests and Communications.** None
- 50. Public Hearings.** Lori Cooper, Senior Assistant City Attorney, read the Quasi Judicial Statement.



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT

Date: March 18, 2009

To: City Council

Reviewed By: Suzanne Myers, A.I.C.P., Principal Planner *SM*

By: Kathy Helmer, Planner IV

Subject: Ross Minor Comprehensive Plan Amendment (CP-08-121)
Dan and Debra Ross (Maize and Associates, Inc., Agent)

BACKGROUND

Proposal

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 (UR) to General Industrial (GI) on a parcel of 4.96 acres, east of and abutting Crater Lake Avenue, approximately 1,075 feet north of the eastern segment of Coker Butte Road (Exhibits K, L and N).

As part of the Owen Drive/Coker Butte Transportation Facility project (TF-08-008), this parcel will be bisected by the realignment of the northern leg of Crater Lake Avenue. As a result of that new alignment, the parcel is cut into two tracts, 1.5 acres and 3.0 acres in size (Exhibit M).

General Land Use Map (GLUP)/Zoning

This parcel currently has an Urban Residential (UR) General Land Use Plan (GLUP) map designation (Exhibit K); it is zoned SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) (Exhibit N).

To the south and west, the subject parcel abuts lands with the General Industrial (GI) GLUP designation. To the east, the subject parcel abuts lands within the City's Urban Growth Boundary with an Urban Residential (UR) GLUP designation. To the north, the parcel abuts lands outside the City's Urban Growth Boundary with Jackson County zoning of Exclusive Farm Use (EFU).

Surrounding Property Zoning and Uses

North:	County EFU zoning, livestock grazing
South:	Light Industrial (I-L) zoning, outside storage yard for Rogue Disposal and Recycling
East:	County EFU zoning, apparently not being actively farmed
West:	Light Industrial (I-L) zoning, Lithia car sales

Approval Criteria

The following contain the applicable approval criteria for this request:

Medford Land Development Code, Minor Comprehensive Plan Amendment, Sections 10.190, 10.191, and 10.192 (Exhibit A);

Medford Comprehensive Plan – Plan Review and Amendment Procedure (Exhibit B);

Oregon Transportation Planning Rule - Oregon Administrative Rules OAR 660-12-060(1) – Plan and Land Use Regulation Amendments (Exhibit C).

Staff concurs with the proposed Findings of Fact and Conclusions of Law (Exhibit D); the proposal satisfies the approval criteria.

ISSUES/ANALYSIS

The following three issues are central in determining whether or not to approve a General Land Use Plan Map amendment: 1) the effect the amendment would have on public facilities, particularly transportation facilities; 2) the effect it would have on the supply of Urban Residential and General Industrial lands; and, 3) the appropriateness of the subject parcel for the proposed land use designation. Each is discussed below.

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

City of Medford Engineering required a Traffic Impact Analysis (TIA) for this proposal because it creates the potential for more than 250 *additional* average daily trips (ADT) to be generated. The TIA (Exhibit E) showed that, with one exception, study area intersections would operate within performance standards or would not be made worse by the proposed change. The intersection of Vilas Road/Crater Lake Avenue would require mitigation as a result of the proposed change. That improvement would include the addition of a northbound left turn lane at the intersection of Vilas Road and Crater Lake Avenue.

Based on the TIA and supplemental analyses, Public Works concluded that no mitigation was required for the City intersection studied, namely Delta Waters and Crater Lake Avenue. Public Works recommended approval with the condition that the developer comply with any other jurisdictions' Condition of Approval (Exhibit F).

The Oregon Department of Transportation (ODOT) reviewed the TIA and supports this comprehensive plan amendment with adoption of its recommended Conditions of Approval (Exhibit G) which require minor improvements to the Crater Lake Avenue/East Vilas Road intersection prior to City issuance of occupancy permits on the subject property when redeveloped to an industrial use. ODOT also requires review and approval of the minor improvements and construction plans at said intersection. Additionally, ODOT requires that all improvements be coordinated with both ODOT and the City of Medford and shall comply with all applicable city and state standards. ODOT also stated that, depending on the jurisdiction of Crater Lake Avenue following the completion of Owens Drive/Coker Butte improvement project, the applicant may need to acquire ODOT permits for access, utility and miscellaneous, prior to redevelopment and occupancy of the subject property.

The applicant stipulated to such minor improvements in his Findings. In view of the mitigation required at a later point, this proposal complies with the Transportation Planning Rule (OAR 660-012-060) (Exhibit C); the authorization of this Comprehensive Plan Amendment will have no significant effect on the transportation facility.

2) *How will this amendment affect the supply of Urban Residential and General Industrial lands?*

If approved, this proposal would move 4.58 acres from the Urban Residential to the General Industrial designation. The most recent residential land inventory conducted by the Planning Department (Buildable Land Inventory, Medford *Comprehensive Plan*, adopted February 21, 2008) indicated that there were 1,651 acres of vacant Urban Residential land (Exhibit H). Changing the designation of 4.58 acres to General Industrial would not significantly affect the supply of Urban Residential land.

With respect to General Industrial lands, the Economic Element, adopted in December 2008, forecasts a deficit of nineteen (19) small Industrial sites over the planning period of 2008 - 2028 (Exhibit I). Small Industrial sites are assumed to be 1.5 acres in size. The subject parcel is 4.5 net acres. Thus, the proposed change in designation would respond to the forecasted need by providing three (3) small industrial sites near other industrially zoned land.

The Economic Element supports this type of amendment. Policy 1-5 of the *Comprehensive Plan* Economic Element addresses the need to provide adequate employment lands and Implementation 1-5(b) identifies amendments to GLUP map designations within the existing Urban Growth Boundary as a means to that end:

Policy 1-5: *The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.*

Implementation 1-5(b): *Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.*

This comprehensive plan amendment application puts Implementation 1-5(b) into practice.

3) *Is this site appropriate for the General Industrial designation?*

This site is appropriate for the General Industrial designation. To the west and south, the subject parcel abuts lands designated General Industrial and zoned Light Industrial. If this application is approved, the applicant may request Light Industrial (I-L) or General Industrial (I-G) zoning for the subject parcel. Lithia Chrysler Jeep Dodge is located on the property to the west of the subject parcel and Highway 62. Rogue Disposal and Recycling stores dumpsters, heavy equipment and vehicles on the property south of the subject parcel. An industrial use would be more compatible with surrounding, existing uses than single-family residential housing.

To the east, the subject parcel abuts a band of land running north-south designated Urban Residential. The existing zoning pattern along Crater Lake Avenue is Light Industrial uses located adjacent to Crater Lake Avenue, backed by multi-family and single-family housing developments to the east. The proposed amendment would continue this pattern, which separates highway traffic from housing developments, but provides quick access to Highway 62 and Crater Lake Avenue for commuters and shoppers living in the nearby residential areas.

In the Findings of Fact (Exhibit D), the applicant has highlighted the challenges of creating residential development on the subject parcel under its existing GLUP designation of Urban Residential (Exhibit J). With dimensions of 215' x 1018', the parcel is long and narrow. Given the location of the parcel between Highway 62 and large undeveloped parcels of lands designated Urban Residential to the east, the street serving this parcel would need to be wide enough and of adequate capacity to serve those future housing developments to the east. The street would likely be aligned to the northern property line with a row of houses along the street and flag lots located behind as the means to achieve minimum density. The parcel might better accommodate multi-family housing development, but it would still be a challenge to create an attractive housing option, given its proximity to Highway 62.

A final factor to consider is that this parcel will be bisected by a major collector. Access onto and off this major collector will be restricted and that is more easily accomplished with an industrial use, as compared to a residential one.

In conclusion, this parcel is better suited to industrial uses than to residential uses due to its location off Crater Lake Avenue and close to Highway 62, compatibility with surrounding land uses, and the dimensional constraints of the parcel.

RECOMMENDED ACTION

The Medford Planning Commission, at their meeting of February 12, 2009, voted to forward a favorable recommendation to the City Council for approval of CP-08-121, per the Staff Report dated January 29, 2009, including Exhibits A through N, and subject to the following conditions:

- 1) The applicant shall provide transportation improvements to the intersection of Crater Lake Avenue and East Vilas Road. Said improvements shall include a northbound left-turn lane on Crater Lake Avenue, to westbound Vilas Road. The improvements may be required to include mitigation on the north side of the intersection to address adequate geometric alignment at the intersection. Required improvements shall be completed before the City of Medford issues permits of occupancy for development on the subject parcel.
- 2) The applicant shall produce a restrictive covenant, in a form acceptable to the City Attorney, to be placed on the subject property, which specifies the conditions of this approval.
- 3) The applicant shall record the restrictive covenant in #2 above within thirty (30) days of City Council approval of this application. This comprehensive plan amendment shall be effective upon the City receiving proof of the recordation of the covenant.

EXHIBITS

- A *Medford Land Development Code*, Minor Comprehensive Plan Amendment, Sections 10.190, 10.191, and 10.192
- B Medford Comprehensive Plan – Plan Review and Amendment Procedure
- C Oregon Transportation Planning Rule - Oregon Administrative Rules OAR 660-12-060(1) – Plan and Land Use Regulation Amendments
- D Applicant's Findings of Fact and Conclusions of Law received December 16, 2008, including Exhibits 1 - 10
- E Traffic Impact Study, dated July 15, 2008
- F Memo from Medford Public Works, dated January 8, 2009.
- G Memo from ODOT, dated December 15, 2008
- H Table 2. Buildable Land Inventory in Medford UGB. Excerpted from Medford *Comprehensive Plan*, Buildable Land Inventory, adopted February 21, 2008.
- I Figure 27, Economic Element, City of Medford *Comprehensive Plan*
- J Residential Development Constraints
- K General Land Use Plan (GLUP) Map
- L Assessor's Map
- M Map, Projected Realignment of Crater Lake Avenue through Ross Property
- N Vicinity/Zoning Map

PLANNING COMMISSION AGENDA: FEBRUARY 12, 2009

CITY COUNCIL AGENDA: APRIL 2, 2009

Exhibit A

Excerpt from Medford Land Development Code

10.190 Application, Minor Comprehensive Plan Amendment.

A minor revision to the Comprehensive Plan is one typically focused on specific individual properties and therefore considered quasi-judicial. Applications for minor Comprehensive Plan amendments shall contain the information as herein required.

10.191 Application Form.

An application for a minor Comprehensive Plan amendment shall contain the following items:

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area to be changed on the General Land Use Map.
- (2) Written findings which address the following:
 - (a) Consistency with applicable Statewide Planning Goals.
 - (b) Consistency with the goals and policies of the Comprehensive Plan.
 - (c) Consistency with the applicable provisions of the Land Development Code.

[Amd. Sec. 7, Ord. No. 5820, March 19, 1987.]

10.192 Minor Comprehensive Plan Amendment Criteria.

See the Review and Amendment section of the Comprehensive Plan text.

CP-08-12-1^A

Exhibit B

MEDFORD *COMPREHENSIVE PLAN* PLAN REVIEW and AMENDMENT PROCEDURE

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria with must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

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

B
CP-08-121

Exhibit C

Oregon Administrative Rules (OAR) 660-012-060(1)

Plan and Land Use Regulation Amendments

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

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

**REVISED FINDINGS OF FACT AND CONCLUSIONS OF LAW
BEFORE THE CITY OF MEDFORD
CITY COUNCIL**

**IN THE MATTER OF AN APPLICATION FOR AN)
AMENDMENT TO THE CITY OF MEDFORD) **APPLICANT'S**
GENERAL LAND USE PLAN MAP BY CHANGING THE) **EXHIBIT "1"**
LAND USE DESIGNATION ON A PARCEL FROM)
URBAN RESIDENTIAL TO GENERAL INDUSTRIAL)**

APPLICATION: Request for an amendment to the City of Medford General Land Use Plan Map by changing the land use designation from Urban Residential to General Industrial on an approximate 4.96-acre parcel located on the east side of Crater Lake Avenue, approximately 1100 feet north of Coker Butte Road.

**APPLICANT/
OWNER:** Dan and Debra Ross
 4250 Crater Lake Avenue
 Medford, OR 97504

RECEIVED

DEC 16 2008

AGENT: Maize & Associates, Inc.
 P.O. Box 628
 Medford, OR 97501

PLANNING DEPT.

A. BACKGROUND AND GENERAL INFORMATION

The subject property consists of a single 4.96-acre parcel that has been owned by the applicants since 1984 and has served as their residence and business. The parcel was annexed to the City in 2007 at which time, the current City holding zone of SFR-00 was placed on the property. The parcel is located adjacent to Medford's Urban Growth Boundary, which abuts along its north side.

In May 2008, the City Council approved a plan for the modification to City and State transportation facilities along Highway 62 and Coker Butte Road. (TF-08-008), which included a realignment to that intersection as shown on Exhibit "9". The northern leg of the realigned Crater Lake Avenue bisects the subject property directly behind the parcel's commercial buildings. Access to the two resultant tracts will be taken from a shared access along the common property line with the parcel to the south.

It is important to remember that the northern leg of Crater Lake Avenue has been planned and will be constructed to bisect the subject parcel. The size of the resultant two tracts will be approximately 1.50 acres and 3.00 acres in size.

The subject property is identified as Tax Lot 1001 on Jackson County Assessors Map 37-1W-05.

D
CP-08-121

B. PURPOSE AND SCOPE OF THE APPLICATION:

The purpose of the proposed application is to change the land use designation on the subject property to General Industrial, consistent with the property to the west and south. It is the applicant's intent upon approval of the proposed General Land Use Plan Map amendment, to apply for a change of zone on the subject property to Light Industrial (I-L).

As illustrated on the General Land Use Plan Map (Exhibit "2"), the subject property has a designation of Urban Residential and is adjacent to lands to the south that also have a land use designation of General Industrial. That General Industrial land use designation continues along the eastern and southern side of Crater Lake Avenue and Crater Lake Highway south approximately 1.8 miles to Skypark Drive. The typical zoning in that designation is Light Industrial (I-G), as shown on the Medford Zoning Map (Exhibit "3"). Lands to the west are also designated as General Industrial and typically have General Industrial and Light Industrial zones. The land to the north lies outside of Medford's Urban Growth Boundary and has a Jackson County zoning of Exclusive Farm Use (EFU). Land to the east is outside of the Medford City Limits with an Urban Residential designation and County EFU zoning. Hopkins Canal abuts the east side of the subject parcel.

C. PROCEDURE AND SUBMITTAL REQUIREMENTS:

Section 10.190 of the Medford Land Development Code defines a change of a land use designation on Medford's General Land Use Plan Map of a single parcel as a Minor Comprehensive Plan Amendment, and consequently is reviewed as a Class "B" procedural action, which specifies the review procedures and approval process for such an amendment.

10.190 Application, Minor Comprehensive Plan Amendment

A minor revision to the Comprehensive Plan is one typically focused on specific individual properties and therefore considered quasi-judicial. Applications for minor Comprehensive Plan amendments shall contain the information as herein required.

10.191 Application Form

An application for a minor Comprehensive Plan amendment shall contain the following items:

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area to be changed on the General Land Use Map.*
- (2) Written findings which address the following:*
 - (a) Consistency with applicable Statewide Planning Goals.*
 - (b) Consistency with the goals and policies of the Comprehensive Plan.*
 - (c) Consistency with the applicable provisions of the Land Development Code.*

D. RELEVANT APPROVAL CRITERIA:

The Medford Land Development Code contain the relevant approval criteria for a Minor Amendment to the Comprehensive Plan for a change to the General Land Use Plan Map. The State of Oregon has also established requirements regarding transportation and commercial and industrial development that have been included. The applicant has addressed each of the relevant criteria in Section “F” of this document, which follows.

CITY OF MEDFORD

1. MINOR COMPREHENSIVE PLAN AMENDMENT CRITERIA - SECTION 10.192

See the Review and Amendment section of the Comprehensive Plan text. *(below)*

MEDFORD COMPREHENSIVE PLAN - REVIEW AND AMENDMENTS

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria with must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

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

STATE OF OREGON REQUIRMENTS

1. STATEWIDE LAND USE PLANNING GOALS

Goal 1 Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Goal 2 Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 3 Agricultural Lands

To preserve and maintain agricultural lands.

Goal 4 Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

Goal 6 Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Goal 7 Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

Goal 8 Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 9 Economic Development

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

Goal 10 Housing

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

Goal 11 Public Facilities and Services

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

Goal 12 Transportation

To provide and encourage a safe, convenient and economic transportation system.

Goal 13 Energy Conservation

To conserve energy.

Goal 14 Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Goal 15 Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Goal 16 Estuarine Resources

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Goal 17 Coastal Shorelands

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Goal 18 Beaches and Dunes

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Goal 19 Ocean Resources

To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

2. TRANSPORTATION PLANNING RULE

- A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or zoning district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule—TPR) and the traffic impact study provisions of Section 17.05.900. "Significant" means the proposal would:*

1. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the city's transportation system plan (TSP); or*
 2. *Change the standards implementing a functional classification system; or*
 3. *As measured at the end of the planning period identified in the road authority's adopted transportation system plan (TSP)/city's comprehensive plan, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or*
 4. *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the city's transportation system plan (TSP)/comprehensive plan; or*
 5. *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the City's transportation system plan (TSP)/comprehensive plan.*
- B. Amendments that Affect Transportation Facilities. Except as provided in subsection C of this section, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility. This shall be accomplished by one of the following:*
1. *Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or*
 2. *Amending the comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses. Such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or*
 3. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or*
 4. *Amending the planned function, capacity or performance standards of the transportation facility; or*
 5. *Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.*

C. *Exceptions. Amendments to the comprehensive plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the city's transportation system plan (TSP)/comprehensive plan, may be approved when all of the following criteria are met:*

1. *The amendment does not include property located in an interchange area, as defined under applicable law;*
2. *The currently planned facilities, improvements or services are not adequate to achieve the standard;*
3. *Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and*
4. *The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.*

3. OREGON INDUSTRIAL AND COMMERCIAL DEVELOPMENT
660-009-0010)

660-009-0010 Application

- (1) *This division applies to comprehensive plans for areas within urban growth boundaries. This division does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Cities and counties subject to this division must adopt plan and ordinance amendments necessary to comply with this division.*
- (2) *Comprehensive plans and land use regulations must be reviewed and amended as necessary to comply with this division as amended at the time of each periodic review of the plan pursuant to ORS 197.712(3). Jurisdictions that have received a periodic review notice from the Department (pursuant to OAR 660-025-0050) prior to the effective date of amendments to this division must comply with such amendments at their next periodic review unless otherwise directed by the Commission.*
- (3) *Cities and counties may rely on their existing plans to meet the requirements of this division if they conclude:*
 - (a) *There are not significant changes in economic development opportunities (e.g., a need for sites not presently provided for in the plan) based on a review of new information about national, state, regional, county and local trends; and*
 - (b) *That existing inventories, policies, and implementing measures meet the requirements in OAR 660-009-0015 to 660-009-0030.*

- (4) *For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:*
- (a) *Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
 - (b) *Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*
 - (c) *Adopt a combination of the above, consistent with the requirements of this division.*
- (5) *The effort necessary to comply with OAR 660-009-0015 through 660-009-0030 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division.*
- (6) *The amendments to this division are effective January 1, 2007. A city or county may voluntarily follow adopted amendments to this division prior to the effective date of the adopted amendments.*

E. APPLICANT'S SUBMITTALS:

- Exhibit "1" Revised Findings of Fact and Conclusions of Law
- Exhibit "2" General Land Use Plan Map showing subject parcel
- Exhibit "3" Zoning Map showing subject parcel
- Exhibit "4" Assessor's Map showing subject parcel
- Exhibit "5" Aerial Vicinity Map
- Exhibit "6" Medford Street Functional Classification Plan
- Exhibit "7" North Medford Circulation Plan
- Exhibit "8" Plan showing Residential Development Constraints
- Exhibit "9" Approved Crater Lake Avenue/Coker Butte Road Realignment Plan
- Exhibit "10" Traffic Impact Study by RDK Engineering LLC, dated July 15, 2008

F. FINDINGS OF FACT AND CONCLUSIONS OF LAW

SUBMITTAL REQUIREMENTS OF SECTION 10.191

10.191 Application Form

An application for a minor Comprehensive Plan amendment shall contain the following items:

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area to be changed on the General Land Use Map.
- (2) Written findings which address the following:
 - (a) Consistency with applicable Statewide Planning Goals.
 - (b) Consistency with the goals and policies of the Comprehensive Plan.
 - (c) Consistency with the applicable provisions of the Land Development Code.

Findings of Fact

The submitted application includes a vicinity map of the General Land Use Plan Map (Exhibit "2"), which identifies the parcel proposed to be changed.

The sections of this document below include findings, which address the application's consistency with the applicable Statewide Planning Goals, the goals and policies of the Comprehensive Plan, and the applicable provisions of the Land Development Code.

Conclusion of Law

The City Council concludes that the submittal requirements of Section 10.191 have been met.

CITY OF MEDFORD CRITERIA

CRITERIA FOR PLAN AMENDMENTS

Map Designations - Amendments shall be based on the following:

1. A SIGNIFICANT CHANGE IN ONE OR MORE GOAL, POLICY, OR IMPLEMENTATION STRATEGY

Findings of Fact

The Urban Residential land use designation was placed on the subject property in when the property was included within Medford's original Urban Growth Boundary, and the Urban Residential designation has not changed since that time. Several factors have changed since that time however, principally the economic and development pattern of Medford and Southern Oregon, which have produced changes to the surrounding area as discussed below. In response to those changes, the City of Medford has made significant changes to several Goals, Policies, and Implementation strategies of its Comprehensive Plan.

POPULATION ELEMENT.

GOAL 2: TO ASSURE THAT LAND USES AND PUBLIC FACILITIES AND SERVICES ARE PLANNED, LOCATED, AND CONDUCTED IN A MANNER THAT RECOGNIZES THE SIZE AND THE DIVERSE CHARACTERISTICS AND NEEDS OF MEDFORD'S EXISTING AND FUTURE RESIDENTS.

Policy 2: The City of Medford shall use the population forecast adopted in the Population Element of the Medford Comprehensive Plan as the basis for developing land use planning policy (Official population projection: 112,624 for the year 2027, and 133,397 for the year 2040.)

Findings of Fact

In 2007, the City of Medford updated its Population Element to more accurately reflect future population trends and forecasts. Medford's population has increased since the last revision to the economic and housing elements, which examines Medford's land use needs for the future planning period, and consequently the status of the land use designations for future needs. Medford is currently in the process of revising both its Economic and Housing Elements to analyze the future needs and current supply of land designations for the various uses.

The Population Element finds that Medford's population tends to grow at a faster rate than the State of Oregon. Medford's average annual growth rate for the 1980 to 2005 period was 2.3 percent, with a 3.0 percent average annual growth rate in the 1990's.

Conclusion of Law

Based on the above Findings of Fact, the City Council concludes that with the change in Medford's population, particularly a 3.0 percent average annual growth rate in the 1990's, the City will need to make a determination of whether Medford's various land uses will provide land adequate in location, quantity, and are planned in a manner that recognizes and fulfills the diverse characteristics of Medford's existing and future residents.

ECONOMIC ELEMENT.

GOAL: TO ACTIVELY STIMULATE ECONOMIC DEVELOPMENT AND GROWTH THAT WILL PROVIDE OPPORTUNITIES TO DIVERSIFY AND STRENGTHEN THE MIX OF ECONOMIC ACTIVITY IN THE CITY OF MEDFORD.

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5(b): Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Policy 1-6: The City of Medford shall maintain Short-Term (five-year) supply of employment land equal to at least one-quarter (25%) of the amount of land projected to be demanded over the twenty-year planning horizon.

Policy 1-7: The City of Medford will rely on its High Employment Growth Scenario in the City's Economic Element twenty-year Employment Projections, Land Demand Projections, and Site Demand Projections when planning its employment land base.

Findings of Fact

In response to the recently adopted revision to Medford's Comprehensive Plan's Population Element, the City initiated an update to its Economic Element. The City of Medford had earlier commissioned E. D. Hovee & Company to analyze Medford's current economic development prospects and those that would guide the City through its 20-year planning horizon (2004 - 2024). Two documents were incorporated into an update to the Comprehensive Plan's Economic Element in 2006 as appendices, and were utilized to update and supplement the conclusions and policies of the element. Those two documents were the *Medford Economic Market Analysis - March 2003*, and the *Medford Commercial and Industrial Land Supply Goal 9 Supplement - December 2004*, commonly called the "Hovee Report".

The Hovee Report recommended that a "Changing Share" approach to job growth allocation resulting in a 75% commercial - 25% industrial land type mix, necessitating 844 acres of industrial land required to meet future needs. Based on the recommended employment forecast, the conclusion was made that there was a surplus of 443.77 acres of industrial land projected for the 20-year period ending in 2020, as shown in Table 1 below:

Table 1. Land Demand/Supply with Alternative Forecasts

Employment Lands*	Current Mix	Changing Share	Industrial Land Focus
Commercial Lands:			
Land Supply (acres)	349.71	349.71	349.71
Land Demand (acres)	555.00	650.00	433.00
Surplus (+)/Deficit (-)	- 205.29	- 300.29	- 83.29
Industrial Lands:			
Land Supply (acres)	1,287.77	1,287.77	1,287.77
Land Demand (acres)	708.00	844.00	1,688.00
Surplus (+)/Deficit (-)	579.77	443.77	- 400.23

***Note:** Includes the total of commercial and industrial lands. Land supply numbers are for **unconstrained** acreage per E. D. Hovee & Company July 22, 2004 memorandum.

Source: E. D. Hovee & Company.

Regarding industrial site requirements, the element notes that *"Much of the I-L land that is well suited to an office park development pattern has been built-out or is platted for such use. Even with I-L zoned lands, the land supply for office development is somewhat constrained."*

The Hovee Report also found that in 2003, industrial land was found to be developing at 29 acres per year.

The Medford City Council, on December 4, 2008, adopted an update to the Economic Element, based on an Economic Opportunities Analysis commission by the City and completed in 2008 by Johnson Gardner LLC and CSA Planning, Ltd., which provides a picture of the City's economic development potential over the 2008 - 2028 planning period.

The Economic Element provides the pertinent information regarding employment lands and the types of sites required by industrial uses.

The analysis produced information on three employment growth scenarios, ranging from low to high. The City Council selected the High Employment Growth Scenario under which the City is projected to need 1644 net buildable acres for employment purposes (commercial and industrial) over the planning period through 2028. Additional acreage may be necessary to accommodate particular numbers and types of sites, expected to be demanded. Subtracting vacant and redevelopable lands, results in 566 acres of needed employment lands. The analysis also states that additional acreage may be necessary to accommodate particular number and types of sites, expected to be demanded.

The element shows that under the High Employment Growth Scenario, although there is a surplus of acreage for industrial uses over the planning period, there will be a projected demand for 60 additional acres for the Small Industrial sites over the planning horizon (Figure 28). Those Small Industrial Sites have a typical acreage of 1.5 acres each.

The table below is taken from Figure 28 of the Economic Element, illustrating the 60-acre deficit for small-site industrial development.

**Reconciliation of Industrial Demand and Supply
by Development Pattern Type (From Fig. 28)**

Supply Acres Reconciliation (Net Buildable Acres)			Planning Horizon		
	Demand Projections		Vacant Supply	Net New Development	High Growth Scenario
	Typical Acreage	High Growth Scenario			
Large	30.00	121	207	50	136
Medium	6.00	148	206	37	94
Small	1.50	202	122	19	-60
Sub Total		471	535	106	170

It is important to again remember that the northern leg of Crater Lake Avenue has been planned and will be constructed to bisect the subject parcel. The size of the resultant two tracts will be approximately 1.5 acres and 3.0 acres in size. The subject property is therefore, considered to consist of the equivalent of 3 “small-sized” industrial sites.

The study analyzed the sites that would be demanded versus the supply of sites by development pattern, as shown below, taken from Figure 27, showing that utilizing the High demand projection adopted by the City Council, there is a need during the next planning period for 19 of the “Small” sized industrial sites with a typical size of 1.5 acres.

**Industrial Sites Demanded Versus Supply of Industrial Sites
by Development Pattern (From Fig. 27)**

Number of Industrial Sites by Development Pattern			Planning Horizon		
	Demand Projections		Vacant Supply	Net New Development	Balance High Growth Scenario
	Typical Acreage	High Growth Scenario			
Large	30.00	4	13	1	10
Medium	6.00	25	52	9	36
Small	1.50	135	107	9	-19

Conclusion of Law

Based on the above Findings of Fact, the City Council concludes that the bisection of the subject property by Crater Lake Avenue will create the equivalent of three small-sized industrial development sites.

The City Council also concludes that although the City is has sufficient industrial lands to be developed over the 2008 - 2028 planning horizon, there is a deficit of 19 small-sized industrial sites consisting of a shortage of 60 acres over that same planning period.

The City Council further concludes that there is a need for the subject parcel to be changed to a General Industrial land use designation as it will diversify and strengthen the mix of economic uses in the local marketplace, and will provide employment opportunities for local residents.

Findings of Fact

The northern leg of Crater Lake Avenue has been planned and will be constructed to bisect the subject parcel. The size of the resultant two tracts will be approximately 1.50 acres and 3.00 acres in size.

Figure 27 shows that utilizing the High demand projection endorsed by the City Council, there is a need during the next planning period for 19 of the “Small” sized industrial sites with a typical size of 1.5 acres.

The study also shows that under the High Employment Growth Scenario in Figure 28, there will be a shortage of approximately 60 acres of small site industrial land over the future planning horizon.

The Highway 62 corridor is a desired location for industry due to its proximity to a large tract of Light Industrially-zoned lands to the west and south. Uses within the Light Industrial zone depend on having vendors, suppliers, clients, and customers within close proximity. The site also is within a short distance to the Canterbury Park residential development and will be directly linked with the extension of Springbrook Road to provide a source of work force housing.

Conclusion of Law

Based on the above findings, the City Council concludes that approval of the subject application by changing the land use designation to General Industrial will assure that there will be an adequate industrial land base to accommodate the small-sized sites that are needed in the 2008 - 2028 planning period. The City Council further concludes that the land use designation of General Industrial will be the most efficient use of the land.

HOUSING ELEMENT

Implementation 2-D (I): Identify and evaluate those areas within the UGB designated for residential use that may be subject to natural or manmade hazards. If necessary, propose GLUP Map amendments for consideration by the City Council that reduce the exposure of residents to natural or manmade hazards. If necessary, prepare an amendment to the Land Development Code for consideration by the City Council that establishes the appropriate standards.

Findings of Fact

The subject property abuts EFU-zoned land along its east and north sides, and Light Industrially zoned land along its west and south sides. In accordance with the Agricultural Buffering standards of the code, the potential adverse impacts on urban development associated with noise, dust, spray drift and surface waters need to be minimized or mitigated. If the subject property were to develop to single-family densities, typically a “separation strip” of land with evergreen trees is required along the residential subdivision’s EFU interface as a condition of its approval.

As the land to the south is currently zoned Light Industrial, a code-required Type “A” landscaped bufferyard is required along that interface as a condition of a single-family subdivision’s approval *“to eliminate or minimize the potential conflicts caused by nuisances such as dirt, litter, noise, glare of lights, signs, visual impacts of buildings or parking areas, and differences in intensity of use.”*

If developed under the existing Urban Residential designation, that development will abut Highway 62, a Major Arterial Street with a volume of 32,000 Average Daily Trips.

The Hopkins Canal of the Rogue River Valley Irrigation District abuts the east boundary of the subject parcel. At the time of development, a significant easement for access and maintenance will be required over and adjacent to the canal.

Exhibit “8” illustrates the expected constraints upon residential development of the subject property.

Conclusion of Law

Based on the above findings, the City Council concludes that the proximity of the subject property to an Exclusive Farm Use zone along the north and east sides, and the proximity to industrial-zoned land to the south may result in the exposure to residents on the subject property if developed under the Urban Residential land use designation. The City Council also finds that the proposed change of land use to General Industrial will reduce the exposure to city residents because of the proximity to Highway 62 and Crater Lake Avenue.

GOAL 6: TO ENSURE OPPORTUNITY FOR THE PROVISION OF MEDFORD’S FAIR SHARE OF THE REGION’S NEEDED HOUSING TYPES, DENSITIES, AND PRICES, WITH SUFFICIENT BUILDABLE LAND IN THE CITY TO ACCOMMODATE THE NEED.

Policy 6-A: The City of Medford shall assure that adequate buildable land for all housing types and price ranges is available in the city in the amount and timing necessary to meet the identified need for the planning period. Multiple-family,

affordable, or assisted housing shall not be concentrated in any particular areas, but dispersed throughout the city.

Findings of Fact

The City of Medford is currently working to update its Housing Element to determine the housing needs in Medford over the 2008 - 2028 planning period. The last time that the Housing Element was updated was in 1995, which projected the City's needs through 2010. That 1995 update showed that a total of 1925 gross acres were needed over the planning period, with approximately 3700 acres of vacant Urban Residential land available within the City and Urban Growth Boundary in 1994.

The Urban Residential designation allows the SFR-2, SFR-4, SFR-6, and SFR-10 zoning districts.

There are elements relating to site design that may affect the suitability of a particular property to be developed with housing. The applicant has elsewhere discussed some of the elements that affect the subject property.

Conclusion of Law

Based on the above findings, the City Council concludes that although there exists a deficit of acreage for housing within the Urban Residential designation, there are other elements that make the subject site unsuitable for residential development.

2. ***DEMONSTRATED NEED FOR THE CHANGE TO ACCOMMODATE UNPREDICTED POPULATION TRENDS, TO SATISFY URBAN HOUSING NEEDS, OR TO ASSURE ADEQUATE EMPLOYMENT OPPORTUNITIES.***

Findings of Fact

The City-commissioned Johnson Gardner analysis (2008) shows that there is a demonstrated need for approximately 19 industrial sites that match the subject sites. These sites will provide the City's need for smaller (1.5 acres) industrial sites through the current planning period through 2028. Those small sites will provide employment opportunities to small businesses that may not be available with only larger sites.

Conclusion of Law

Based on the above findings, the City Council concludes that there is a demonstrated need for the proposed change of the land use designation from Urban Residential to General Industrial, to assure that there are adequate employment opportunities throughout the planning period 2008 - 2028.

3. *THE ORDERLY AND ECONOMIC PROVISION OF KEY PUBLIC FACILITIES.*

Findings of Fact

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

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

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

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

The Medford Water Commission staff states that water service is adequate in condition and capacity to accommodate development of the subject property with uses allowed under the proposed General Industrial land use designation.

B. Sanitary Sewer and Treatment – The subject property is currently served by the Rogue Valley Sewer Services, which has an 8-inch sanitary sewer line located in Crater Lake Avenue approximately 70 feet south of the subject property. The main line will be extended to the north upon future industrial development of the property.

The Rogue Valley Sewer Service staff has determined that the sanitary sewer system is adequate in condition and capacity to accommodate development of the subject property with uses allowed under the proposed General Industrial land use designation with the extension of the main line.

C. Storm Drainage – The subject site is located in the Swanson Creek and Midway Creek Drainage Basins and is currently served by roadside ditches along the west sides of the property. All storm drainage improvements are required to be consistent with the Medford Storm Drainage Master Plan.

The Medford Engineering Department states that with the prescribed storm water detention at the time of development of the site, the subject property can be adequately served by the City's storm water drainage system.

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

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

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

The applicant has included a stipulation that such a northbound left turn lane will be installed prior to the generation of additional traffic from new development on the subject property in conjunction with future industrial building development.

- E. Other Key Facilities – The City of Medford has established and developed a police department, a fire department, and a planning department to serve the citizens of the City. The size and sophistication of those departments are in direct response to the size of the City and the desire and abilities of the citizens to support those departments. Those facilities will continue to be provided to the subject property under the proposed industrial land use designation in an orderly fashion.

Conclusion of Law

Based upon the above Findings of Fact, the City Council concludes that the key public facilities available to properties within the City are all available in capacity and location to serve the subject property with development that is permitted in the proposed General Industrial land use designation, provided that, as stipulated, the addition of a northbound left turn lane at the intersection of Vilas Road & Crater Lake Avenue, be constructed before traffic from the future industrial development of the subject property is generated.

4. MAXIMUM EFFICIENCY OF LAND USES WITHIN THE CURRENT URBANIZABLE AREA

Findings of Fact

Findings above show that although there is a surplus of industrial land that would be needed during the 2008 - 2028 planning period, there is a shortage and need for approximately 19 sites of a smaller (1.5 acre) size. With the bisection of the subject parcel by the realignment of Crater Lake Avenue, the subject parcel will be the equivalent of 3 of those smaller tracts.

The last time that the Housing Element was updated was in 1995, which projected the City's needs through 2010. That 1995 update showed that a total of 1925 gross acres were needed over the planning period, with approximately 3700 acres of vacant Urban Residential land available within the City and Urban Growth Boundary in 1994.

There are several important factors, which affect the efficient development of the subject parcel under its current single-family residential designation that must be considered. Exhibit "8" illustrates the location and effect of the following elements upon the subject site.

1. The realignment of Crater Lake Avenue bisects the subject parcel. As a Major Collector street, no direct individual access will be taken from Crater Lake Avenue. The only points of vehicular access will be driveways along the south property line that will be shared with the abutting industrial development, currently Rogue Disposal and Recycling. The street will include a travel lane in each direction with a center left-turn land
2. At the time of development of a single-family residential subdivision on the parcel, agricultural buffering mitigation will need to be addressed along the east and north property lines where there is an existing zoning interface with the County Exclusive Farm Use zoning district. If the subject property were to develop to single-family densities, typically a "separation strip" of land with evergreen trees is required along the residential subdivision's EFU interface as a condition of its approval. The responsibility to maintain any building separation or landscaping and irrigation, will become the responsibility of the individual lot owners.

Developed under an industrial zone, the level of agricultural buffering mitigation needed, will be minimal.

3. A Type "A" Bufferyard will be required along the southern property line where an SFR/I-L zoning interface will exist. The maintenance of the plants and irrigation would also become the responsibility of the individual lot owners.

Developed under an industrial zone, there will be no bufferyard requirement.

4. The residential development, particularly the western portion will abut Highway 62, a Major Arterial street with 32,000 Average Daily Trips whizzing by, according to Medford's 2006 Traffic Volume count. There has been no other new residential development, which abuts Crater Lake Avenue in the City.
5. The design of a residential development that creates good design on the two tracts is restricted by the factors noted in 1, 2, and 3 above. The relative narrow lot width of the property makes it dimensionally impossible to place a residential street down the middle with lots fronting and taking access from both sides, as a minimum of 235 feet of width would be needed and the parcel is only 215 feet wide. It is doubtful under standard subdivision standards to meet minimum residential densities with any type of design incorporating good planning principals.
6. With the extension of Springbrook Road to the east, in accordance with the North Medford Circulation Plan (Exhibit "7"), the property to the east of the subject property will be able to develop residentially.

Conclusion of Law

Based on the above findings, the City Council concludes that buffering requirements, vehicular access, proximity to Highway 62, and residential density and lot design standards, are not conducive to single-family residential development under the existing Urban Residential designation. The City Council further concludes that changing the land use designation to General Industrial will result in a maximization of the subject and adjacent land uses.

5. ENVIRONMENTAL, ENERGY, ECONOMIC AND SOCIAL CONSEQUENCES.

Findings of Fact

The applicant has provided below, the potential environmental, energy, economic, and social consequences of the proposed General Land Use Plan Map amendment.

Environmental Consequences

Air Quality The State of Oregon recognized by adoption of the Transportation Planning Rule, that reducing the amount of vehicle miles traveled would have a direct result on particulate impacts. The state and federal governments have also developed air quality management plans, such as the Bear Creek Valley Air Quality Maintenance Plan, to work in reducing emissions and thereby improve air quality.

Under typical development scenarios, there should be no significant impact on air quality as a result of the proposed amendment.

Water Quality Water quality on the subject property will be regulated by several agencies, particularly the City of Medford through its storm water management requirements. Industrial development of the subject property will be constructed in accordance with a storm water drainage plan.

Wetlands Medford's local wetland inventory does not show any wetlands existing on the subject property. Hopkins Canal, which abuts the east property line is noted as an Irrigation Canal.

Energy Consequences

Development of the subject property will be done in accordance with the Uniform Building Code that will apply the most current energy efficiency standards.

Economic Consequences

As discussed in regards to Medford's Economic Element to its Comprehensive Plan, there is a need for small-sized industrial sites, such as the subject parcel over the planning horizon.

Social Consequences

As discussed in the applicants findings regarding Medford's Housing Element, development of the subject property under its present Urban Residential land use designation will cause several elements to mitigate adjacent incompatible land uses, to be applied. In addition, the proximity of single-family residential development to Crater Lake Highway and Crater Lake Avenue is not conducive to a pleasant pattern of residential living.

Conclusion of Law

Based on the above Findings of Fact, the City Council concludes that there will no significant difference between development of the subject property under its current Urban Residential land use designation, and the proposed General Industrial designation upon a review of the potential environmental and energy consequences. The City Council also concludes that in regard to potential economic and social consequences, the proposed amendment is (1) needed by the City during its 20-year planning period, and (2) will not produce livability difficulties and incompatibilities brought about when developed with single-family residences under the existing land use designation.

6. COMPATIBILITY OF THE PROPOSED CHANGE WITH OTHER ELEMENTS OF THE COMPREHENSIVE PLAN.

Findings of Fact

There are several elements of Medford's Comprehensive Plan that provide goals and policies, which are relevant to the proposed application. Those elements, together with their associated goals and policies, are addressed below.

ENVIRONMENTAL ELEMENT: NATURAL RESOURCES - ENERGY

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

Policy 10-A: The City of Medford shall plan and approve growth and development with consideration to energy efficient patterns of development, utilizing existing capital infrastructure whenever possible, and incorporating compact and urban centered growth concepts.

Findings of Fact

The proposed amendment is located in an area with an existing energy infrastructure. Both Pacific Power and Avista Utilities state that facilities are available in quantity and location to serve the subject property at the time of development. The property owner anticipates to seek a Light Industrial zone on the subject property. It is also anticipated that with the bisection by Crater Lake Avenue, the subject property will be developed on at least two separate tracts, with uses that are allowed in the Light Industrial zoning district.

All proposed industrial development on the subject site, under a zone allowed in the General Industrial designation, will be subject to Site Plan and Architectural Commission review, where all development will be reviewed by the City and energy providers. A maximization of energy efficiency will be an important element of that review.

Conclusion of Law

Based on the above findings, the City Council concludes that the proposed change of the land use designation from Urban Residential to General Industrial will be planned, located, and constructed in a manner that will be in adherence to City standards and requirements of private energy providers. The City Council further concludes that development will be approved with consideration to energy efficient patterns, which will utilize existing capital infrastructure.

ECONOMIC ELEMENT

GOAL: TO ACTIVELY STIMULATE ECONOMIC DEVELOPMENT AND GROWTH THAT WILL PROVIDE OPPORTUNITIES TO DIVERSIFY AND STRENGTHEN THE MIX OF ECONOMIC ACTIVITY IN THE CITY OF MEDFORD.

Policy 1-8: The City shall balance the efficient use of public facilities, the conservation of limited land resources, the maintenance of air and water quality and compatibility with surrounding land uses.

Implementation 1-8(b): Require integrated commercial centers, rather than individual linear developments, whenever feasible.

Implementation 1-8(c): Develop location criteria and site development standards for commercial and industrial development that implement Policy 1-8.

Findings of Fact

The City has adopted some site development standards for industrial development, with the intent of creating a more integrated development pattern. The relatively small size of the two tracts that will comprise the subject parcel (1.5 acres and 3.0 acres), will share common boundaries with the Light Industrial-zoned property to the south, which currently does not have a high degree of building development, but will most likely redevelop in the future. The City will be able to ensure that cohesive and integrated development patterns occur as both properties develop.

Conclusion of Law

Based on the above findings, the City Council concludes that future reviews and approvals will encourage cohesive, integrated, industrial development on the subject property.

7. ALL APPLICABLE STATEWIDE PLANNING GOALS.

In 1973, the 57th Legislative Assembly adopted Senate Bill 100, which created the Land Conservation and Development Commission (LCDC). LCDC was charged with the responsibility to develop statewide planning goals and guidelines to guide local comprehensive planning. The Oregon Statewide Planning Goals consist of 19 goals that express the State of Oregon's policies on land use and on related topics, such as citizen involvement, housing, and transportation. Oregon's statewide goals are achieved through local comprehensive planning, which necessitates each city and county to adopt a comprehensive plan that must be consistent with the Statewide Planning Goals. The Comprehensive Plans are reviewed for such consistency by the State's Land Conservation and Development Commission. The State has "acknowledged" Medford Comprehensive Plan as being consistent with the Statewide Planning Goals.

The Medford City Council has considered the following facts that are pertinent to the application requesting approval of the amendment to the City's General Land Use Plan Map that requires the applicable Statewide Land Use Planning Goals to be considered.

Goal 1 *Citizen Involvement*

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Findings of Fact

As part of the review process by the City of Medford, the application will be reviewed by the Citizens Planning Advisory Committee, with their recommendation forwarded to the City Council.

The applicant and the City of Medford will provide the requisite public notice to affected citizens of the public hearings for the proposed amendment. Citizens will be able to address the applicable relevant criteria during the public hearing process.

Conclusion of Law

All citizens will have the opportunity to be involved in the planning process for this proposed amendment to the General Land Use Plan Map.

Goal 2 *Land Use Planning*

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Findings of Fact

The applicant has submitted Findings of Fact and Conclusions of Law (Exhibit "1"). That document identifies each of the relevant approval criteria found in Section 10.192 of the Medford Land Development Code that are required to be met before amendments to the Comprehensive Plan's land use designation can be approved by the City Council. The Findings of Fact provide factual information showing how each of the relevant approval criteria has been met.

To implement the Goals and Policies of the Comprehensive Plan, the City of Medford like all other jurisdictions, has adopted a Land Development Code that contains the processes, procedures, and standards for all land development decisions and actions in the city, which follow and are consistent with Oregon's Revised Statutes and Administrative Rules.

Conclusion of Law

Based on the above findings, the City Council concludes that a land use process and policy has been established in Medford as a basis for all land use decisions.

The City Council further concludes that the relevant approval criteria and the quasijudicial framework assure that an adequate factual base for the proposed amendment to Medford's General Land Use Plan Map will be made.

Goal 3 *Agricultural Lands*

To preserve and maintain agricultural lands.

Findings of Fact

As the subject parcel is within the corporate limits of the city, it has been determined that the property will be developed as urbanized land, in accordance with its land use designation. The subject parcel is not designated or zoned for agricultural use. The abutting parcels to the north and east are zoned Exclusive Farm Use (EFU). In order to assure that the impacts of that agricultural urban development are minimized or mitigated, the City has adopted requirements in the Land Development Code that will be met upon development of the subject property.

Conclusion of Law

Based on the above findings, the City Council concludes that with review of all industrial development on the subject property, adjacent agricultural lands will be adequately preserved and maintained.

Goal 4 *Forest Lands*

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Findings of Fact

As the subject parcel is within the corporate limits of the city, it has been determined that the property will be developed as urbanized land, in accordance with its land use designation. The subject parcel is not designated, zoned, does it abut forestland, or designated for forest use.

Goal 7 *Areas Subject to Natural Disasters and Hazards*

To protect people and property from natural hazards.

Findings of Fact

The Statewide Planning Goals No. 7 identifies natural hazards as: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. The City of Medford has not identified any other natural hazards on or adjacent to the subject property.

Being located near the center of the Rogue Valley, with the slope of the subject parcel no greater than 4 percent, the subject property is not in an area susceptible to mass movement due to steep slopes or earth flow and slump topography.

Conclusion of Law

The City Council concludes that the subject area is not located in an area with know natural hazards and, therefore, any appropriate safeguards do not need to be applied to this site.

Goal 8 *Recreational Needs*

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts

Findings of Fact

The City endeavors to establish city parks for the recreational needs of the City in locations that are easily accessible by well-traveled public streets, sidewalks, and pathways. The City establishes its parks in accordance with its master park planning.

The City of Medford's Comprehensive Plan has designated the subject property with one of its residential designations, and has not included the subject property in a Parks and Schools designation.

Conclusion of Law

The City Council concludes that this goal does not apply to the proposed application.

Goal 9 Economic Development

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

Findings of Fact

The Economic Development goal requires that Comprehensive Plans for urban areas include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends. It also requires that the Plans contain policies concerning the economic development opportunities in the community, and to provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.

The City of Medford, as evidenced by its General Land Use Plan Map, has established land use designations that have satisfied the needs of the community and directed the pattern of development. The Comprehensive Plan is periodically updated to reflect any changes to the economic opportunities of the City, based upon current and projected needs. The City of Medford has recently updated its Economic Element to provide the variety of economic activities within the City for the 2008 - 2028 planning period.

Conclusion of Law

The City of Medford has revised its Economic Element of its Comprehensive Plan so that its various goals, policies, and the City's General Land Use Plan Map reflect the existing desires and economic needs of the community.

A discussion is included in the Economics Element section of the Medford's Comprehensive Plan Goals and Policies findings (pages 10-13) that address the specific need for a variety of economic activities.

Goal 10 Housing

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

Findings of Fact

The City of Medford has provided for specific areas within the City to accommodate needed housing types in accordance with the future needs. The City has planned and zoned buildable land to meet those needs.

The proposed amendment amends the General Land Use Plan Map to replace the Urban Residential designation with a General Industrial designation. A discussion is included in the Housing Element section of the Medford Comprehensive Plan's Goals and Policies findings (pages 13-14) that address the specific need for housing.

Conclusion of Law

The City Council concludes that the City is currently in the process of revising its Housing Element so that its various goals, policies, and General Land Use Plan Map provide for the citizen's housing needs.

Goal 11 Public Facilities and Services

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

Findings of Fact

The City of Medford, together with other providers of public facilities and services, have developed plans for the orderly extension, replacement, and maintenance of those facilities. Those individual plans are:

City of Medford Transportation System Plan - (November 2003)

Medford Storm Water Management Plan - (February 2005)

Medford Water Commission - Water Distribution System Facility Plan (July 2007)

Rogue Valley Transit District - Five Year Strategic Plan - (August 2008)

These plans have guided the providers of public facilities and services in their timely, orderly, and efficient arrangement. Those public facilities and services that will serve the subject property are as follows:

- A. Water Service – The subject property can currently be served by the following water lines that are adjacent to the subject site:
- an 8-inch water main in Crater Lake Avenue, terminating approximately 150 feet south of the subject property;
 - an 8-inch water main terminating on the common lot line between Tax Lots 1002 and 1600, approximately 650 feet south of the subject property;
- B. Sanitary Sewer and Treatment – The subject property is currently served by the Rogue Valley Sewer Services, which has an 8-inch sanitary sewer line located in Crater Lake Avenue.

- C. Storm Drainage – The subject site is located in the Swanson and Midway Creek Drainage Basins and is currently served by roadside ditches along the west sides of the property. All storm drainage improvements are required to be consistent with the Medford Storm Drainage Master Plan.

- D. Transportation Facilities – The subject property has frontage on Crater Lake Avenue, a designated Major Collector street, according to Medford’s Medford Street Functional Classification Plan. A Traffic Impact Study submitted with this application shows that all transportation facilities will operate within City and State performance standards, provided that prior to trip generation for the future industrial development on the subject property, the addition of a northbound left turn lane be constructed at the intersection of Vilas Road and Crater Lake Avenue.

- E. Public Transit - Currently, the Rogue Valley Transit District’s Route #60 runs from Medford to White City along Crater Lake Highway, but running along Lear Way between Delta Waters Road and Cardinal Avenue, to the west of the subject property.

- F. Other – The City of Medford has established and developed a police department, fire department, and planning department to serve the citizens of the City. The size and sophistication of those departments are in direct response to the size of the size of the City and the desire and abilities of the citizens to support those departments.

Conclusion of Law

The City of Medford has planned for the timely, orderly, and efficient arrangement of public facilities and services to provide as a framework for its development.

Goal 12 Transportation

To provide and encourage a safe, convenient and economic transportation system.

Findings of Fact

The City of Medford has adopted a Transportation System Plan that considers the all viable modes of transportation, including air, pipeline, mass transit, rail, highway, bicycle, and pedestrian, based upon an inventory of local, regional and state needs.

Crater Lake Avenue, which abuts the subject property along its western side, and provides access to properties along the east side of Highway 62 north of Delta Waters Road. A major improvement project will realign the intersection of Crater Lake Avenue and Coker Butte Road providing a signalized intersection at Highway 62 and Coker Butte Road.

Conclusion of Law

The City Council concludes that the proposed amendment to the General Land Use Plan Map will not result in a change to the safety, convenience, or the economy of the transportation system, with the condition that a northbound left turn lane be constructed at the intersection of Vilas Road & Crater Lake Avenue.

Goal 13 Energy Conservation

To conserve energy.

Findings of Fact

This Statewide Planning Goal declares that *“land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”*

Development of the subject property is in conformance with the standards and restrictions of the municipal, state, federal, and special districts and agencies will assure that all forms of energy will be conserved to the maximum extent.

Conclusion of Law

Uses developed on the subject property will be managed and controlled so as to maximize the conservation of all forms of energy, base upon sound economic principals.

Goal 14 Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Findings of Fact

The subject property is located within the City Limits of Medford and has therefore been designated for urban land use for several years, by virtue of its inclusion within Medford’s Urban Growth Boundary.

The City of Medford has established lands within its Urban Growth Boundary to accommodate the residential, commercial, industrial, civic, and recreational lands that it population will need, consistent with a 20-year population forecast.

Medford's Land Development Code has established standards that regulate the development of individual parcels, such as setbacks, maximum building heights, and lot coverage, parking standards, minimum amounts of landscaping, etc. Those standards applied against development during Medford's Site Plan and Architectural Review process, will result in a development that meets the City's goal of providing a livable community.

The City has recently updated its Economic Element and is currently in the process of updating its Housing Element to assure that population and employment needs will be met within Medford's Urban Growth Boundary during the 2008 - 2028 planning period.

Conclusion of Law

The City Council concludes that through the goals and policies of Medford's Comprehensive Plan, and with the implementation of its Land Development Code, the efficient use of land will be accomplished providing the citizens of Medford with a livable community.

Goals 15, 16, 17,18, and 19

Findings of Fact

The subject property does not contain, not is adjacent to the Willamette River Greenway, an estuary, coastal shorelands, beaches, dunes, or the Pacific Ocean.

Conclusion of Law

These goals do not apply to the proposed application.

5. CONSISTENCY WITH THE OREGON TRANSPORTATION PLANNING RULE (OAR 660-012-0060)

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

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

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

- a. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- b. *Change standards implementing a functional classification system; or*
- c. *As measured at the end of the planning period identified in the adopted transportation system plan:*
 - (A) *Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
 - (C) *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

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

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

The applicant has included a stipulation in conjunction with this Comprehensive Plan amendment application that such a northbound left turn lane will be installed prior to the generation of additional traffic from new industrial development on the Light Industrial-zoned property.

Conclusion of Law

Based on the above findings, the City Council concludes that with the addition of a northbound left turn lane at the intersection of Vilas Road and Crater Lake Avenue, as stipulated in the current application, there will not be a significant affect on an existing or planned transportation facility and therefore, the application is consistent with the Oregon Transportation Planning Rule.

6. CONSISTENCY WITH OAR SECTION 660-009-0010 - INDUSTRIAL AND COMMERCIAL DEVELOPMENT

660-009-0010 Application

- (1) This division applies to comprehensive plans for areas within urban growth boundaries. This division does not require or restrict planning for industrial and other employment uses outside urban growth boundaries. Cities and counties subject to this division must adopt plan and ordinance amendments necessary to comply with this division.*
- (2) Comprehensive plans and land use regulations must be reviewed and amended as necessary to comply with this division as amended at the time of each periodic review of the plan pursuant to ORS 197.712(3). Jurisdictions that have received a periodic review notice from the Department (pursuant to OAR 660-025-0050) prior to the effective date of amendments to this division must comply with such amendments at their next periodic review unless otherwise directed by the Commission.*
- (3) Cities and counties may rely on their existing plans to meet the requirements of this division if they conclude:
 - (a) There are not significant changes in economic development opportunities (e.g., a need for sites not presently provided for in the plan) based on a review of new information about national, state, regional, county and local trends; and*
 - (b) That existing inventories, policies, and implementing measures meet the requirements in OAR 660-009-0015 to 660-009-0030.**
- (4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:
 - (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
 - (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*
 - (c) Adopt a combination of the above, consistent with the requirements of this division.**
- (5) The effort necessary to comply with OAR 660-009-0015 through 660-009-0030 will vary depending upon the size of the jurisdiction, the detail of previous economic development planning efforts, and the extent of new information on national, state, regional, county, and local economic trends. A jurisdiction's planning effort is adequate if it uses the best available or readily collectable information to respond to the requirements of this division.*

(6) *The amendments to this division are effective January 1, 2007. A city or county may voluntarily follow adopted amendments to this division prior to the effective date of the adopted amendments.*

Findings of Fact

The subject application is identified as a post-acknowledgement plan amendment to Medford's Comprehensive Plan under OAR chapter 660, division 18. The subject proposal is greater than two acres, but does not change the land use designation from an industrial use or an other employment use designation as defined in OAR 660-009-0005.

The purpose of this OAR division is to implement Goal 9, *Economy of the State* and provisions of ORS 197.712 (2)(a - d), *"to assure that comprehensive plans and land use regulations are updated to provide adequate opportunities for a variety of economic activities throughout the state and to assure that comprehensive plans are based on information about state and national economic trends."*


Conclusion of Law

There are no provisions of the OAR 660-09-0010 (Industrial and Commercial Development) with which the proposed amendment conflicts.

G. ULTIMATE CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the City Council concludes that the application for an amendment to the City of Medford General Land Use Plan Map, changing the designation on the subject property from Urban Residential to General Industrial, is consistent with the relevant decisional criteria found in the City of Medford Land Development Code, the Oregon Statewide Planning Goals, the Oregon Transportation Planning Rule (Section 660-012-0060 of the Oregon Administrative Rules) and the Industrial and Commercial Development Section 660-009-0010 of the Oregon Administrative Rules.

Respectively Submitted,
Maize & Associates, Inc.



Jim Maize
agent for Applicant,
Dan and Debra Ross

Dated: December 16, 2008

TRAFFIC IMPACT STUDY

**4.96 Acre Zone Change
4250 Crater Lake Ave.
Medford, Oregon**

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July 15, 2008

APPLICANT'S
EXHIBIT
" 10 "

Prepared by:
RDK Engineering
for
Daniel and Debra Ross

CP-08-121^E

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JAN 08 2009

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CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Kathy Helmer, Planning Department
FROM: Public Works Department
SUBJECT: Ross Property Comprehensive Plan Amendment
DATE: January 8, 2009

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

This study analyzed the traffic impact of the proposed Comprehensive Plan Amendment from SFR-00 to I-L (light industrial) on 4.58 acres. Per City's trip generation rate, the proposed Comprehensive Plan Amendment can generate 1374 ADT. The study evaluated the intersection of Delta Waters and Crater Lake Ave. under the existing Year 2008, Year 2010 no build, Year 2010 and Year 2030 Build conditions. With the Owen extension to Hwy 62 and signalized the intersection, the intersection of Delta Waters and Crater Lake Ave. will operate at the LOS D for 2010 Build and 2030 Build scenario. Therefore, in terms of facility adequacy, no mitigation is required for the studied intersection.

Based on the traffic impact analysis, Public Works recommends the approval with the following condition:

1. The developer shall comply with any other jurisdictions' Condition of Approval.

F
CP-08-121



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Region 3 Planning

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

December 15, 2008

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

Re: ODOT comments for the proposed Ross Comprehensive Plan Amendment (file no. CP-08-121)

Dear Chairman McFadden & Fellow Planning Commissioners:

The Oregon Department of Transportation (ODOT) appreciates the opportunity to review and comment on the proposed Ross Comprehensive Plan Amendment application request for a minor, Class B amendment to the city of Medford's General Land Use Plan Map (GLUP Map). The applicant proposes to change the existing plan designation from Urban Residential (UR) to General Industrial (GI), located at 4250 Crater Lake Avenue, Medford, OR. The 4.96-acre subject property is described as Map 37-1W-05, Tax Lot 1001, and is within the city's existing SFR-00 (Single Family Residential – 1 dwelling unit per lot) zoning district.

It is our understanding the traffic impact study (TIS) prepared by RDK Engineering, dated July 5, 2008, is intended to support both a concurrent comprehensive plan map amendment and a zone map amendment, as described in the Findings of Fact and Conclusions of Law. We offer the following comments, with recommended conditions of approval, to support the approving land use decisions by the city of Medford. Please enter this letter into the CP-08-121 public hearing record, and copy the ODOT (to my attention) on the city's final decision.

Background & Advisory Right-of-Way Dedication Comments

The Ross subject property is located within the *OR-62 @ Coker Butte Road / OR-62 @ Owens Drive* improvement project area. The transportation project is identified as State Transportation Improvement Program (STIP) project, key number 15514; is a city of Medford led project; and, is scheduled for construction in the year 2010. Implementation of this programmed, fiscally constrained public transportation improvement project will significantly benefit traffic safety and operations in this vicinity. The Coker Butte realignment project will benefit the Ross subject property by increasing the safety and operations of the Crater Lake Avenue / Coker Butte Road intersection, as well as at the intersection of Crater Lake Avenue with Crater Lake Highway (OR-62). Improved access to the Ross property will be provided via implementation of project #15514.

As advisory comments to the applicant and city, we recommend the applicant's future dedication of subject property right-of-way necessary for the Coker Butte realignment project, at the appropriate time of future zone change and/or site development of the Ross property. This recommendation is consistent with the requirements of the *City of Medford Land Development Code*, Section 10.425, Street Access and Dedication Requirements, and Section 10.451, Additional Right-of-Way and Street Improvements, for the purpose to construct the Coker Butte Road / Crater Lake Avenue realignment project. We understand right-of-way issues will be addressed, as part of the city's project management to deliver project #15514.

ODOT Traffic Study Review & Findings

We have reviewed the applicant's supporting traffic impact study (TIS), dated July 15, 2008, prepared by RDK Engineering, as well as the applicant's *Findings of Fact and Conclusions of Law*. The scope, analysis and recommendations of the traffic study have been coordinated with our agency. We find the applicant's traffic study and findings represent the best available traffic evidence upon which the city can rely in making a land use decision for this project (i.e., both for the current GLUP Map amendment, and an anticipated future zone change to Light Industrial use). With the applicant's provision of the identified and stipulated mitigation (minor improvements) to the Crater Lake Avenue / Vilas Rd. intersection, we have no transportation concerns with the proposed GLUP Map amendment or concurrent zone change. We recommend the city's conditioned approval of the requested amendment(s), to include the TIS identified minor improvements to this intersection, within the appropriate land use application decision as determined by the city.

ODOT Recommended Conditions of Approval

The Oregon Department of Transportation supports the proposed Ross GLUP Map amendment from Urban Residential to General Industrial; and, the associated zone map amendment from Residential (SFR-00) to Light Industrial, with the Medford Planning Commission's adoption of the following conditions of approval:

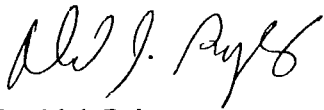
- The applicant shall provide minor transportation improvements to the intersection of Crater Lake Avenue and East Vilas Road, to include the provision of a northbound left-turn lane on Crater Lake Avenue, to westbound Vilas Road, prior to city issuance of occupancy permits at the time of future redevelopment of the subject property to industrial use. The minor improvements may include mitigation on the north side of the intersection to address adequate geometric alignment at the intersection. These improvements address safety and operations at this intersection, resulting from the TIS identified increased traffic and significant effect of the proposed land use amendment(s).

At the time of future development of the subject property, we request notification and coordination of the proposed development. The ODOT will require review and approval of the minor transportation improvements and construction plans at the Crater Lake Avenue / East Vilas Road intersection. All improvements shall be coordinated with the city of Medford and the Oregon Department of Transportation, and shall comply with all applicable city and/or state standards. Depending on the jurisdiction of Crater Lake Avenue, following completion of the Owens Drive / Coker Butte improvement project (Key #15514), the applicant may need to acquire valid ODOT access, utility and/or miscellaneous permits, prior to redevelopment and occupancy of the Ross subject property.

We appreciate this opportunity to provide development review service to the applicant and to the city of Medford. Please enter this correspondence into the project record, and copy me on the city's final decision.

We look forward to working with Medford on future projects. Please contact me at (541) 774-6399, if you have comments, questions or require additional information regarding this correspondence. Thank you.


Respectfully,

A handwritten signature in black ink, appearing to read "David J. Pyles". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

David J. Pyles,
Development Review Planner III

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

Exhibit H

Table 2 Buildable Land Inventory in Medford UGB				
	Vacant	Redevelopable	Partially Developed Residential	Total Buildable Land
GLUP	<i>Acres</i>	<i>Acres</i>	<i>Acres</i>	<i>Acres</i>
Commercial & City Center (CM & CC)	209	105		314
Service Commercial (SC)	50	27		77
General Industrial (GI)	445	271		716
Heavy Industrial (HI)	350	89		439
Urban High Density Residential (UH)	100	86	21	207
Urban Medium Density Residential (UM)	30	3	11	44
Urban Residential (UR)	1651	706	505	2862
Total	2834	1287	537	4658
<p>ADOPTED February 21st, 2008</p> <p>ORDINANCE #2008-03</p> <p>Property Class data source: Jackson County, March 2007</p> <div style="display: flex; align-items: center; justify-content: center;">  <div style="margin-left: 10px; font-size: small;"> <p>Note: Buildable land includes the acreage of vacant parcels, and the acreage of the vacant portion of partially developed parcels; and the acreage of redevelopable parcels. Redevelopable parcels are those with an Improvement to land value < 0.33 pursuant to Jackson County Assessment data as of March 2007.</p> </div> </div>				

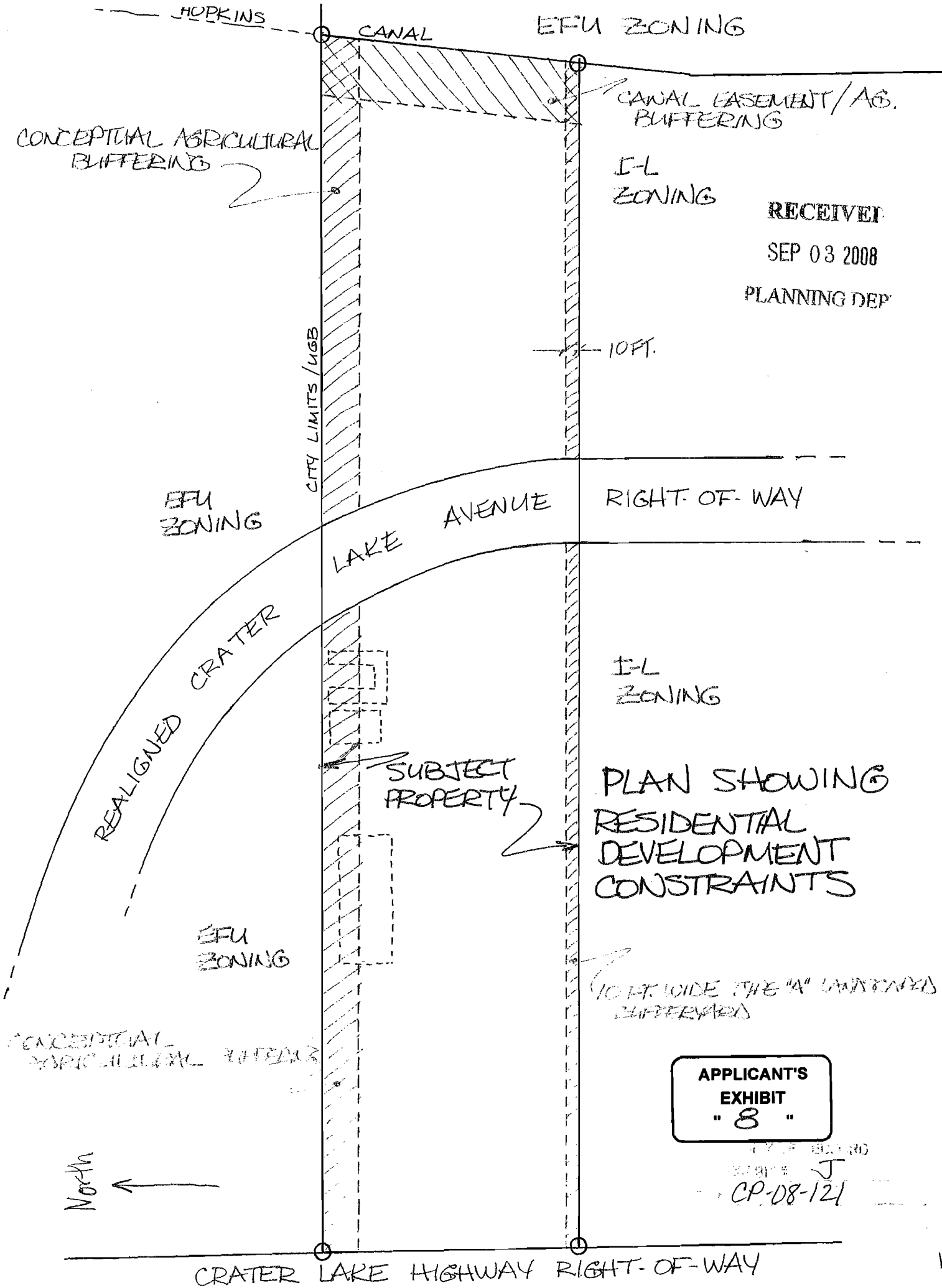
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CP-08-121

Exhibit I

FIGURE 27: SITES DEMANDED VERSUS SUPPLY OF SITES BY DEVELOPMENT PATTERN

Number of Sites by Development Pattern		Demand Projections				Planning Horizon		Balance		
		Typical Acreage	Medium	High	Low	Vacant Supply	Net New Redevelopment	Medium	High	Low
Office	Large	5.00	9	11	8	5	2	-2	-4	-1
	Medium	1.50	55	65	44	53	2	0	-10	11
	Small	0.45	468	554	373	93	17	-358	-445	-264
Industrial	Large	30.00	3	4	3	13	1	11	10	11
	Medium	6.00	21	25	17	52	9	40	36	44
	Small	1.50	114	135	92	107	9	1	-19	23
Commercial	Large	20.00	7	8	5	2	1	-4	-5	-2
	Medium	4.50	31	37	25	50	7	26	20	32
	Small	0.75	163	220	186	66	28	-69	-126	-92

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PLAN SHOWING
 RESIDENTIAL
 DEVELOPMENT
 CONSTRAINTS

APPLICANT'S
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CITY OF BEAVER
 DISTRICT # J
 CP-08-121

MEDFORD GENERAL LAND USE PLAN MAP

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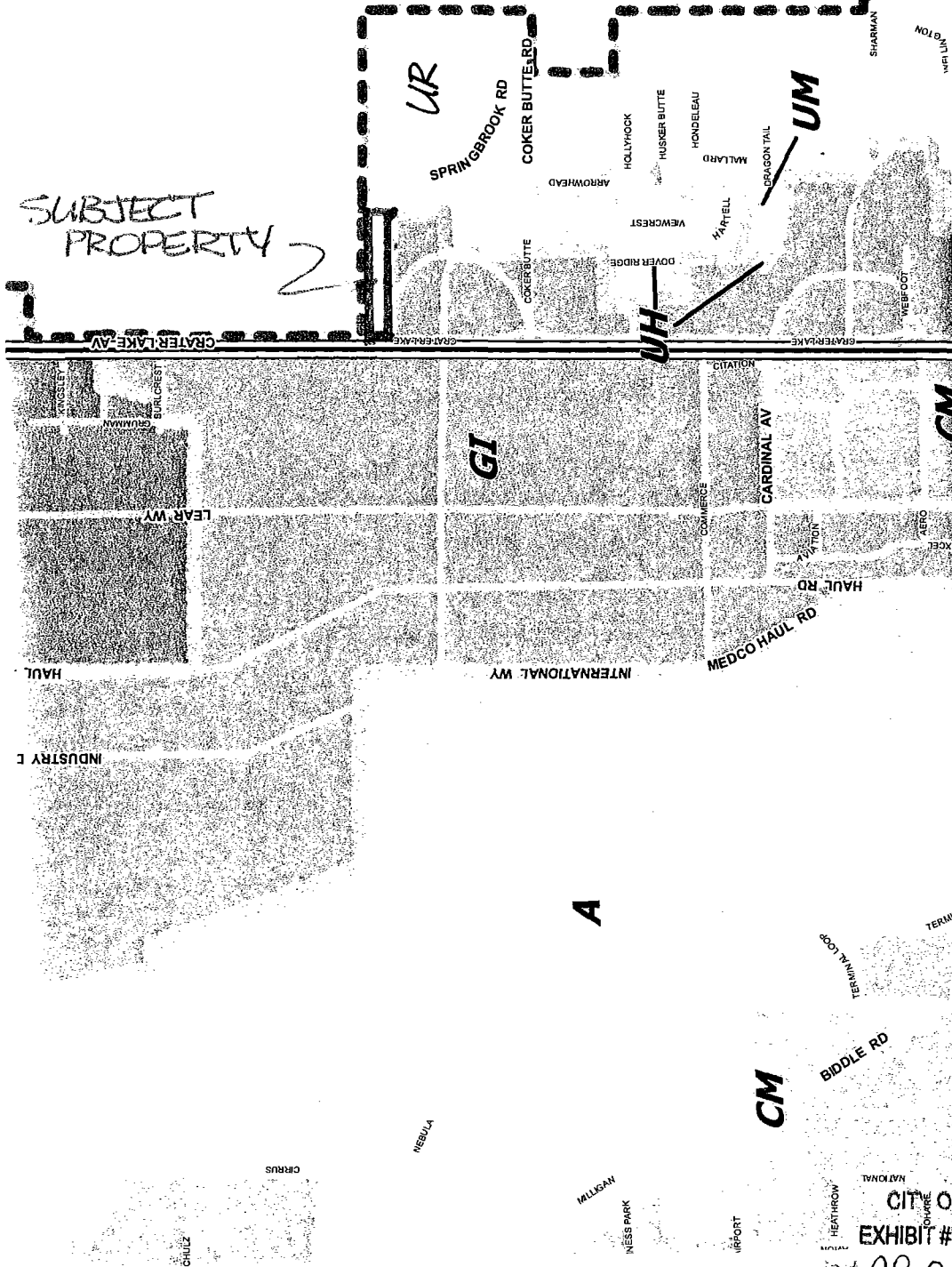
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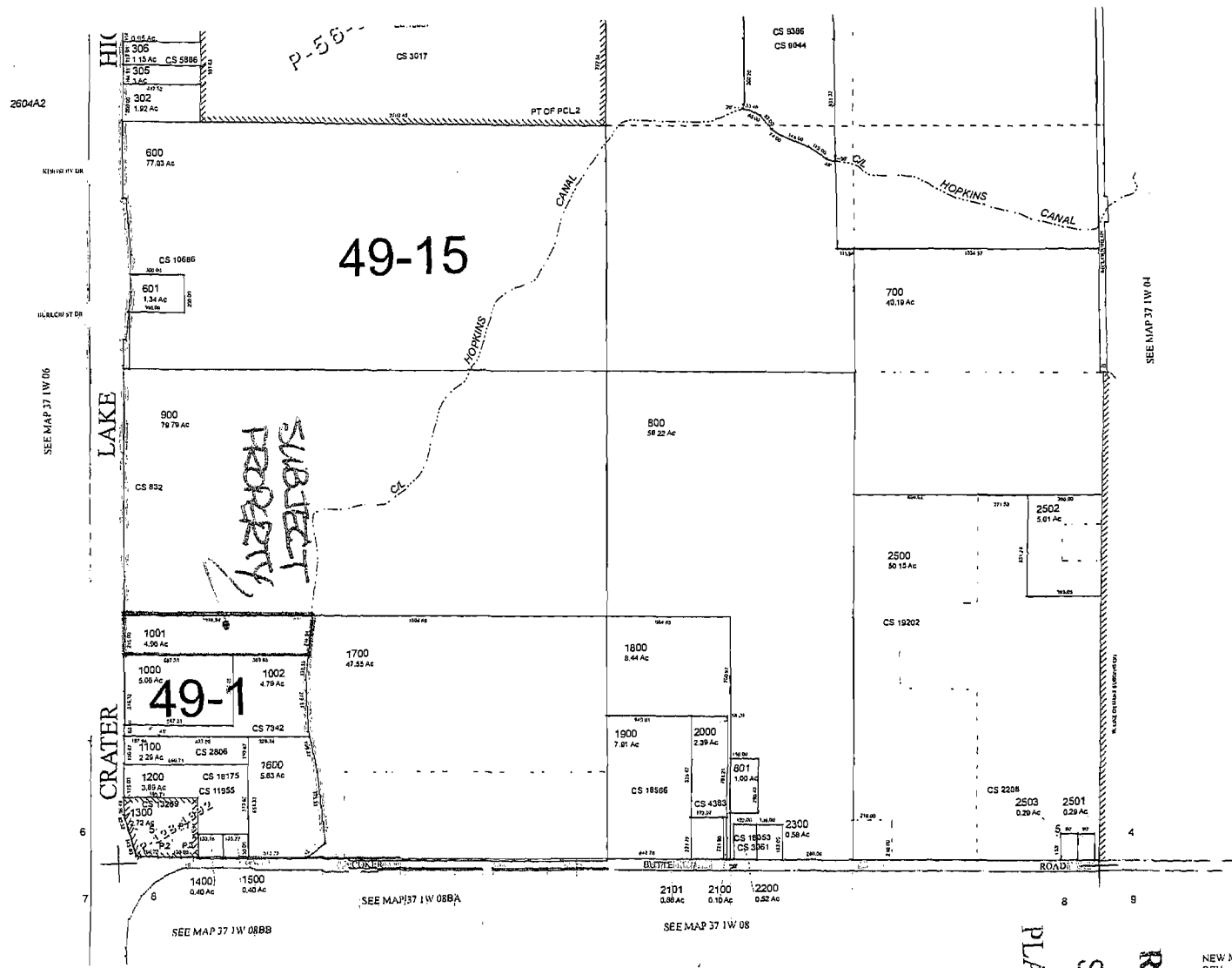
SUBJECT PROPERTY 2

APPLICANT'S EXHIBIT " 2 "

CITY OF MEDFORD EXHIBIT #

CP-08-121

JACKSON COUNTY
ASSESSORS MAP



APPLICANT'S
EXHIBIT
" 4 "

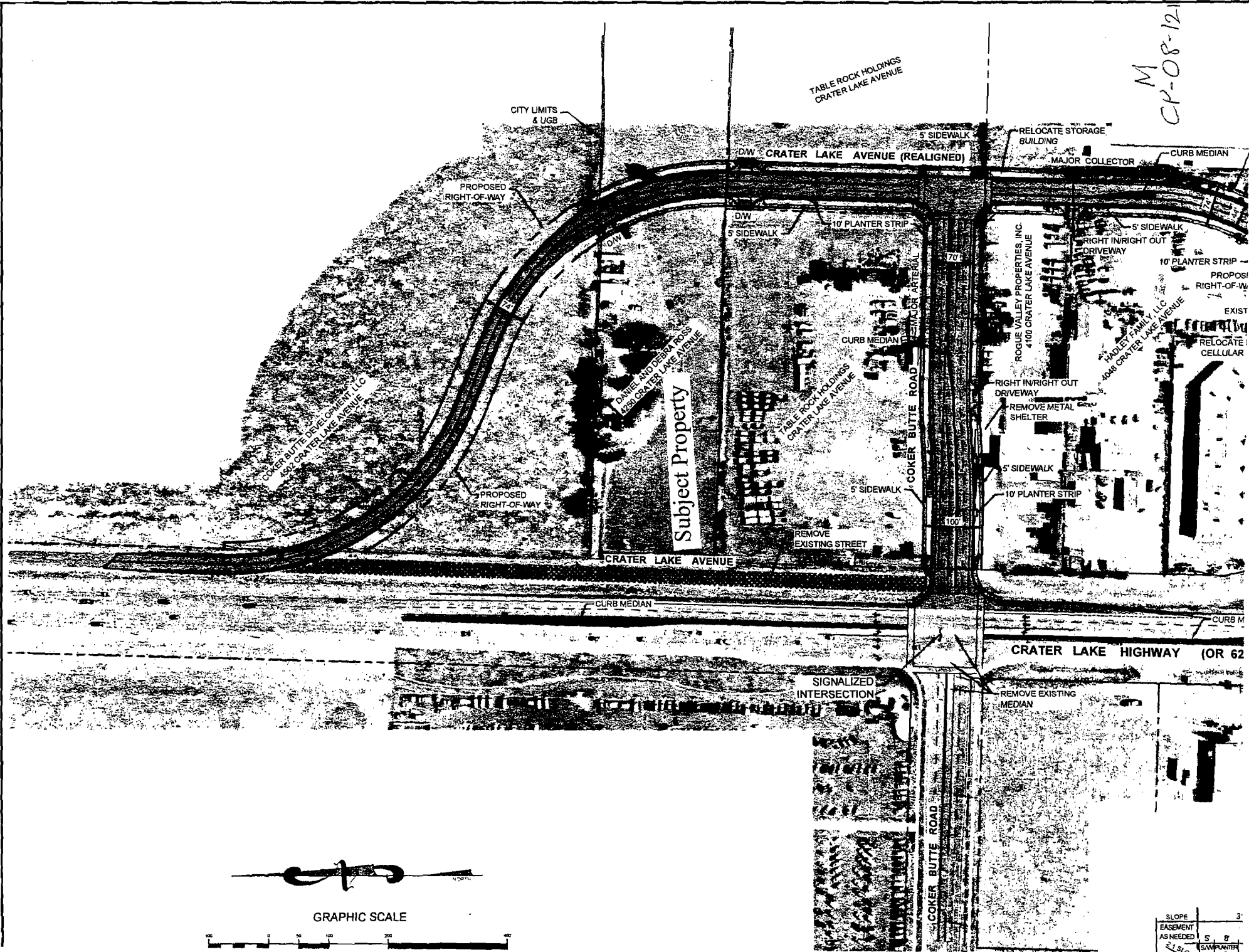
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MEDFORD

NEW MAP SEPTEMBER 07, 2004
REV JUNE 10, 2008

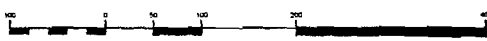
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GRAPHIC SCALE








SLOPE	3'
EASEMENT	
AS NEEDED	5' 8'
	1/2" = 10'

Vicinity Map

-  Zoning Boundary
-  UGB
-  City Limits
- Taxlots

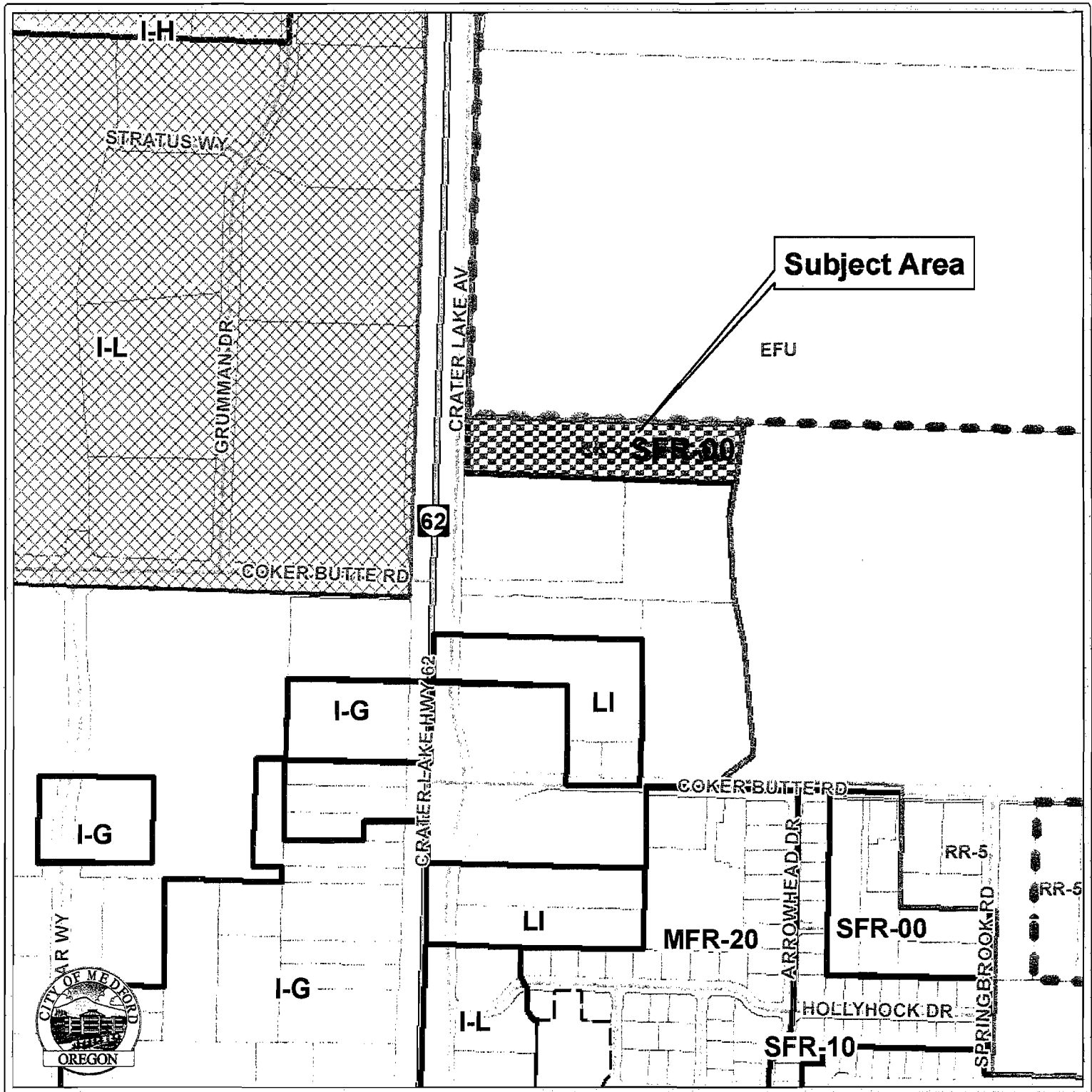
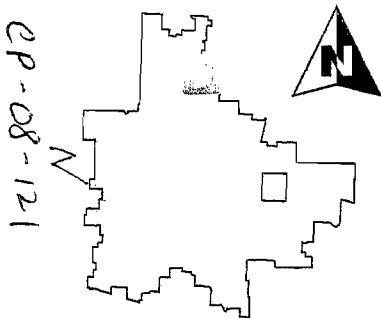
OVERLAY

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

**FILE NUMBER:
CP-08-121**

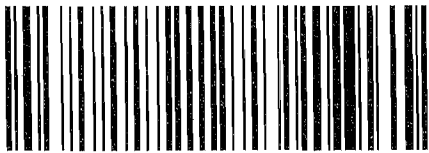
**APPLICANT:
Dan & Debra Ross**

Map: 371W05
TL: 1001



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PARTMENT
STREET
97501

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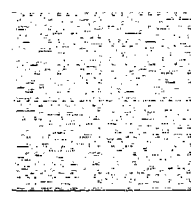


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635 Capitol St. NE, Ste. 150
Salem, Or 97301-2540