



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

06/29/2009

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Medford Plan Amendment
DLCD File Number 009-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, July 10, 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: Sandra Johnson, City of Medford
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> N

FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JUN 22 2009

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

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

Jurisdiction: **City of Medford**

Local file number: **ZC-09-026**

Date of Adoption: **6/11/2009**

Date Mailed: **6/19/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 4/10/2009

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential – 6 dwelling units per acre) on one 0.98 acre parcel on the west side of Dixie Lane, approximately 700 feet south of Stewart Avenue. 372W36BC 5700

Does the Adoption differ from proposal? Please select one

Plan Map Changed from:

to:

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

to: **SFR-6**

Location: **1382 Dixie Lane**

Acres Involved: **0**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD FILE No 009-09(17522)[15575]

DLCD file No. See First Page

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

Rogue Valley Transportation District
Medford School District 549C

Local Contact: **Sandra Johnson**

Phone: (541) 774-2380 Extension: 2385

Address: 200 S. Ivy St.

Fax Number: 541-774-2564

City: Medford

Zip: 97501-

E-mail Address:

sandra.johnson@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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



CITY OF MEDFORD

PLANNING DEPARTMENT

*Needs
D/C/D Notice*

June 17, 2009

Sam and Josefina Martin
1382 Dixie Lane
Medford OR 97501

RE: FILE NO.: ZC-09-026

The Medford Planning Commission at its regular meeting of June 11, 2009, approved the Final Order containing Findings of Fact relating to the approval of the following request: Changing the zoning from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential – 6 dwelling units per acre) on one 0.98 acre parcel on the west side of Dixie Lane, approximately 700 feet south of Stewart Avenue.

This request was granted as per the Staff Report dated May 20, 2009.

The final date for filing an appeal is 21 days from the date of the decision. The written appeal and filing fee must be received by the City Recorder no later than 5:00 p.m. on July 2, 2009. Appeals must be filed in the form prescribed, and will be decided based upon Medford Code Sections 10.051-10.056 (copies available).

A handwritten signature in black ink, appearing to read "J. Hoke".

John W. Hoke
Interim Planning Director

kg

Enclosure: Staff Report/Final Order/Legal Description

cc: Affected Agency
Interested Parties

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-09-026 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY SAM AND JOSEFINA MARTIN)

ORDER granting approval of a request for changing the zoning from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential - 6 dwelling units per acre) on one 0.98 acre parcel on the west side of Dixie Lane, approximately 700 feet south of Stewart Avenue.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential - 6 dwelling units per acre) on one 0.98 acre parcel on the west side of Dixie Lane, approximately 700 feet south of Stewart Avenue; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented hereby adopts the Staff Report dated May 20, 2009, Applicant's Findings – Exhibit "A," and Legal Description – Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 2W 36BC Tax Lot 5700

is hereby changed from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential - 6 dwelling units per acre) zoning district.

Accepted and approved this 11th day of June, 2009.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative



CITY OF MEDFORD
PLANNING DEPARTMENT

STAFF REPORT

Date: May 20, 2009
To: Planning Commission
From: Kelly Akin, Senior Planner *KA*
By: Sandra Johnson, Planner II *SJ*
Subject: ZC-09-026
Sam and Josefina Martin, Applicants

BACKGROUND

Proposal

Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential – 6 dwelling units per acre) on one 0.98 acre parcel on the west side of Dixie Lane, approximately 700 feet south of Stewart Avenue.

Subject Site Zoning, GLUP Designation and Existing Uses

Current zoning - SFR-00 (Single Family Residential, one dwelling unit per existing lot)
GLUP Designation – UR (Urban Residential)
Existing Use - Single Family Dwelling

Surrounding Property Zoning and Uses

North	Single family residential properties zoned SFR-00 and SFR-10.
South	Single family residential properties within SFR-6 zoning.
East	Single family residential properties within SFR-6 zoning.
West	Single family residential properties within SFR-6 zoning.

Related Projects

PLA-08-148 The applicant has applied for a property line adjustment that would result in the south boundary of the subject parcel to be moved north approximately ten feet to correct an error in previous boundary delineation.

Applicable Criteria

Section 10.227 of the *Medford Land Development Code* contains the approval criteria for a change of zone to SFR-6 (Single Family Residential – 6 units per acre), and is included in this report as Exhibit C.

ISSUES/ANALYSIS

Staff has reviewed the zone change request and found that it meets the approval criteria listed in *Medford Land Development Code* Section 10.227(1)(b)(i). The proposal meets the locational criteria as it abuts SFR-6 zoning to the south. There are adequate infrastructure facilities available to serve the site with the exception of storm drainage. The Public Works Department requires the preparation of a report demonstrating controlled storm water release (Exhibit D). A traffic study was not required.

No other issues were identified by staff.

RECOMMENDED ACTION

Direct staff to prepare a Final Order for approval of ZC-09-026 per the Staff Report dated May 20, 2009, including Exhibits A through H.

EXHIBITS

- A Conditions of Approval dated May 20, 2009;
- B Maps; General Land Use Plan and Zoning;
- C Approval Criteria;
- D Applicant's Findings of Fact and Conclusions of Law received March 17, 2009;
- E Memo from the Engineering Division of Public Works, dated April 16, 2009;
- F Memo from the Medford Water Commission, dated April 27, 2009;
- G Report from the Medford Fire Department, dated April 28, 2009;
- H Letter from Rogue Valley Sewer Services, dated April 17, 2009;
 Vicinity Map

PLANNING COMMISSION AGENDA: MAY 28, 2009



CITY OF MEDFORD
PLANNING DEPARTMENT

ZC-09-026
Martin Zone Change
May 20, 2009

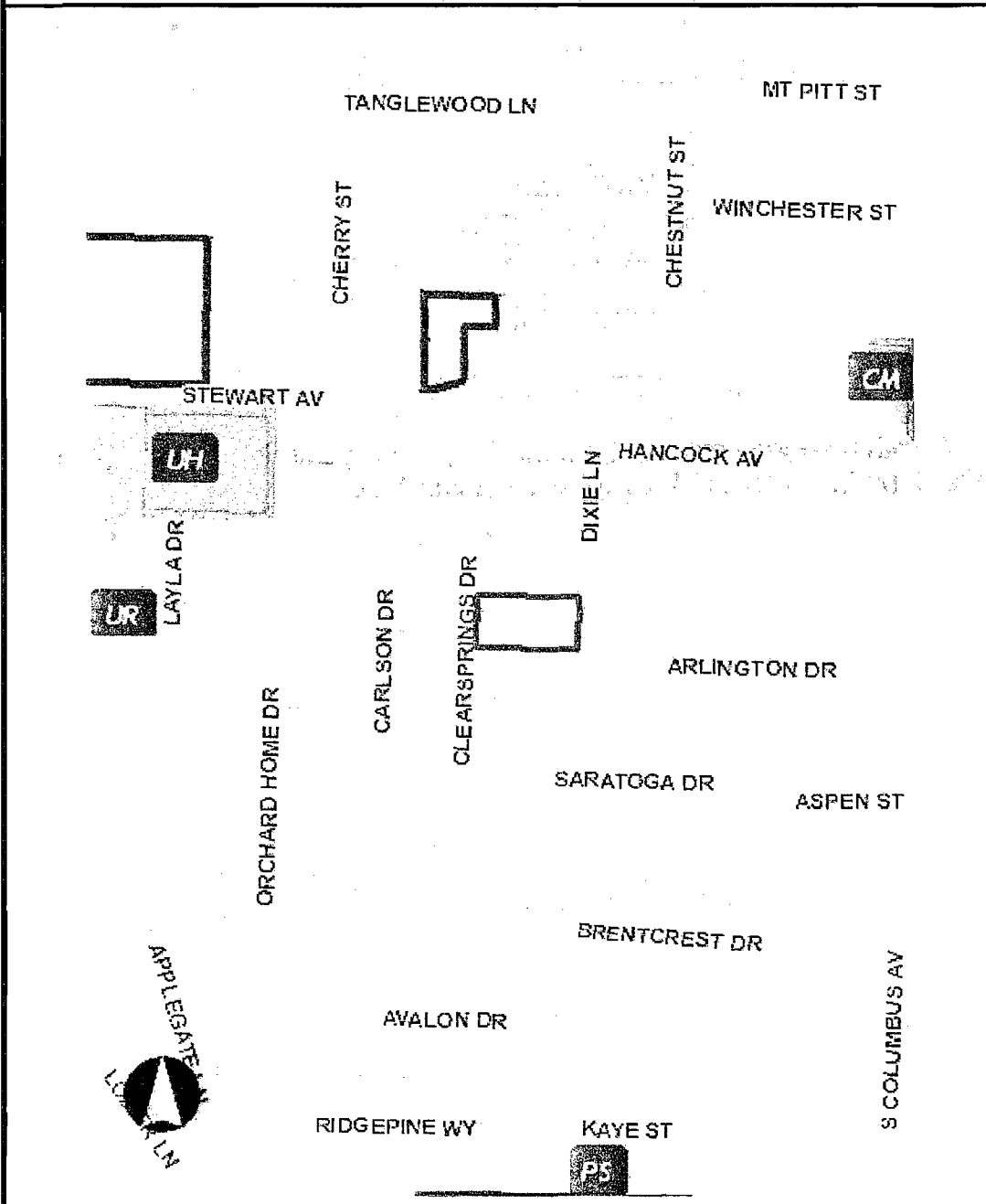
EXHIBIT A

CONDITIONS OF APPROVAL

1. Comply with the memorandum from the Engineering Division of the Public Works Department, dated April 16, 2009 (Exhibit E).

CITY OF MEDFORD
EXHIBIT A
ZC-09-026

City of Medford: GIS



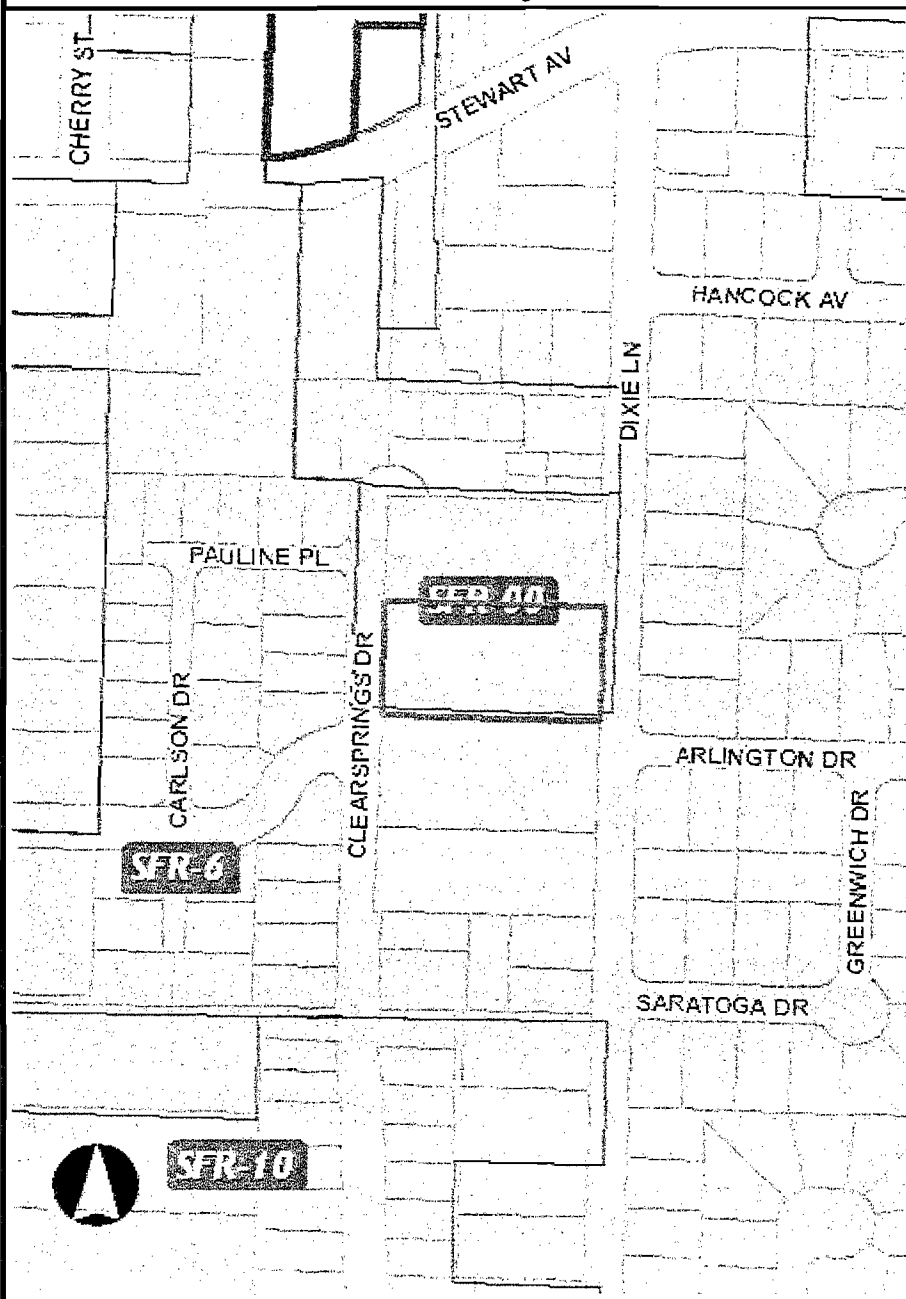
- Legend**
- Street Names
 - Interstate 5
 - City Limits Line
 - UGB Line
 - Comprehensive Plan Text
 - A-AIRPORT
 - CC-CITY CENTER
 - CM-COMMERCIAL
 - SC-SERVICE COMMERCIAL
 - GI-GENERAL INDUSTRIAL
 - HI-HEAVY INDUSTRIAL
 - LS-LIMITED SERVICE AREA
 - PS-PARKS & SCHOOLS
 - UR-URBAN RESIDENTIAL
 - UM-URBAN MEDIUM DENSITY RESIDENTIAL
 - UH-URBAN HIGH DENSITY RESIDENTIAL
 - Taxlots

Disclaimer Text:
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2009-09-01 10:12:00
 B 1/2
 20-09-026

City of Medford: GIS



Account Number	10440951
Maplot	372W36BC5700
Situs Address	1346 DIXIE LN
Acreage	0.98
Year Built	1940
Land Value	224390
Improvement Value	101670
Owner Name	MARTIN JOSE SAMUEL/JOSEFINA
Owner Address	1382 DIXIE LN MEDFORD, OR 97501
Tax Code	4901
In City	Within City Limits
Zone	SFR-00
Fire District	MF
Comprehensive Plan	UR
Zone Overlays	
Floodplain	Not in a flood zone
Building Permits	
Planning Projects	8-148
Occupational Licenses	
Property Class	101
Factor Book	132
Ward	2

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CITY OF MEDFORD
 B 2/2
 EC-09-026

11



CITY OF MEDFORD
PLANNING DEPARTMENT

ZC-09-026
Martin Zone Change
May 20, 2009

EXHIBIT C

ZONE CHANGE CRITERIA –
SECTION 10.227 OF THE MEDFORD LAND DEVELOPMENT CODE

The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation.

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

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

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

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

extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

- (b) Adequate streets and street capacity must be provided in one of the following ways:
- (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current *STIP (State Transportation Improvement Plan)*, or any other public agencies adopted capital improvement plan budget; or
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the *MLDC*. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
 - (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject

- property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

[Amd. Ord. No. 7036, Dec, 5, 1991; Amd. Sec. 1, Ord. No. 1999-88, June 3, 1999; Amd. Sec. 1, Ord. No. 2003-27, Feb. 6, 2003; Amd. Ord. No. 2004-59, March 18, 2004.]

RECEIVED
MAR 17 2009
PLANNING DEPT.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD OREGON

**IN THE MATTER OF AN APPLICATION
FOR A CHANGE IN ZONING DESIGNATION
FOR A PARCEL OF 1.0 + OR – ACRES, LOCATED**

WEST OF AND FRONTING ON DIXIE LANE:

Tax Lot 5700 37, 2w, SECTION 36BC

JACKSON COUNTY,

Sam & Josefina, Applicants

FILE
FINDINGS OF FACTS
CONCLUSIONS OF LAW

I. Background Information:

The purpose of this application is to request a zone change from the Jackson County designation of SFR—0.0 to a City of Medford designation of SFR—6 for a parcel of 1.0 + or – acres, located west of, and fronting, on Dixie Lane, and south of Stewart Avenue.

D
2009-026

II. Findings of Fact Pertaining to the Site:

Property: 372W36BC, Section 36BC, Tax Lot 5700, 1.0 acre, more or less

Owner: Sam and Josefina Martin

1382 Dixie Lane

Medford, OR 97501

Address: 1346 & 1354 Dixie Lane, Medford, OR 97501

Present Zoning: Jackson County, SFR—0.0

City Comp. Plan: Urban, Residential

Land Use: The site consists of 1.0 acre, more or less and contains an existing residential structure.

Proposed Use: Single—Family Residential

Access: Access is from west side of Dixie Lane and east side of Clearsprings Drive.

Public Facilities: Category A public facilities exist already in property. BCVSA serves the site for sewer service; water is also already in the property.

II. Applicant Criteria:

Prior to approval of a change in zoning changes contained in Section 10.277 of the Medford Land Development Code (MLDC). These two criteria are:

1. "The change is consistent with the Comprehensive Plan's Goals, Policies and General Land Use Plan Map;
2. Category A urban services and facilities are available to adequately serve the property, or will be made available upon development.

Consideration of the above criteria shall be based upon the eventual potential for the area, and the specific zoning district being considered."

III. Demonstration of Compliance:

1. Comprehensive Plan:

General Land Use Plan Map:

The proposal is consistent with the General Land Use Plan Map (GLUPM) in that the subject area is designated on the plan map as Urban Residential, which allows all categories of single family zoning districts. The requested zoning district, Single Family Residential, 6-units per acre (SFR—6) is consistent with the Urban Residential Plan designation.

FINDING:

The City of Medford can find that this application is consistent with General Land Use Plan Map designation for Urban Residential, and that the SFR—6 zoning request is applicable in this case.

Goals and Policies:

In addition to a demonstration of compliance with the Plan Map, the application must also demonstrate compliance with the applicable Goals and Policies of the Comprehensive Plan. These are noted below:

A. Environmental Element:

The Environmental element of the Medford Comprehensive Plan is simply a delineation of the various physical attributes that make up the Medford urbanization area, including such topics as climate, air, and water quality, topography, natural hazards, historic areas and related features.

The Goals and Policies of this element are orientated in such a way to insure that urban land uses are planned, located and developed in such manner as to minimize conflicts with various environmental issues and potential hazards, such as flood, landslide, and the like. The Goals and Policies are specifically directed to the staff and decision makers for the city to insure that physical issues that require recognition (flood plains, for example) are recognized and dealt with in a development proposal.

FINDING:

The City of Medford can find that the application has demonstrated that there are no historical, scenic or archeological features that apply to this site. The Property is not located within a floodplain or floodway; the site is generally flat, and is not subject to landslide, mudslide or slumping. The designation of SFR—6 indicate that the action of this zone change will have no impact on the air or water quality of the city.

B. Land Use Element:

The element requires that the City of Medford maintain a computerized Land Use Inventory, or LUI, in as accurate a form as possible. This purpose of this inventory is to

“...assure that present and future land use decisions and policies are based upon the most current and comprehensive land use information available.”

FINDING:

The City of Medford can find that the application and findings is support of this application and gathered from the Medford LUI, and that the request for a change from Jackson County SFR—00 is appropriate for this parcel and is needed for future development of this property. This addition to the overall housing inventory of the City of Medford is insignificant.

The City of Medford has adopted a policy, to implement the comprehensive Plan, of infill development consistent with the Plan Map. This application is consistent with this standard as well.

C. Economic Element:

The economic element is a set of policies and goals that are somewhat narrow in focus, and are designed to address the community—wide economic development plan. With the changes that have occurred in the Medford area in terms of mill closures, fires and other reduction in resource based industries, the economic focus to the City has shifted from the manufacturing ad agricultural base to one that is even more facilities, recreation and home construction.

The Economic Element does address, in Policy 4 of Goals 1, the need to monitor growth and development issues. These policy statements and the implementation strategies discuss the local economy. These strategies are consistent with the overall policy to make Medford competitive economically on a statewide and regional basis.

FINDINGS:

The City of Medford can find that this application is consistent with the provisions of the Goals and Policies within the Economic Element, particularly Goal 1, which addresses the growth and development issues facing the city. The applications will not make a significant impact on the housing market (adding 1 unit to the inventory) but does represent infill development consistent with the

overall goal of diversifying the size, shape and locations of new development. The application is consistent with this goal.

D. Housing Element:

A review of the Housing Element Goals and Guidelines indicates that this application is in fact consistent with Goals 2, Policy 2A (...to prevent sprawl and provide a compact urban form that preserves livability and adjacent resource lands...).

This application is also consistent with Implementation strategy 1—B(4) (...emphasize preservation and/or rehabilitation of the existing supply of...affordable housing..." and Strategy 1—B(5) (...Encourage annexation of unincorporated developed neighborhoods...). Goal 4 applies, in that goal requires the city to

"...provide equal opportunity for sale, decent, sanitary and affordable housing for all residents of the city of Medford, regardless of sex, age, race, color, religion, mental or physical disability, sexual orientation, marital or family status or national origin, in conformance with the Federal Fair housing Act of 1998 and the Americans With Disabilities Act of 1990".

Additionally, Goal 5 applies since it requires the city to ensure opportunities for the provision of adequate housing units in a quality living environment, at types and densities that are commensurate with the financial capabilities of all present and future residents. This goal requires the city to evaluate all of the various zoning densities, and apply zoning districts in a fair and responsible manner.

The subject property is located in southwest Medford, and is in fact surrounded by lands that are already in the City. The zoning districts on almost all the abutting and adjacent parcels is SFR—6, which is consistent with existing and proposed densities in the vicinity. This site is simply a continuation of the existing suburban form.

FINDING:

The City of Medford can find that this application is consistent with all of the applicable goals and policies of the Housing Element as noted above. The City can find that there is a need for additional lands to be annexed and zoned that exist in an area that has developed sporadically over the years. Zoning provides the City with the appropriate tools for managing the growth and development in this general area, consistent with the underlying zoning and the housing necessary to meet the annual growth rate.

Provision of safe, adequate and sanitary housing is an issue that is addressed every day by the development community. However Medford is growing at approximately 2% to 2.3% every year. This translates to between 1160 to 1334 new persons in the city that need safe and adequate housing. Allowing diversity and infill to meet that need is a significant part of complying with the goals and policies of the Housing Element.

B. Are Public Facilities Adequate To Serve The Property:

Discussion of this criteria also responds to two remaining Elements and the Comprehensive Plan narrative, the Public Facilities Element and the Transportation Element. Since demonstration of compliance with the zone change criteria require addressing public facilities, the findings address them jointly, to avoid duplication and confusion.

The Public Facilities Element was designated to insure that there has been adequate planning for Category A and B public facilities and services. Goal 1, Policy 3, notes that in order to provide for maximum consistency and coordination of individual public facility plans, the Land Use Element MATS sector, and has been included, by virtue of its location, into a geographical planning area.

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

however, continued development and construction drives the collection of those fees.

Goal 3, Policy 1 delineates what are essential urban facilities and services to provide for “minimum adequate service levels.” These include the Category A facilities, (Water, Sewer, Street and Storm Drainage) and Category B facilities, which include Public Safety, Schools, Parks, and other facilities that are essentially “re-active” to the development process.

BCVSA: There is an 8 inch Sanitary Sewer Line in Dixie Lane, according to BCVSA, adequate capacity exists to service the subject property.

Streets: The street is 30 feet wide, and currently the street has an average of 1000 daily trips, with a capacity of 3000 ADT.

Water: This is an 8 inch line located on Dixie Lane. According to the Medford water commission, adequate capacity exists to serve the subject property.

Storm Drainage:

Future development of the subject property shall comply with Master Storm Drain Plan for the area. THE AREA IS WITH IN THE Midway Creek Drainage.

FINDING:

The City of Medford has adopted a series of Ordinances that implement the Goals and Policies of this element. Systems Development Charges, development permit fees and development of a capital improvement program for Category A facilities (Water, Sewer, Streets, and Drainage) indicate that the City has provided for adequate supplies of water, wastewater treatment, drainage and street development within the city. Applications that comply with the requirements of these ordinances and plans are consistent with the Public Facilities Element.

The subject property is currently served by BCVSA for community sewer collection, and treatment is provided by the Regional Wastewater Treatment Plant. Potable water is provided by the Medford Water Commission. Adequate Public streets serve the property, both Dixie Lane and Stewart Ave. Drainage will be Drainage Plan. Category A facilities currently serve the site, or can be extended to the property upon development.

Compliance with Oar 660-Division 12; Transportation Planning Rule

Compliance with the Transportation Planning Rule also responds to the various policy and goal questions raised within the Transportation Element of the Comprehensive Plan. Since Medford is in the process of adopting a new Transportation Systems Plan (TSP) which will address the provisions of Oar 660 Division 12, addressing the Oar criteria will also address the TSP and Transportation Element requirements.

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

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

- A. Consider all modes of transportation, including rapid transit, air, water, rail, highway, and bicycle and pedestrian.
- B. Inventory local, regional, and state transportation needs;
- C. Consider the social consequences that would result from using different combinations of transportation modes;

- D. Avoid total reliance upon any one mode of transportation;**
- E. Minimize adverse social, economic and environmental impact and costs;**
- F. Conserve energy;**
- G. Meet the needs of the transportation disadvantaged by improving service;**
- H. Facilitate the flow of goods and services so as to strengthen the local and regional economy;**
- I. Conform with local and regional comprehensive plans.**

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

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

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

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

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

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

B) Changes standards implementing a functional classification system;

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

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

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

Discussion: Existing Transportation Facilities:

An overview of existing transportation facilities that would provide service to the subject properties indicates that ground transportation via state and county highways, and the City of Medford street system, is the sole transportation facility or issue that is affected by this request.

The parcel does not have access to light rail, rail, water, or other alternate transportation facilities or systems. Pedestrian and bicycle access is available via the sidewalks and bike lanes that are provided by the City and County; however, since there will be no additional development resulting from this application, no new facilities are proposed. The site is accessible by motor vehicle via Dixie Lane, which is accessed from Stewart Avenue and Cunningham Avenue, and Clearsprings Drive, which is accessed off Orchard Home.

Transportation Planning Issues:

An evaluation of the subject property, its size, orientation, location and existing development, as well as the existing and historic uses on site, indicates

that there are no significant transportation issues arising from the zone change. Traffic in the vicinity of this change will not be significantly affected.

There are no access management problems arising from this application, since adequate access exists to service the site (Dixie Lane and Clearsprings Drive). Access management issues are marginal, since the development of an additional dwelling will have minimum impact.

Traffic generation resulting from this application will be approximately 10 Average Daily Trips (ADT), based upon the ITE traffic generation model. Ten trips in the location is a minimal impact on the ability of Dixie Lane and Clearsprings Drive.

FINDING, TRANSPORTATION ELEMENT:

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

- (1) The site is within an existing Urban Growth Boundary for the City, which has an adopted and acknowledged Comprehensive Plan;
- (2) The property is small (1.0 acres) and the limited development on the site will not have a significant on traffic capabilities in this area.

The proposed zone change does not significantly affect the overall transportation facilities in the vicinity, or levels of service on residential, collector, or arterial streets, or state/county highways or intersections, which are the facilities identified in OAR 660-12-060(2). The traffic generation fro this site will not change, and is essentially consistent with historic use of the site (10 ADT).

FINDING, PUBLIC FACILITIES ELEMENT:

Based on the information contained in this section, the City of Medford can find that adequate public facilities exist to serve this parcel; in fact, the parcel already has these services provided via BCVSA and the Medford Water Commission, as well as the City of Medford and Jackson County, for

sewer, water, and streets. Drainage will be provided upon development, consistent with the Medford Master Drainage Plan. Category B facilities (Police and fire, schools, and parks) exist in the vicinity, and are consistent with the needs of the area.

FINDING, ADEQUATE CATEGORY "A" FACILITIES EXIST:

The City of Medford finds that the site is served by BCVAS and Regional Treatment Facility for sanitary sewer, by Medford Water Commission for potable water, and by both Medford and Jackson County for roads and streets. Drainage exists in the vicinity, and as noted above, will be extended to the site consistent with the Medford Master Drainage Plan. The City of Medford can find that adequate Category "A" public facilities exist to serve the site or can be made available upon development.

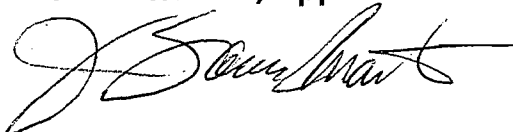
IV. SUMMARY AND CONCLUSIONS:

As noted above, in order for a zone change request to be approved, the Planning Commission must find that the applicant has made the requisite findings for a zoning district amendment. These findings require that the application address the applicable provisions of the Comprehensive Plan and the General Land Use Plan Map. Further, the findings must demonstrate that Category "A" urban facilities, i.e., streets, water, sewer, and drainage, are available at the time of development.

This application demonstrates clearly that the site is served by Category "A": public facilities, and that the application is consistent with the applicable Goals and Policies of the Comprehensive Plan. The site is also consistent with the General Land Use Plan Map. With this demonstration of compliance, the applicant respectfully requests approval of this change.

RESPECTFULLY SUBMITTED THIS _____

Jose Sam Martin, Applicant



CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

RECEIVED

APR 29 2009

PLANNING DEPT.

TO: Planning Department

FROM: Engineering Division

SUBJECT: Zone Change Request, File No. ZC-09-026

DATE: April 16, 2009

1. Sanitary Services:

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

2. Streets:

A. Current condition of nearest streets:

Dixie Lane, a designated Standard Residential Street, is paved without curb and gutter along the frontage of this zone change, but has curb and gutter on the opposite side of the street.

Clearsprings Drive, a designated Minor Residential Street, is paved without curb and gutter along the frontage of this zone change, but has curb and gutter on the opposite side of the street.

B: Who has maintenance responsibilities:

Dixie Lane and Clearsprings Drive – City of Medford

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

Land Development Code Section 10.461 governs traffic impact analyses (TIA) required to determine development impacts on the street system. The proposed zone change from City SFR-00 (Single-Family Residential – 1 unit per existing lot) to City SFR-6 (Single-Family Residential – 6 units per acre) on 1.10 acres (1.25 gross acres) has the potential to develop up to 7 SFR dwelling units or generate 66 average daily trips (ADT). The net increase in ADT to the transportation system is 57 ADT. Based on this and code sections 10.460 and 10.461, a traffic impact analysis (TIA) will not be required.

At the time of site development the City of Medford will recommend any necessary dedications

and improvements on Dixie Lane and Clearsprings Drive along the frontages of this proposed zone change.

3. Drainage:

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

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



BOARD OF WATER COMMISSIONERS

Staff Memo

RECEIVED

APR 29 2009

PLANNING DEPT.

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: ZC-09-026
PARCEL ID: 372W36BC TL 5700
PROJECT: Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential – 6 dwelling units per acre) on one 0.98 acre parcel on the west side of Dixie Lane, approximately 700 feet south of Stewart Avenue; Sam & Josefina Martin, Applicants. Sandra Johnson, Planner.

DATE: April 27, 2009

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water line installation is not required.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does exist to this property. There is one ¾" water meter located near the northeast property corner that serves the existing house at 1346 Dixie Lane.
7. Access to MWC water lines is available. An 8" water line is located in both Clearsprings Drive and Dixie Lane.

CITY OF MEDFORD
ALBERT W. F.
ZC-09-026

25



Medford Fire Department

200 S. Ivy Street, Room #257
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

RECEIVED

APR 29 2009

PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Sandra Johnson

LD Meeting Date: 04/29/2009

From: Kleinberg, Greg

Report Prepared: 04/28/2009

File #: ZC - 09 - 26

Site Name/Description:

Consideration of a request for a change of zone from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single-Family Residential - 6 dwelling units per acre) on one 0.98 acre parcel on the west side of Dixie Lane, approximately 700 feet south of Stewart Avenue; Sam & Josefina Martin, Applicants. Sandra Johnson, Planner

DESCRIPTION OF CORRECTIONS

REFERENCE

Approved as Submitted

Meets Requirement: No Additional Requirements

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.

Fire apparatus access roads are required to be installed and made servicable prior to the time of construction. Water supply for fire protection is required to be installed and made serviceable prior to the time of vertical combustible construction.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

CITY OF MEDFORD
COMMITTEE
G
ZC-09-026



ROGUE VALLEY SEWER SERVICES

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

April 17, 2009

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

RECEIVED

APR 20 2009

PLANNING DEPT.

Re: ZC-09-026, Sam and Josefina Martin Zone Change (372W36BC - 5700)

ATTN: Sandra,

The subject property is currently served by a connection to the 8 inch sewer main on Dixie Lane. There is also an 8 inch sewer main on Clearsprings Drive which would be available for use for future development.

The proposed zone change will not affect this service. There is adequate capacity to serve the proposed increased density.

Sincerely,

Carl Tappert P.E.
District Engineer

Carl
Tappert

Digitally signed by Carl
Tappert
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Date: 2009.04.17
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


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CITY OF MEDFORD










COMMITTEE H

ZC-09-026

Vicinity Map

-  Zoning Boundary
-  UGB
-  City Limits
-  Taxlots

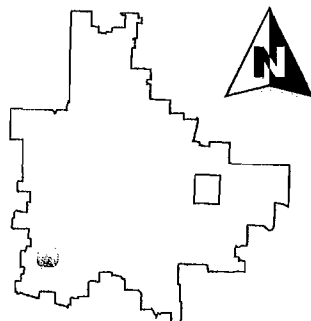
OVERLAY

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

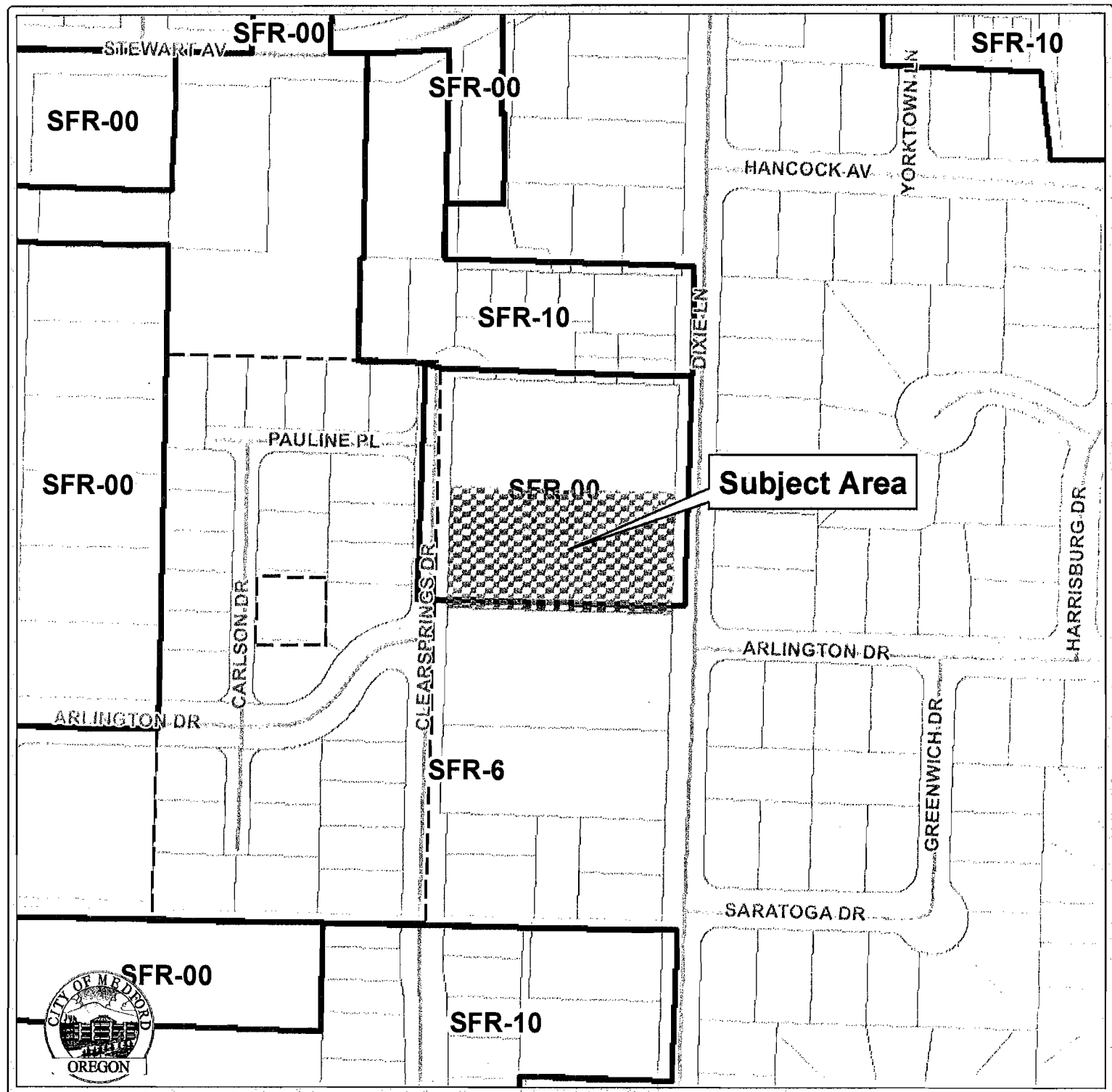
**FILE NUMBER:
ZC-09-026**

**APPLICANT:
Sam and Josefina
Martin**

Map: 372W36BC
TL: 5700



5/23/2009



02 13023

Order No. 748708-LP

Exhibit 'A'

Commencing at the Southeast corner of Lot 12 in Block 2 of Orchard Home Association in Jackson County, Oregon, according to the official plat thereof, now of record; thence East, along the projection of the South line of said Lot, 25.0 feet to a point on the West side line of a 50-foot County Road; thence North 67.8 feet to the true point of beginning (being on the North line of tract described in Volume 346 page 294 of the Deed Records of Jackson County, Oregon); thence continue North 150.0 feet to a point 25.0 feet East of the Northeast corner of Lot 11 in said Block 2; thence West 294.49 feet to the West line of tract described in Volume 217 Deeds page 172; thence South, along said line, a distance of 150.0 feet to the North line of said tract described in Volume 346 Deeds page 294; thence East, along said line, 294.49 feet to the true point of beginning.

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

MAR 12 2002

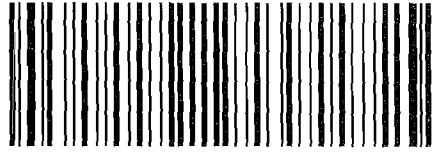
[Signature]
COUNTY CLERK

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RECEIVED
MAR 17 2009
Planning Dept

ZC-09-026

Medford
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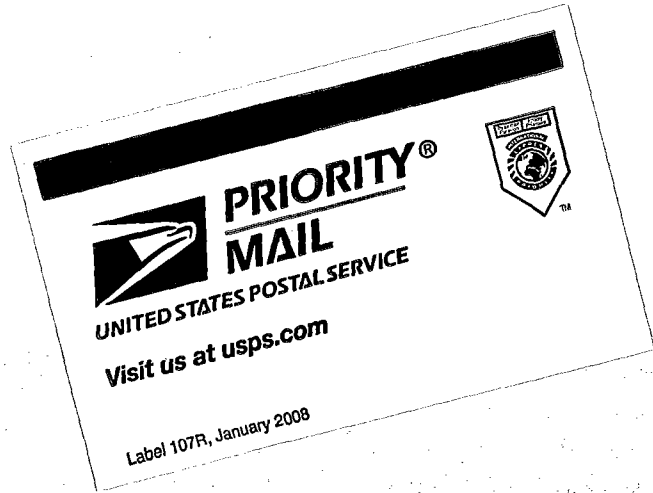
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06/19/2009

Mailed From 97501
US POSTAGE



RETURN RECEIPT
REQUESTED

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