



Oregon

Theodore R. Kubongoski, 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

7/22/2009

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 013-09

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 31, 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

<paa> YA

Notice of Adoption

In person electronic mailed

DEPT OF

JUL 15 2009

LAND CONSERVATION AND DEVELOPMENT

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: **Medford**

Local file number: **ZC-09-051**

Date of Adoption: **7/9/2009**

Date Mailed: **7/10/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **5/21/2009**

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".

Request for a zone change from an SFR-00 (Single Family Residential - 1 dwelling per existing lot) zoning district to an SFR-10 (Single Family Residential - 10 dwelling units per gross acre) zoning district on an approximate 0.41-acre parcel located on the southwest corner of North Ross Lane and Thorn Oak Drive. Maplot #: 372W23DB7600.

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

Plan Map Changed from: **NA**

to: **NA**

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

to: **SFR-10**

Location: **North Ross Lane**

Acres Involved: **0**

Specify Density: Previous: **1/lot**

New: **10/acre**

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Medford 549c School District, RVTD, Jackson County

Local Contact: **Kathy Helmer**

Phone: (541) 774-2380 Extension: 2375

Address: 200 S. Ivy St.

Fax Number: 541-774-2564

City: Medford

Zip: 97501-

E-mail Address: khelmer@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

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

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

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

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-09-051 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY ED AND MARSHA FLEMING)

ORDER granting approval of a request for changing the zoning from SFR-00 (Single-Family Residential - 1 unit per lot) to SFR-10 (Single-Family Residential - 10 units per gross acre) zoning district on approximately 0.41-acre parcel located on the southwest corner of North Ross Lane and Thorn Oak Drive.

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 - 1 unit per lot) to SFR-10 (Single-Family Residential - 10 units per gross acre) zoning district on approximately 0.41-acre parcel located on the southwest corner of North Ross Lane and Thorn Oak Drive; 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 July 1, 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:

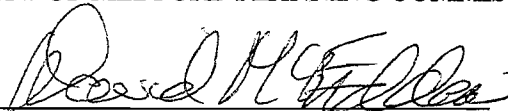
The zoning of the following described area within the City of Medford, Oregon:

37 2W 23DB Tax Lot 7600

is hereby changed from SFR-00 (Single-Family Residential - 1 unit per lot) to SFR-10 (Single-Family Residential - 10 units per gross acre) zoning district.

Accepted and approved this 9th day of July, 2009.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT

Date: July 1, 2009

To: Planning Commission

From: Kelly Akin, Senior Planner *KA*

By: Kathy Helmer, Planner IV

Subject: Fleming Zone Change (ZC-09-051)
Ed and Marsha Fleming, Applicants (Maize & Associates, Inc., Agent)

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-10 (Single-Family Residential - 10 units per gross acre) on approximately 0.41 acres located on the southwest corner of North Ross Lane and Thorn Oak Drive.

Subject Site Zoning, GLUP Designation and Existing Uses

The subject property is zoned SFR-00 (Exhibit B) and is developed with a single-family residence and a small business in an attached building. The property is identified as Tax Lot 7600 of Jackson County Assessor's Map 37-2W-23DB (Exhibit C). The Medford General Land Use Plan (GLUP) Map designation for the subject property is UR (Urban Residential) (Exhibit D).

Surrounding Property Zoning and Uses

North: Residentially developed, zoned County SR 2.5 (Suburban Residential - one dwelling unit per 2.5 acres)

South: Residentially developed, zoned SFR-00

East: Residentially developed parcels, zoned SFR-00 and SFR-10 (Single-Family Residential - ten dwelling units per gross acre).

West: Residentially developed, zoned County SR 2.5

Related Projects

The subject parcel was annexed into the City as part of the Lucia Annexation (A-05-065) per Ordinance #2006-260, approved on November 16, 2006.

Applicable Criteria

Medford Land Development Code Section 10.227 (Exhibit E)

ISSUES/ANALYSIS

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

Locational Standards

The subject property abuts three parcels east of North Ross Lane, two of which have SFR-10 zoning (Exhibit B). Therefore, the proposed zone change meets the locational criteria in Section 10.227(1)(b)(i), which states that an area being rezoned to SFR-10 must abut at least one parcel that is zoned the same as the proposed zone.

Storm Drainage

The subject site lies within the Elk Creek Drainage Basin. The current Drainage Master Plan for the City of Medford indicates improvements are required in the downstream storm drainage system to meet current design standards for this basin (Exhibit G). The standard storm drain condition is included.

No other issues were identified by staff.

RECOMMENDED ACTION

Adopt the Final Order for approval of ZC-09-051 per the Staff Report dated July 1, 2009, including Exhibits A through I.

EXHIBITS

- A Conditions of Approval, dated June 26, 2009
- B Zoning Map
- C Assessor's Map
- D General Land Use Plan Map
- E Approval Criteria, dated June 26, 2009
- F Applicant's "Findings of Fact and Conclusions of Law", received May 6, 2009
- G Memorandum from Engineering, dated June 5, 2009
- H Memo from Medford Water Commission, dated June 3, 2009

**Fleming Zone Change (ZC-09-051)
Staff Report**

July 1, 2009]

I Letter from Jackson County Roads, dated June 12, 2009
Vicinity Map

Planning Commission Agenda: July 9, 2009

Notes

Please include reference to the file number of this proposed zone change in all subsequent submittals to City of Medford departments.

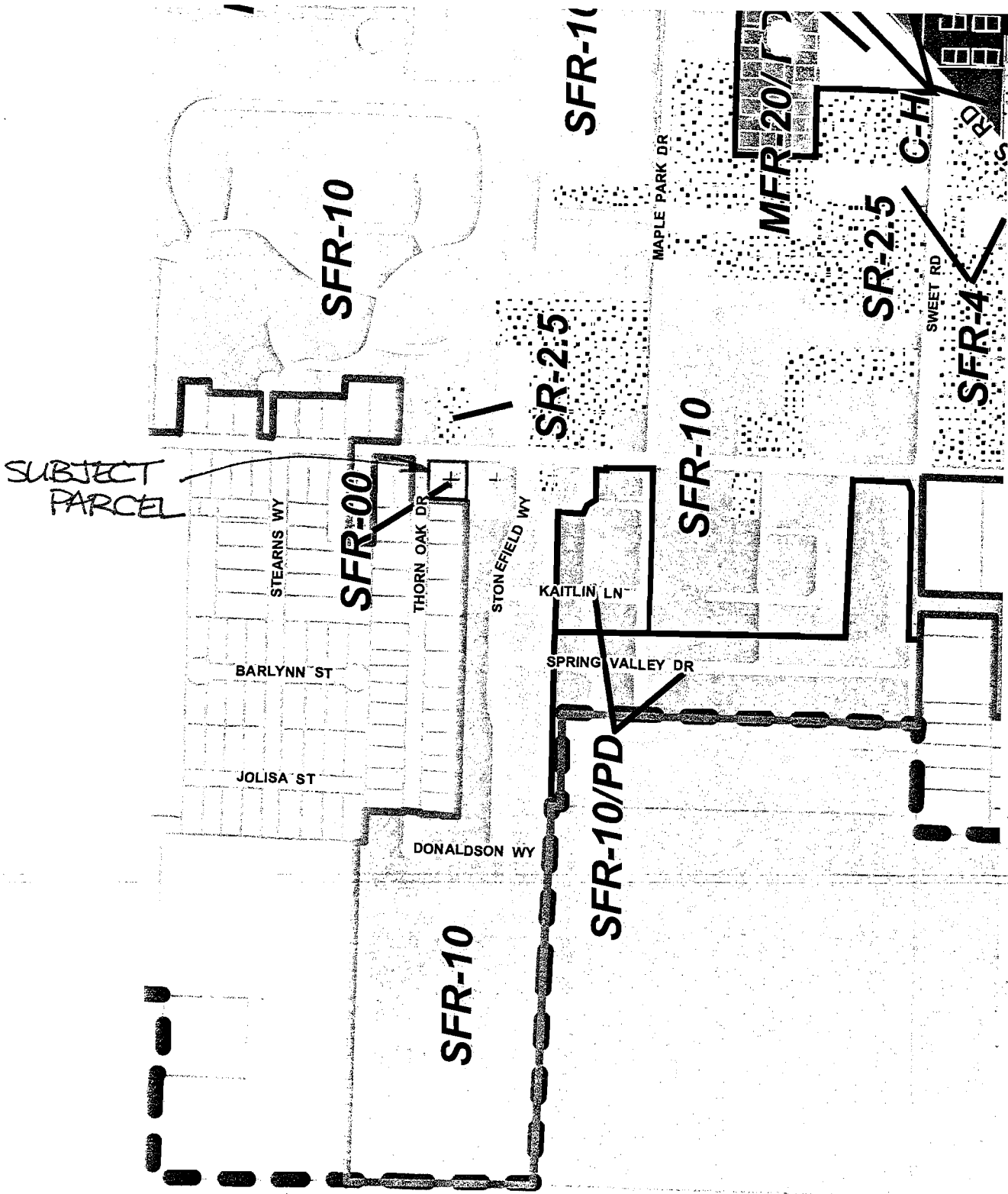


CITY OF MEDFORD
PLANNING DEPARTMENT

**EXHIBIT A
ZC-09-051
CONDITIONS OF APPROVAL
June 26, 2009**

1. Comply with the Memorandum from the Medford Engineering Division (Exhibit G).
2. Comply with the Memorandum from Jackson County Roads (Exhibit I).

CITY OF MEDFORD
EXHIBIT # A
ZC-09-051



MEDFORD ZONING MAP

RECEIVED

MAY 06 2009

Planning Dept.

CITY OF MEDFORD

EXHIBIT # B

File # ZC-09-051

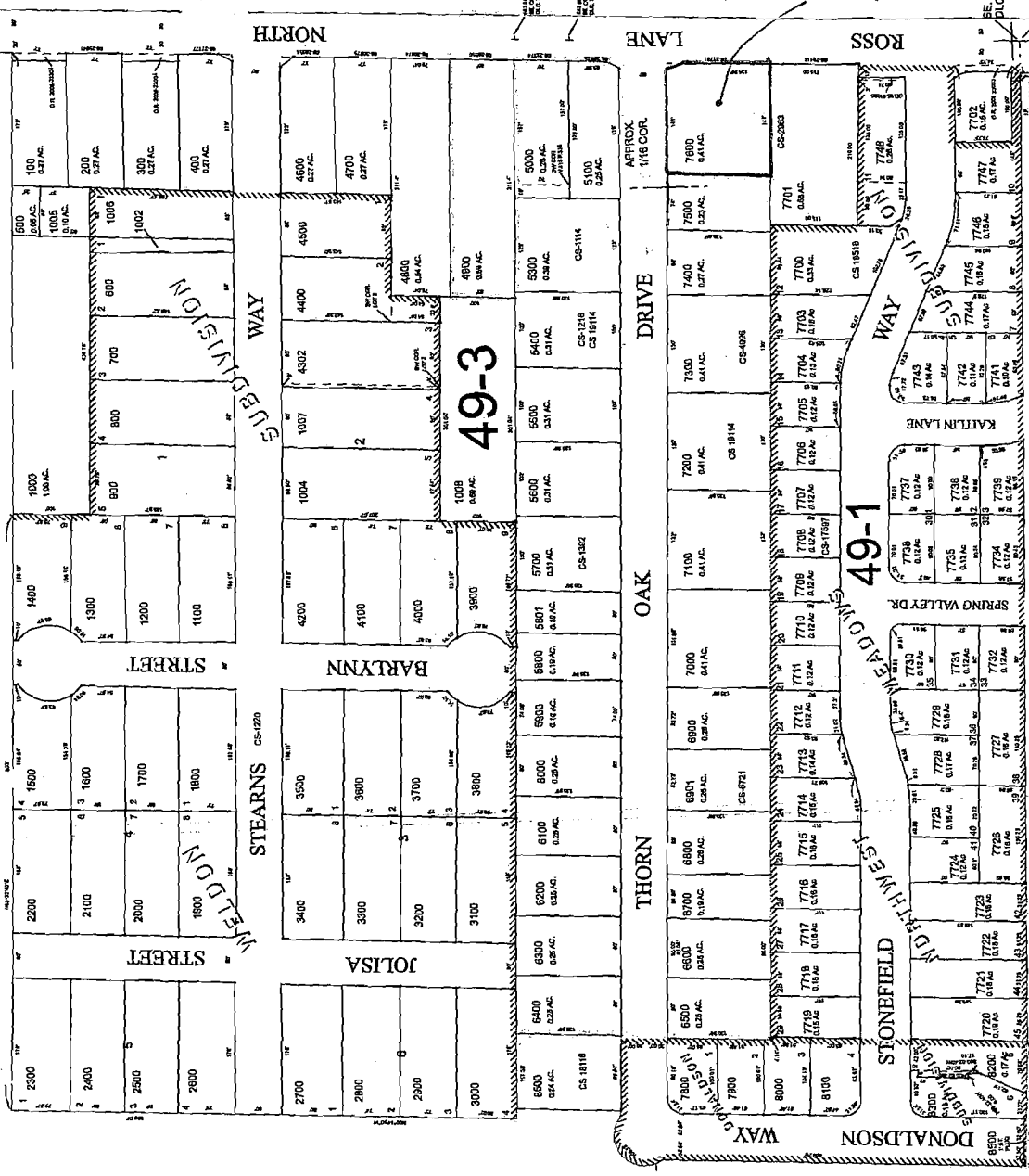
APPLICANT'S
EXHIBIT
" 5 "

37 2W 23DB
MEDFORD

N.W.1/4, S.E.1/4, SEC.23, T.37S., R.2W., W.M.
JACKSON COUNTY
1" = 100'

FOR ASSESSMENT AND
TAXATION ONLY

SEE MAP 37 2W 23



JACKSON COUNTY
ASSESSORS MAP

APPLICANT'S
EXHIBIT
" 3 "

CANCELLED TAX
LOT NUMBERS:
1000
4300
4301
5300
7133 KILLED TO STREET
7400 KILLED TO STREET
7401
7402
900

SEE MAP 37 2W 23

SEE MAP 37 2W 23DA

SUBJECT
PROPERTY

RECEIVED

MAY 06 2009

Planning Dept.

37 2W 23DB
MEDFORD

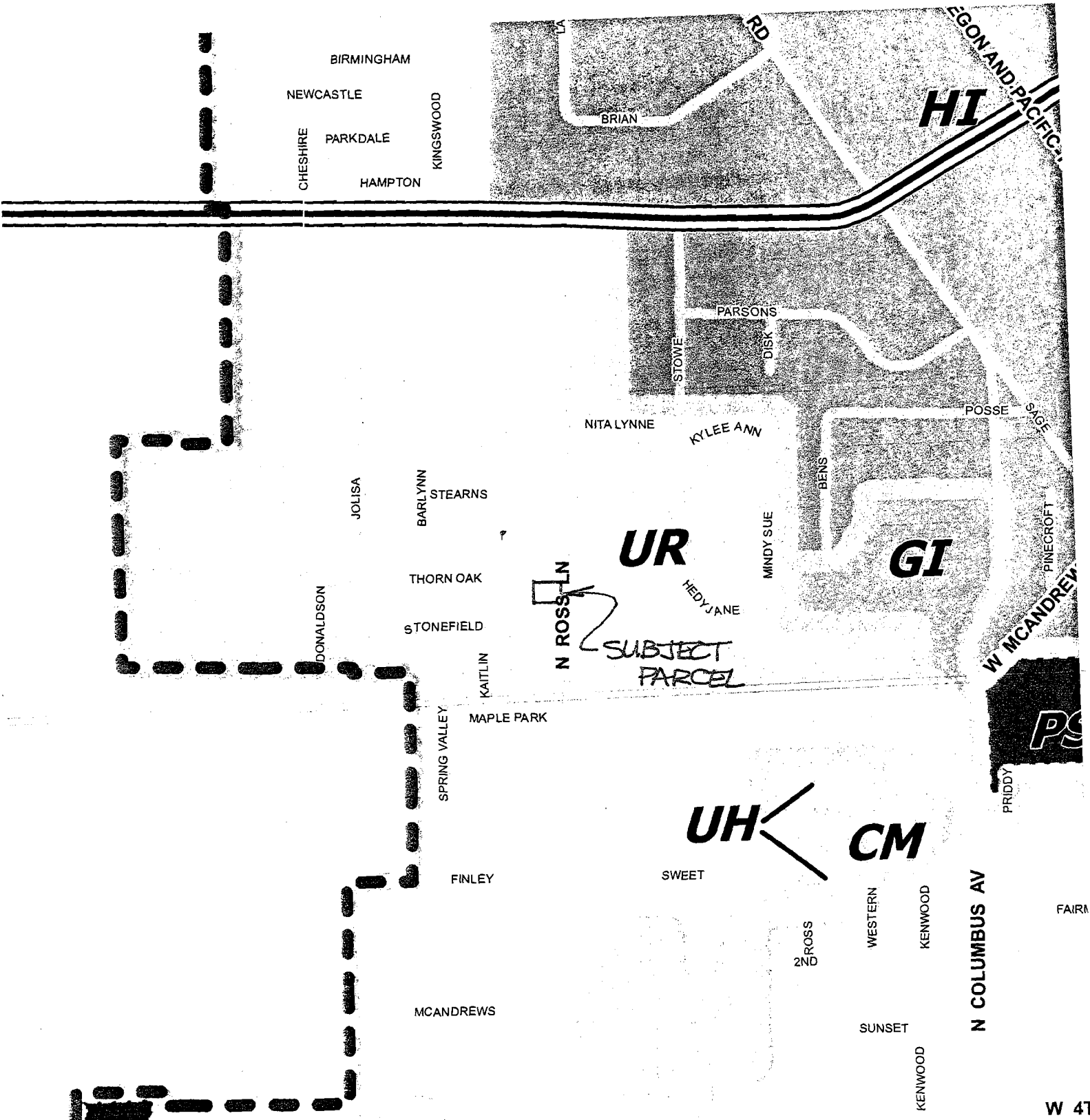
DOR CONVERSION, MARCH 30, 2000
REV. MARCH 23, 2009

CITY OF MEDFORD

EXHIBIT # C

File # 2C-09-051

SEE MAP 37 2W 23DC



MEDFORD GENERAL LAND USE PLAN MAP

CITY OF MEDFORD
 EXHIBIT # D
 File # ZC-09-051

APPLICANT'S
 EXHIBIT
 " 4 "
 RECEIVED

MAY 06 2009

Planning Dept

**EXHIBIT E
ZC-09-051**

**ZONE CHANGE APPROVAL CRITERIA – SFR-6 AND SFR-10 ZONES
FROM SECTION 10.227 OF THE MEDFORD LAND DEVELOPMENT CODE
June 26, 2009**

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

CITY OF MEDFORD

EXHIBIT # E

File # ZC-09-051

Zone Change Approval Criteria – SFR-6 and SFR-10 Zones

- (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.]

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE MEDFORD PLANNING COMMISSION

IN THE MATTER OF APPROVAL OF AN APPLICATION FOR OF A CHANGE OF ZONE FROM A SFR-00 (SINGLE - FAMILY RESIDENTIAL - 1 DWELLING UNIT PER EXISTING LOT) ZONING DISTRICT, TO A SFR-10 (SINGLE - FAMILY RESIDENTIAL - 10 UNITS PER GROSS ACRE) ZONING DISTRICT

APPLICANT'S EXHIBIT 1

APPLICATION: Request for a change of zone from City of Medford SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot) zoning district to City of Medford SFR-10 (Single-Family Residential - 10 units per gross acre) zoning district on an approximate 0.41-acre parcel located on the southwest corner of North Ross Lane and Thorn Oak Drive.

APPLICANT/

OWNERS: Edward and Marsha Fleming
Trustees of the Edward D. Fleming Trust, dated 9-10-2008
7369 Griffin Lane
Jacksonville, OR 97530

AGENT: Maize & Associates, Inc.
P.O. Box 628
Medford, OR 97501
(541) 776-4142

A. BACKGROUND AND PURPOSE OF APPLICATION

There is an existing single-family residence on the subject parcel, with a custom alteration business in a small, attached building. The purpose of the zone change is to allow for the future development of the subject property.

B. SCOPE OF ZONE CHANGE APPLICATION

The applicants propose to rezone the land in accordance with the Land Development Code and the Medford Comprehensive Plan, to prepare the property for future development to urban standards. The submitted Findings of Fact and Conclusions of Law support the zone change from its present SFR-00 (Single-Family Residential - 1 dwelling unit per parcel) to SFR-10 (Single-Family Residential - 10 dwelling units per acre)

RECEIVED

MAY 06 2009

Planning Dept.

CITY OF MEDFORD

EXHIBIT # F

File # ZC-09-051

C. APPLICANT'S SUBMITTALS

- Exhibit 1 Findings of Fact and Conclusions of Law
- Exhibit 2 Legal Description of Area to be Rezoned
- Exhibit 3 Assessor's Map showing Subject Area to be Rezoned
- Exhibit 4 General Land Use Plan Map showing Subject Area
- Exhibit 5 City of Medford Zoning Map
- Exhibit 6 Traffic Impact Analysis Form
- Exhibit 7 Aerial Vicinity Map

D. RELEVANT APPROVAL CRITERIA

Section 10.227 of the Land Development Code states that the Planning Commission shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) of that section. The Oregon Transportation Planning Rule (OAR 660-012-0060) also contains criteria, which apply to approval of a zone change application. Both sets of criteria are listed below. Provisions, which do not apply, have been omitted, and are indicated by "***"

MEDFORD LAND DEVELOPMENT CODE

ZONE CHANGE CRITERIA – SECTION 10.227

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

- 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 or 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.*

OREGON ADMINISTRATIVE RULES

OREGON TRANSPORTATION PLANNING RULE -
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.

2. *Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:*
 - a. *Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
 - b. *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
 - c. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*
 - d. *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
 - e. *Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*
3. *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*
 - a. *The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*
 - b. *In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*

- c. *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 through one or a combination of transportation improvements or measures;*
 - d. *The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*
 - e. *For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.*
4. *Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*
- a. *In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*
 - b. *Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:*
 - (A) *Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*
 - (B) *Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.*
 - (C) *Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.*

- (D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.
- (E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.
- c. Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:
- (A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or
- (B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.
- d. As used in this section and section (3):
- (A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;
- (B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and
- (C) Interstate interchange area means:
- (i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or
- (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.
- e. For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to

determine whether there is a significant effect that requires application of the remedies in section (2).

E. FINDINGS OF FACT AND CONCLUSIONS OF LAW

ZONE CHANGE CRITERIA – SECTION 10.227

The Planning Commission has considered the following facts to be pertinent to the application request:

CRITERION NO. 1

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

CONSISTENCY WITH THE OREGON TRANSPORTATION PLANNING RULE (OAR 660)

A Transportation System Plan (TSP) was adopted by the Medford City Council on November 20, 2003. The TSP identifies both existing and future needs, and includes improvements to meet those needs. In order to achieve those needs, the TSP has established the city's goals, policies, and implementation measures in order for the City to develop and maintain its transportation system for both the short and long term.

The Medford TSP addresses the Oregon Statewide Planning Goal 12 and the Oregon Transportation Planning Rule (TPR), which directs cities and counties to develop balanced transportation systems addressing all modes of travel including motor vehicles, transit, bicycles and pedestrians. The TPR envisions development of local plans that will promote changes in land use patterns and transportation systems that make it more convenient for people to walk, bicycle, use transit, and drive less to meet their daily needs.

Below are those policies and implementation strategies from Medford's TSP that are relevant to the subject application.

Overall Transportation System

GOAL 1: *To provide a multi-modal transportation system for the Medford planning area that supports the safe, efficient, and accessible movement of all people and goods, and recognizes the area's role as the financial, medical, tourism, and business hub of Southern Oregon and Northern California.*

Policy 1-B: *The City of Medford shall use the Transportation System Plan as the legal basis and policy foundation for decisions involving transportation issues.*

Implementation 1-B(6): *Require Comprehensive Plan, Land Development Code, and Zoning Map amendments to contain findings that show how the action is in conformity with the adopted tenets of the Medford Transportation System Plan.*

Findings of Fact

The City of Medford has revised the criteria for zone changes within the City, reflected in Section 10.227(1) of the Land Development Code, requiring that findings to be made showing consistency with the Transportation System Plan. The applicant, under Criterion No. 2 below, has addressed the policies and implementation strategies of the TSP that apply to the subject application for a change of zone to SFR-10.

Street System

GOAL 2: *To provide a comprehensive street system that serves the mobility and multi-modal transportation needs of the Medford planning area.*

Street System – Transportation System Management and Safety

Policy 2-H: *The City of Medford shall manage and maintain the transportation system in an efficient, clean, and safe manner.*

Implementation 2-H(1): *Require Traffic Impact Analyses (TIAs), as appropriate, in conjunction with development applications to assess impacts on the existing and planned transportation system, and require transportation system improvements that are identified through the TIA or by other Municipal Code requirements as a condition of approval of development permits and land use actions.*

Findings of Fact

The City of Medford has established in Section 10.461 of the Land Development Code, a threshold generation of at least 250 net Average Daily Trips before a TIA is required. The City of Medford has consistently in the past recognized that peak period trips are approximately 10 percent of the Average Daily Trips. The proposed zone change will, therefore, generate approximately five (5) peak period trips.

In accordance with Section 10.461(2b), intersections with less than 25 peak period trips are not seen as having significant impacts. As discussed below under Criterion No. 2, the subject site will generate only approximately 5 peak period trips.

Conclusion of Law

The Planning Commission concludes that proposed zone change is consistent with the Oregon Transportation Planning Rule since Medford has adopted a Transportation System Plan and the application is consistent with that TSP. Separate findings have been included in this document, which address the Transportation Planning Rule.

The Planning Commission further concludes that the impacts on the existing and planned transportation system are not substantial and, therefore do not require further analysis through a TIA, or transportation system improvements as a condition of approval of this zone change application.

CONSISTENCY WITH GENERAL LAND USE PLAN MAP DESIGNATION

Findings of Fact

The General Land Use Plan Map (Exhibit "4") shows the subject property with an Urban Residential land use designation. The General Land Use Plan Element of the Comprehensive Plan states that:

Urban Residential This designation permits lower density urban residential uses (one to ten units per gross acre), including standard and small lot detached single-family dwellings, accessory dwelling units, and mobile home parks. Depending upon the physical development constraints, the permitted zoning districts are SFR-2, SFR-4, SFR-6, and SFR-10 (Single-Family Residential - 2, 4, 6, or 10 dwelling units per gross acre). Such constraints that may affect the ultimate developed density, and, therefore, the most suitable zoning district, include steep slopes, unstable soils, wetlands and/or riparian habitat, woodlands, fire hazards, etc. When a Planned Unit Development (PUD) is approved, the maximum residential density per gross acre can be increased.

The Planning Commission finds that there are also locational standards in Section 10.227(1), which include and provide for the physical development constraints that determine whether or not one of the four zoning districts is suitable for the subject property.

Conclusion of Law

The Planning Commission concludes that the application is consistent with the General Land Use Plan Map since it shows the subject property has a land use designation of Urban Residential, which allows the SFR-10 zone.

CONSISTENCY WITH LOCATIONAL STANDARDS

- 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.*

Findings of Fact

As shown on the City of Medford Zoning Map (Exhibit "5") and the Vicinity Map (Exhibit "7"), the subject parcel abuts 2 parcels on the east side of North Ross Lane that are already zoned SFR-10, the same as the proposed zone.

Medford's Land Development Code (Section 10.012) defines "abutting" as "*having a common border with, or being separated from such common border by, an alley, easement, or right-of-way*".

Conclusion of Law

As the subject property abuts two parcels that are already zoned SFR-10, the Planning Commission concludes that the proposed zone change is consistent with the locational standards of Subsection b(i) of Criterion No. 1.

CRITERION NO. 2

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 or 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.*

With respect to each of the above Category “A” public facilities, the Planning Commission considers the following facts:

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 within the same pressure zone that are adjacent to the subject site:

- a 6-inch water main in North Ross Lane running along the east side of the subject property.
- a 4-inch water main in Thorn Oak Drive, running along the north side of the subject property;

According to the Medford Water Commission, water supply to the City of Medford comes from two sources: Big Butte Springs and the Rogue River. The current (2008) combined capacity is approximately 71 million gallons per day (mgd), with current total water rights of 91 mgd.

According to the Medford Water Commission’s Statistical Report for 2007, the Medford Water Commission’s service population is approximately ± 130,000.

Based on current peak per capita water use rates, it is estimated that water rights held by the Medford Water Commission, and existing treatment plant design capacity can support a population of approximately 185,000 people. Water rights held by cities served by the Medford Water Commission will support additional population, the number which is currently under evaluation.

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 in the proposed SFR-10 zone.

Conclusions of Law

Based upon the Findings of Fact, the Planning Commission concludes that the water system, which will serve the subject property, is adequately sufficient and available to provide water service to the subject property with development that is permitted under the proposed SFR-10 zoning.

- B. Sanitary Sewer and Treatment – The subject property can currently be served by the Rogue Valley Sewer Services, which according to their staff, has a 30-inch sanitary sewer line located in North Ross Lane running along the east side of the subject property; and an 8-inch sewer line in Thorn Oak Drive running along the north side of the subject property.

The Rogue Valley Sewer Services, along with several other regional municipalities, discharges its wastewater into the Rogue Valley Sewer Service (RVS) operated interceptor system, which transports the wastewater for treatment to the City of Medford operated Regional Water Reclamation Facility (RWRf), located adjacent to the Rogue River outside of Medford's Urban Growth Boundary.

The RWRf average daily dry weather (summer) influent flow for 2004 was 15.7 million gallons per day (mgd), while the yearly flow average for the last 3 years is 18.4 mgd. The 2000 RWRf Facilities Plan projected that the ultimate population to be served by the regional plant is estimated to be 190,000.

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 in the proposed SFR-10 zone.

Conclusions of Law

Based upon the Findings of Fact, the Planning Commission concludes that the sanitary sewer system and treatment facilities which will serve the subject property is adequately sufficient and available to provide sanitary sewer

service to the subject property with development that is permitted under the proposed SFR-10 zoning.

- C. Storm Drainage – The subject site is located in the Elk Creek Drainage Basin and is currently served by roadside ditches along both North Ross Lane and Thorn Oak Drive. All storm drainage improvements made in conjunction with future development, are required to be consistent with the Medford Storm Drainage Master Plan.

According to the City of Medford Engineering Division, the current Medford Storm Drainage Master Plan indicates improvements are required in the downstream storm drainage system to meet current design standards for this basin. Therefore, prior to the issuance of a development permit or a building permit, plans will need to be approved by the City assuring that there will be a controlled storm water release of no more than 0.25 cubic feet per second per acres of development for the 10-year storm event.

The Engineering Department representative state that with the prescribed storm water detention, the subject property can be adequately served by the City's storm water drainage system.

Conclusions of Law

Based upon the Findings of Fact, the Planning Commission concludes that the storm drainage system which will serve the subject property is adequately sufficient and available to provide storm drainage to the subject property with development that is permitted under the proposed SFR-10 zoning, provided that storm water detention is incorporated into the future development plans in accordance with City of Medford standards.

- D. Transportation Facilities – The subject property has frontage on North Ross Lane, a designated Major Collector street, and Thorn Oak Drive, a lower order street, according to Medford's Medford Street Functional Classification Plan.

The acreage of the subject parcel is approximately 0.41 acres. In order to analyze the potential traffic impacts of the proposed zone change, the City of Medford utilizes the gross density of the parcel, which is calculated to be 0.65 acres, including one-half of the abutting rights-of-way. Based upon the proposed SFR-10 zoning that will permit a maximum of 10 dwelling units per gross acre, the subject site proposed to be rezoned will allow a maximum of 6 dwelling units, or an increase above the existing single-family residence on the property, of 5 dwelling units.

Based on the latest vehicular trip generation figures from *Trip Generation* (Institute of Transportation Engineers, 7th Edition) utilized by the City of

Medford Public Works Department, detached single-family residential development generates 9.57 Average Daily Trips (ADT) per dwelling unit. The vehicular generation as a result of the proposed zone change is, therefore, a net increase of 47.85 ADT.

The City of Medford has consistently in the past recognized that peak period trips are approximately 10 percent of the Average Daily Trips. The proposed zone change will, therefore, generate approximately five (5) peak period trips.

According to Section 10.461(2) of the Land Development Code, intersections with an increase of less than 25 peak period trips, are deemed to be not substantially impacted.

Conclusions of Law

Based upon the Findings of Fact, the Planning Commission concludes that the transportation facilities, which will serve the subject property, are adequately sufficient and available to provide transportation service to the subject property with development that is permitted under the proposed SFR-10 zoning.

CONSISTENCY WITH THE OREGON TRANSPORTATION PLANNING RULE (OAR 660)

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.*
2. *Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:*
- a. *Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
 - b. *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
 - c. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*
 - d. *Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
 - e. *Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*
3. *Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*
- a. *The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*

- b. *In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
 - c. *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 through one or a combination of transportation improvements or measures;*
 - d. *The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*
 - e. *For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.*
4. *Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*
- a. *In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*
 - b. *Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:*
 - (A) *Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*
 - (B) *Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established*

prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

c. Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

d. As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

- e. *For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).*

Findings of Fact

The City of Medford and the State of Oregon interpret the language of Chapter 660-012-0060 to apply to applications for not only changes to the City's Comprehensive Plan, but also applications for zone changes within the City.

Based on the latest vehicular trip generation figures from *Trip Generation* (Institute of Transportation Engineers, 7th Edition) utilized by the City of Medford Public Works Department, detached single-family residential development generates 9.57 Average Daily Trips (ADT) per dwelling unit. The vehicular generation as a result of the proposed zone change is, therefore, a net increase of 47.85 ADT.

The peak period trips are approximately 10 percent of the Average Daily Trips. The proposed zone change will, therefore, generate approximately five (5) peak period trips.

According to Section 10.461(2) of the Land Development Code, intersections with an increase of less than 25 peak period trips, are deemed to be not substantially impacted.

Conclusion of Law

The Planning Commission concludes that the proposed change of zone to SFR-10 will not have a significant affect on an existing or planned transportation facility and therefore, the application is consistent with the Oregon Transportation Planning Rule.

F. ULTIMATE CONCLUSION

Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application for a change of zone from a City SFR-00 to a SFR-10 zoning district is consistent with the relevant decisional criteria found in Section 10.227 of Medford's Land Development Code and the Oregon Transportation Planning Rule (Section 660-012-0060 of the Oregon Administrative Rules), and the application can, therefore, be approved.

Respectively Submitted,

Maize & Associates, Inc.



Jim Maize
Agent for Applicants,

Dated: May 6, 2009

EXHIBIT 2 - Legal Description of Area to be Rezoned

Beginning at a point on the East line of Donation Land Claim No. 73 in Township 37 South, Range 2 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon, said point being 39.50 chains East and 5.03 chains North of the Southwest corner of said claim; thence West 161.0 feet; thence North 135.99 feet to the South line of tract described in Volume 406, Page 296, Jackson County, Oregon, Deed Records; thence East, along said line, 161.0 feet to a point North of the point of beginning; thence South 135.99 feet to the point of beginning; EXCEPTING THEREFROM that portion conveyed to Jackson County, by deed recorded August 20, 2008, as 2008-031781.

Account No. 10449742; Map 372W23 DB 7600

RECEIVED

MAY 06 2009

Planning Dept.

CITY OF MEDFORD

EXHIBIT #

File # 2C-09-051

APPLICANT'S
EXHIBIT

" 2 "

ZONE CHANGE APPLICATION

TRAFFIC IMPACT ANALYSIS FORM

A. Form to be filled out and signed by a representative from the Public Works Department – Traffic Section **prior** to submittal of this **Zone Change** application.

Map and Tax Lot(s) 37-2W-23DB TL 7600

Current Zoning District: SFR-00

Proposed Zoning District: SFR-10

$0.41 \text{ ac} * 10 * 10 = 41 \text{ ADT}$

B. Based upon the information submitted with this application:

A Traffic Impact Analysis is not required

A Traffic Impact Analysis is required and has been submitted to the Public Works – Traffic Section.

Insufficient information to determine if TIA is required.

Peter T Mackprang
Printed Name

P.T. Mackprang
Signature

Assoc Traffic Engineer
Title

RECEIVED

MAY 06 2009

Planning Dept.

CITY OF MEDFORD

EXHIBIT # _____

File # 2C-09-051

APPLICANT'S
EXHIBIT

" 6 "

Map Maker Application

- Front Counter Legend
- Highlighted Feature
- Tax Lot Outlines
- Tax Lot Numbers
- Countywide Color Aerial Photos 2005



SUBJECT PARCEL

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Planning Dept.

CITY OF MEDFORD

EXHIBIT # 2009-057

APPLICANT'S EXHIBIT " 7 "



JACKSON COUNTY Oregon

This map is based on a digital database compiled by Jackson County from a variety of sources. Jackson County cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department

FROM: Engineering Division

SUBJECT: Zone Change Request, File No. ZC-09-051

DATE: June 5, 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:

Ross Lane North, a designated Major Collector Street, is paved without curb and gutter along the frontage of this zone change.

Thorn Oak Drive, a designated Standard Residential Street, is paved without curb and gutter along the frontage of this zone change.

B: Who has maintenance responsibilities:

Ross Lane North and Thorn Oak Drive- Jackson County

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-10 (Single-Family Residential – 10 units per acre) on 0.41 acres (0.60 gross acres) has the potential to develop up to 6 SFR dwelling units or generate 57 average daily trips (ADT). The net increase in ADT to the transportation system is 47 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/or improvements on Ross Lane North and Thorn Oak Drive along the frontages of this proposed zone change property.

3. Drainage:

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

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

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BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: ZC-09-051

PARCEL ID: 372W23DB TL 7600

PROJECT: Consideration of a request for a change of zone from SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot) zoning district to SFR-10 (Single-Family Residential - 10 units per gross acre) zoning district on approximately 0.41-acre parcel located on the southwest corner of North Ross Lane and Thorn Oak Drive; Ed Fleming/Marsha Fleming, Applicants (Maize & Associates, Inc., Agent). Kathy Helmer, Planner

DATE: June 3, 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 facility construction may be required depending on future land development review.
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 a 3/4" water meter near the northeasty property corner along the N. Ross Lane frontage.
7. Access to MWC water lines for connection is available. A 6" water line is located in N. Ross Lane and a 4" water line is located in Thorn Oak Drive.

CITY OF MEDFORD
EXHIBIT # H
File # ZC-09-051

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JACKSON COUNTY

Roads

Roads
Engineering

Russ Logue
Construction Manager

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
loguera@jacksoncounty.org

www.jacksoncounty.org

June 12, 2009

Attention: Kathy Helmer
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Zone Change off Ross Lane North – a county-maintained road.
Planning File: ZC-09-051

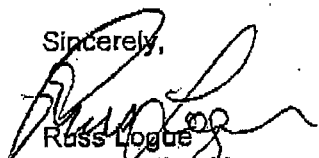
Dear Kathy:

Thank you for the opportunity to comment on this request for a change of zone from SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot) to SFR-10 (Single-Family Residential - 10 units per gross acre) zoning district on approximately 0.41 acre parcel located on the southwest corner of Ross Lane North and Thorn Oak Drive. Jackson County Roads has the following comments:

1. Ross Lane North, County Arterial, is a county-maintained road and is going to be reconstructed along with the signalization of the McAndrews and Ross Lane North intersection. Please inform the applicant and have them contact Leonard Duncan (Ph. 774-6274) at Jackson County Roads to coordinate the future project with ours.
2. West McAndrews Road, County Arterial, is a county-maintained road.
3. All proposed access roads or frontage improvements shall be permitted and inspected by the City.
4. Future construction plans and engineered hydraulic plans and report shall be submitted to Roads, so we may determine if county permits will be required.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,



Russ Logue
Construction Manager

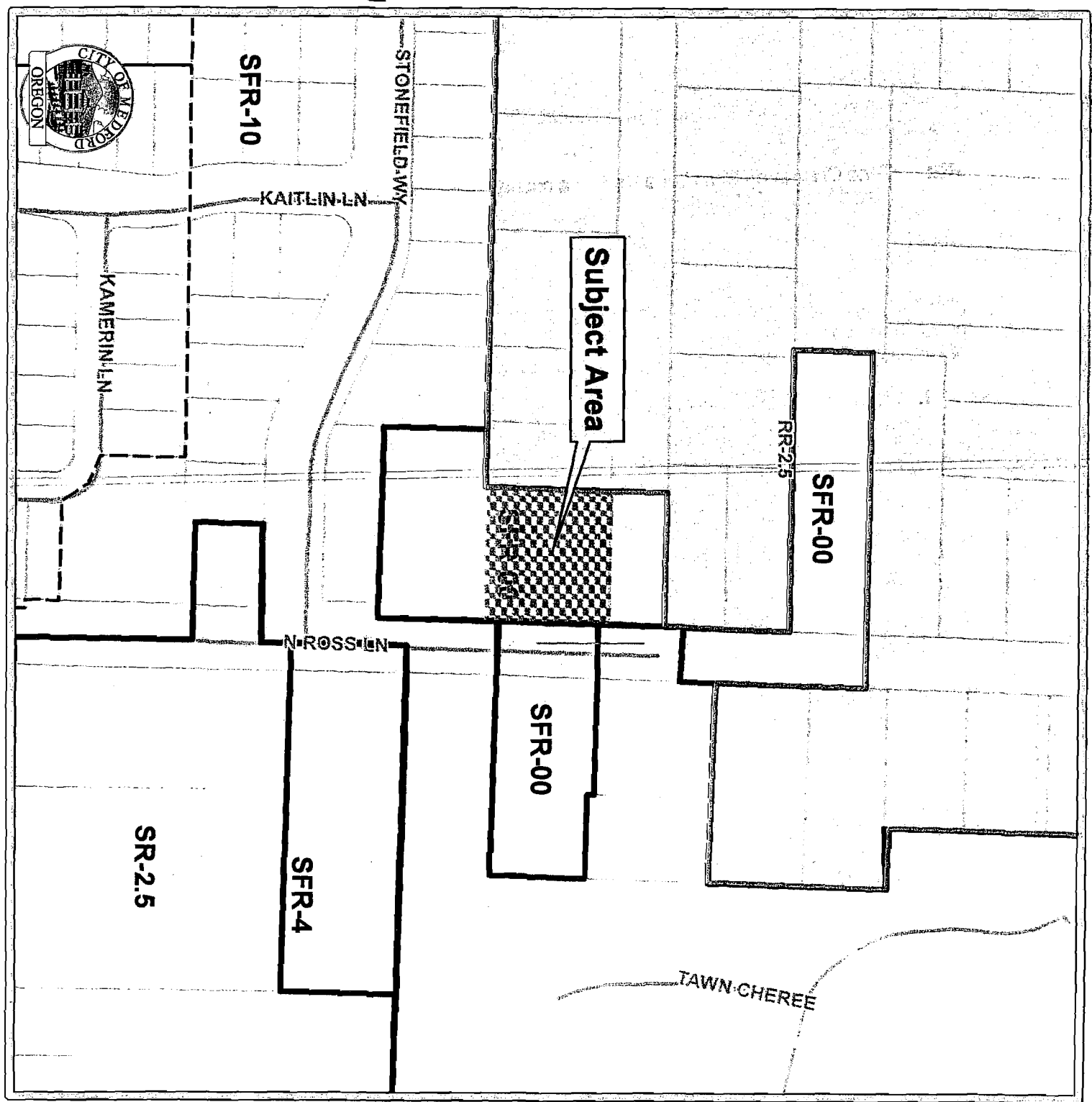
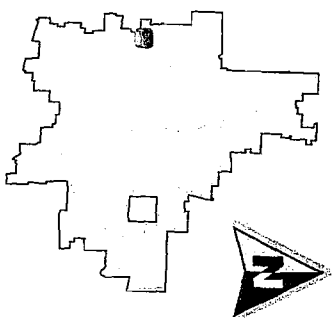
Vicinity Map

- 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-09-051

APPLICANT:
Ed and Marsha Fleming

Map: 372W23DB
TL: 7600



7007 0710 0001 0566 7506



US POSTAGE

RETURN RECEIPT
REQUESTED

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

