



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

10/12/2009

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 015-09

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.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, October 22, 2009

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

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

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE 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
John Renz, DLCD Regional Representative

<paa> YA

FORM 2

DLCD

Notice of Adoption

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

In person electronic mailed

DATE
STAMP

DEPT OF

OCT 05 2009

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **ZC-09-061**

Date of Adoption: **9/24/2009**

Date Mailed: **9/30/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **6/26/2009**

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".

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 three parcels consisting of a total of approximately 14.6 acres on the south side of Stewart Avenue, approximately 600 feet west of Thomas Road.

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

Plan Map Changed from:

to:

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

to: **SFR-6**

Location: **2599 Stewart Ave., 2680 Willow Way, 2693 Willow Wa**

Acres Involved: **14**

Specify Density: Previous: **1du/parcel**

New: **6du/acre**

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. 015-09 (17662) [15745]

DLCD file No. _____

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

Rogue Valley Transportation District
Medford School District 549-C
Jackson County

Local Contact: **Sandra Johnson, Planner II**

Phone: **(541) 774-2380** Extension: **2385**

Address: **200 S. Ivy Street**

Fax Number: **541-774-2564**

City: **Medford, OR** Zip: **97501-**
sandra.johnson@cityofmedford.org

E-mail Address:

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

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-09-061 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY JAMES WHITE, SAM BARNUM, AND FIVE DEVELOPMENT LLC)

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 three parcels consisting of a total of approximately 14.6 acres on the south side of Stewart Avenue, approximately 600 feet west of Thomas Road.

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 three parcels consisting of a total of approximately 14.6 acres on the south side of Stewart Avenue, approximately 600 feet west of Thomas Road; 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 Commission Report dated September 10, 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 35B Tax Lot 3500 and 3502

37 2W 35C Tax Lot 100

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 24th day of September, 2009.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

September 25, 2009

James White
10035 Mills Station Rd #99
Sacramento, CA 95827-2801

Sam & Mary Barnum
2680 Willow Way
Medford, OR 97501

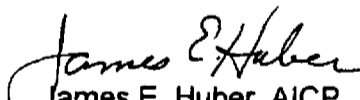
Fire Development, LLC
8425 Agate Rd.
White City, OR 97503

RE: FILE NO.: ZC-09-061

The Medford Planning Commission at its regular meeting of September 24, 2009, approved the Final Order containing Findings of Fact relating to the approval of the following request: Changing the zoning from SR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-6 (Single Family Residential – 6 dwelling units per acre) zoning district on three parcels consisting of a total of approximately 14.6 acres on the south side of Stewart Avenue, approximately 600 feet west of Thomas Road.

This request was granted as per the Commission Report dated September 10, 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 October 15, 2009. Appeals must be filed in the form prescribed, and will be decided based upon Medford Code Sections 10.051-10.056 (copies available).


James E. Huber, AICP
Planning Director

kg
Enclosure: Commission Report/Final Order/Legal Description

cc: Maize & Associates, PO Box 628, Medford, OR 97501
Affected Agency
Interested Parties



CITY OF MEDFORD
PLANNING DEPARTMENT

COMMISSION REPORT

Date: September 10, 2009
Subject: James White, Sam Barnum, Five Development, LLC (ZC-09-061)
Maize and Associate, 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-6 (Single-Family Residential – 6 dwelling units per acre) on three parcels consisting of a total of approximately 14.6 acres on the south side of Stewart Avenue, approximately 600 feet west of Thomas Road.

Subject Site Zoning, GLUP Designation and Existing Uses

Zoning District: SFR-00 (Single-Family Residential, one dwelling unit per existing parcel)
GLUP Map Designation: UR (Urban Residential)
Current Use: Each parcel is occupied by a single family dwelling and associated out-buildings.

Surrounding Property Zoning and Uses

North: *Zone* County EFU (Exclusive Farm Use); outside the Urban Growth Boundary
Use Rural Residential, Farming, Livestock

South: *Zone* County EFU (Exclusive Farm Use); outside the Urban Growth Boundary
Use Rural Residential, Farming

East: *Zone* SFR-00 (Single Family Residential) – one dwelling unit per existing parcel
Use Rural Residential

West: *Zone* County EFU (Exclusive Farm Use); outside the Urban Growth Boundary
Use Livestock

Related Projects

A-07-208 Annexation of Parcel 1 (Ord. 2008-143)
A-05-308 Annexation of Parcels 2 and 3 (Ord. 2006-292)

Applicable Criteria (Exhibit B)

10.227 Zone Change Criteria; *Medford Land Development Code*

Corporate Names

Michael Wells of Portland, Oregon is the registered agent of Five Development, LLC.

ISSUES/ANALYSIS

Staff has reviewed the zone change request and finds that it meets the approval criteria listed in *Medford Land Development Code* §10.227, subject to those conditions included in Exhibit A. The zone change will bring the property into compliance with its current General Land Use Plan (GLUP) designation of Urban Residential. The subject property meets the locational standards in MLDC §10.227(1)(b) in that it is five acres or larger.

Conditions of approval will include transportation facility and storm water drainage improvements, as described below.

Impact on the Transportation System

The proposed SFR-6 zoning on the 14.6 acre site has the potential to generate 842 average daily trips (ADTs), a net increase of 813. Therefore, per §10.461, a Traffic Impact Analysis (TIA) is required. The applicant submitted a TIA as part of this application (Exhibit G), and in response to comments from the Engineering Division of the Public Works Department, provided additional traffic analysis that addressed an alternative access to the subject property (Exhibit H).

The applicant's findings of fact include a stipulation regarding the installation of a westbound left turn lane on Stewart Avenue (pg. 23, Exhibit F). Staff recommends that the Commission adopt the applicant's findings including the applicant's stipulation.

Decision: At the public hearing, the applicant proposed revised language that more specifically defined the timing for the installation of a turn lane on Stewart Avenue. The language would exclude the installation of a turn lane if access to a proposed development was limited to a single-family driveway. The Commission adopted the proposed language, and the written condition was included as Exhibit P.

Storm Water Drainage

Zone changes are not allowed without adequate storm drain facilities. Prior to the issuance of a development or building permit, the City of Medford Engineering Division

**EXHIBIT A-1
CONDITIONS OF APPROVAL**

**ZC-09-061
White/Barnum/Five Development, LLC
September 10, 2009**

1. Comply with the report from the Engineering Division of the Public Works Department, dated August 26, 2009 (Exhibit I);
2. Comply with the memorandum from the Medford Water Commission, dated July 13, 2009 (Exhibit J);
3. Comply with the letter from Rogue Valley Sewer Services, dated July 7, 2009 (Exhibit L);
4. Comply with the letter from Jackson County Roads, dated July 7, 2009 (Exhibit M);
5. Comply with the condition language submitted by the applicant, and adopted by the Commission, received September 10, 2009 (Exhibit P).

CITY OF MEDFORD
EXHIBIT # A-1
File # ZC-09-061

EXHIBIT B
ZONE CHANGE APPROVAL CRITERIA – SFR-00 to SFR-6
FROM SECTION 10.227 OF THE MEDFORD LAND DEVELOPMENT CODE

ZC-09-061
White/Barnum/Five Development, LLC
September 2, 2009

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 (1) of the following conditions must exist:
- (i) At least one (1) 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 Land Development Code and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

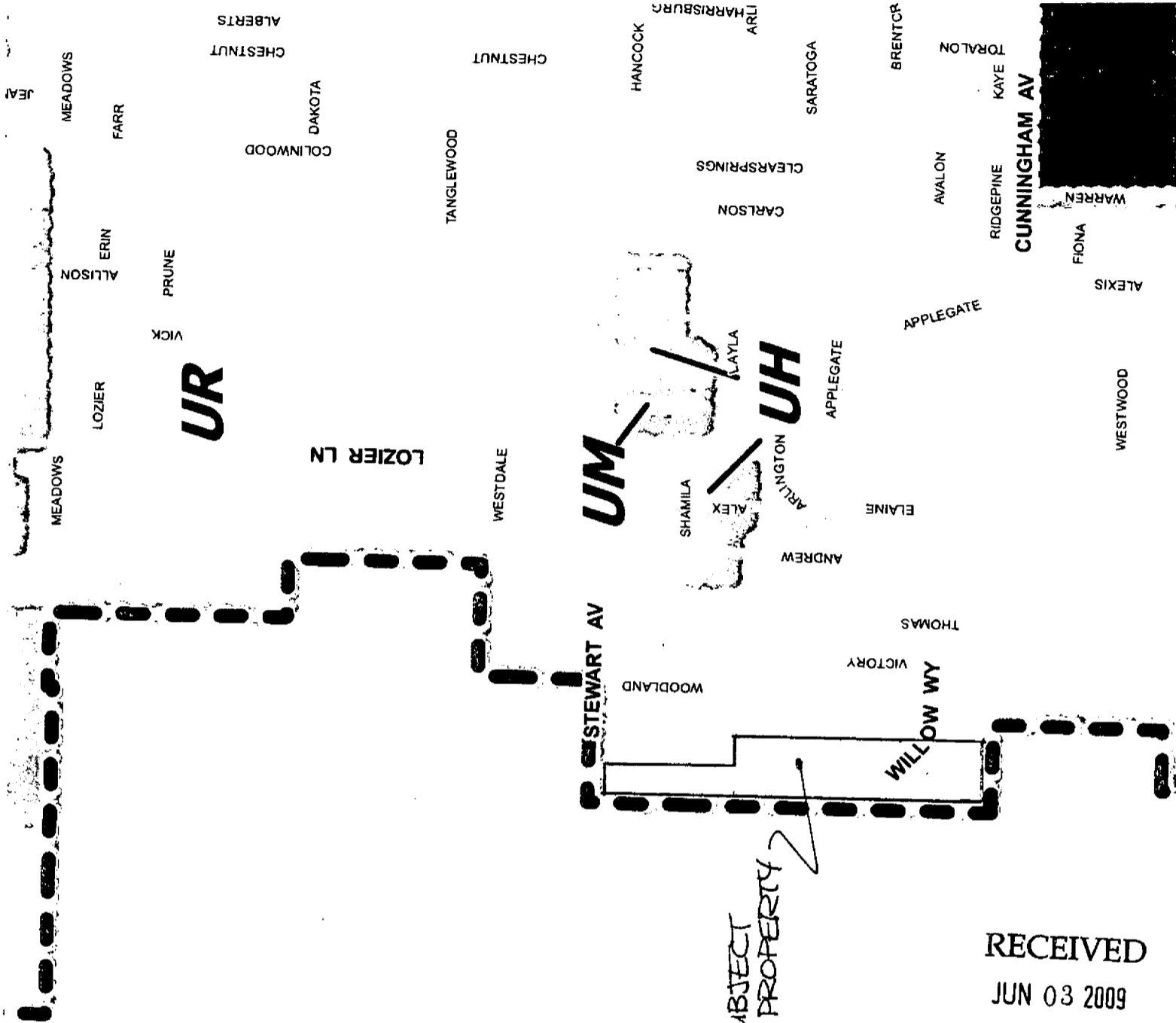
- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

- (b) Adequate streets and street capacity must be provided in one (1) 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 (1) 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 (1) 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 (2) 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.

[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; Amd. Sec. 13, Ord. No. 2008-236, Nov. 20, 2008.]

MEDFORD GENERAL LAND USE PLAN MAP

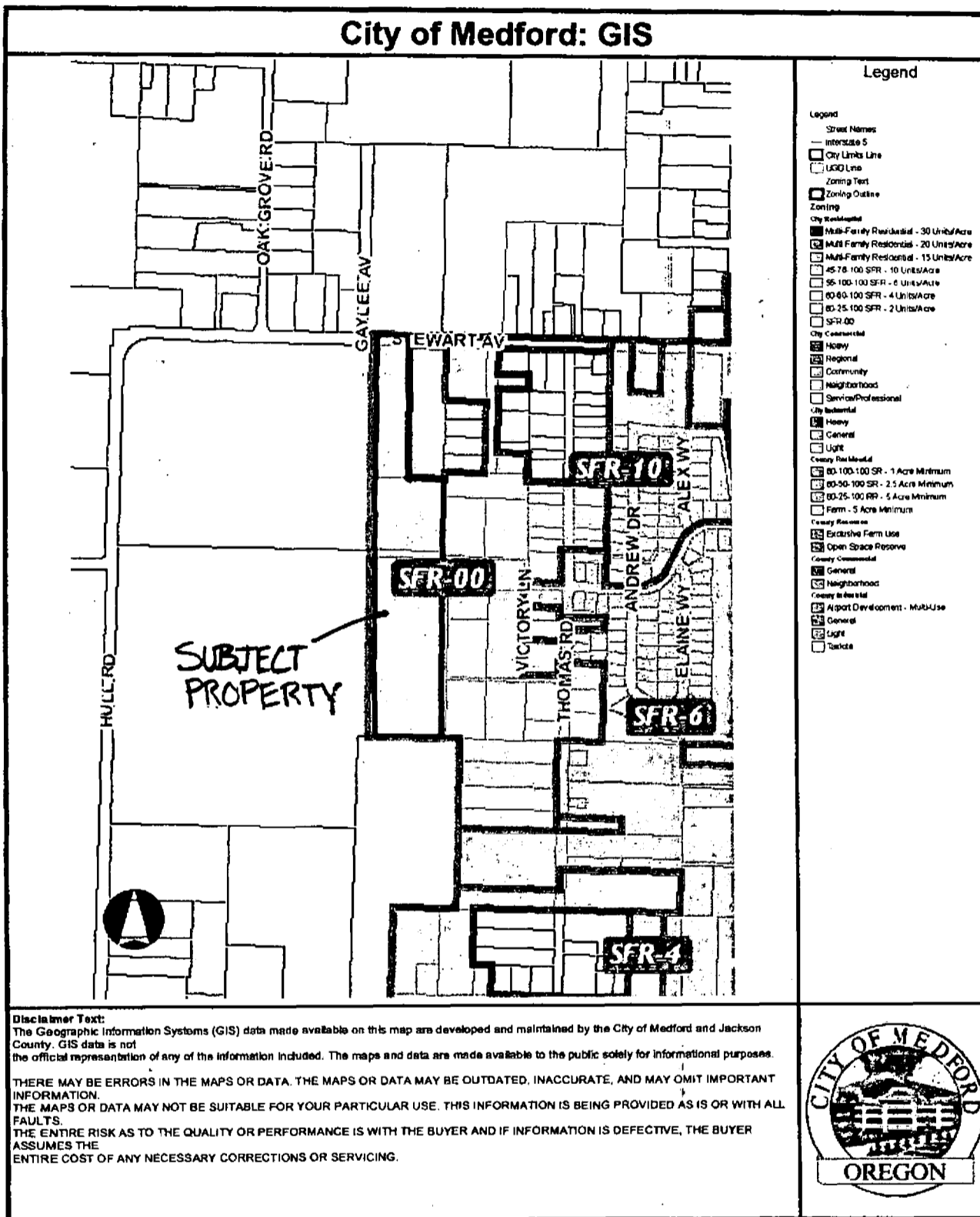


SUBJECT PROPERTY

RECEIVED
JUN 03 2009
Planning Dept.

CITY OF MEDFORD
EXHIBIT # 6
File # 20-09-061

APPLICANT'S
EXHIBIT
" 5 "

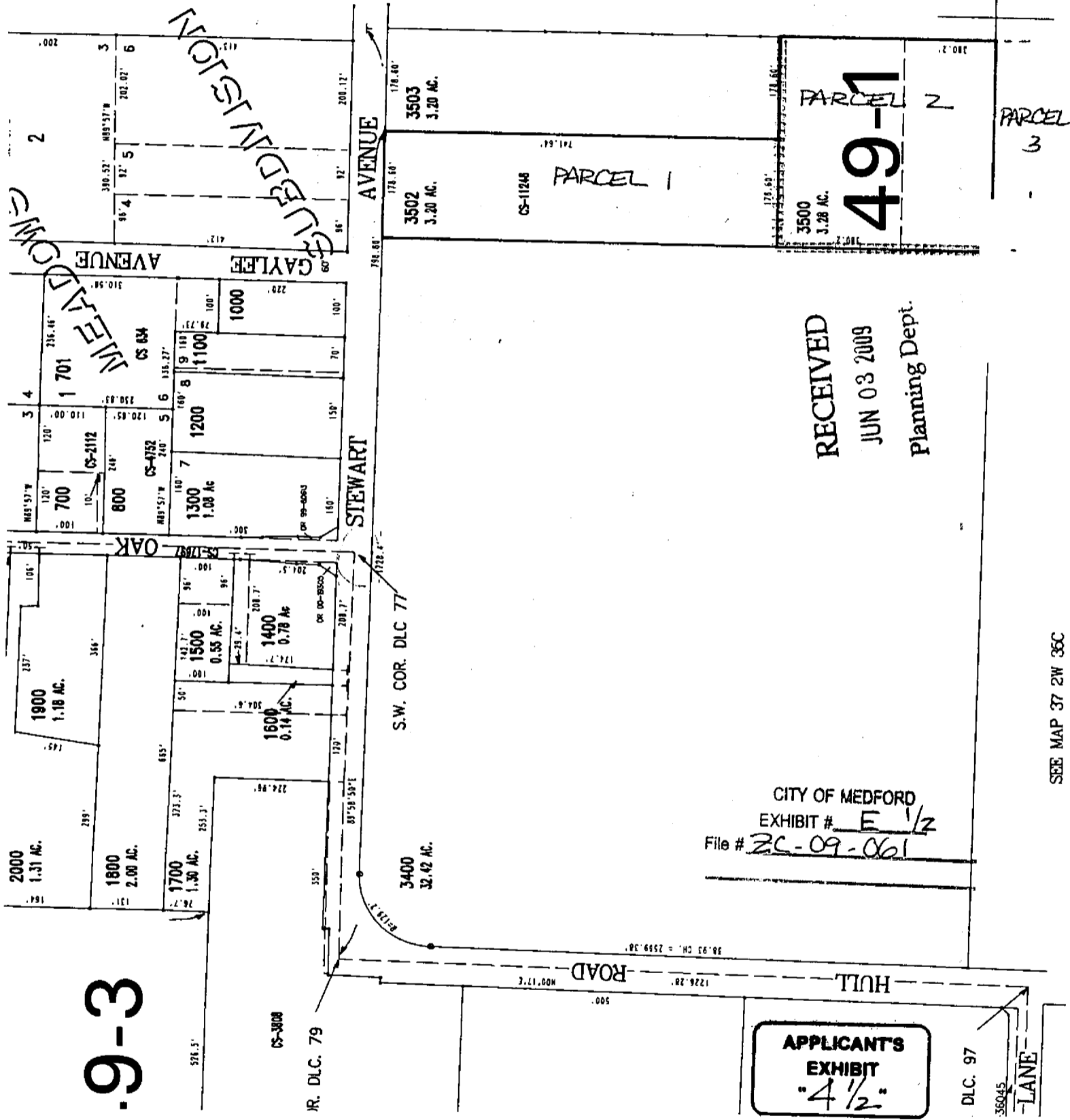


CITY OF MEDFORD
 EXHIBIT # D
 File # 2C-09-061

37-2W-35B

SEE MAP 37 2W 35A

CEN. SEC.



9-3

CITY OF MEDFORD
EXHIBIT # E 1/2
File # ZC-09-061

APPLICANT'S
EXHIBIT
"4 1/2"

DLC. 97

36045
LANE

SEE MAP 37 2W 35C

12

RECEIVED

AUG 19 2009

PLANNING DEPT.

**REVISED 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-6 (SINGLE -
FAMILY RESIDENTIAL - 6 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-6 (Single-Family Residential - 6 units per gross acre) zoning district on three parcels consisting of a total of approximately 14.6 acres on the south side of Stewart Avenue, approximately 600 feet west of Thomas Road.

**APPLICANTS/
OWNERS:**

Parcel 1	James White 10035 Mills Station Road, #99 Sacramento, CA 95827-2801
Parcel 2	Sam and Mary Barnum 2680 Willow Way Medford, OR 97501
Parcel 3	Five Development, LLC 8425 Agate Road White City, OR 97503

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

CITY OF MEDFORD
EXHIBIT # F
File # ZC-09-061

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A. BACKGROUND AND PURPOSE OF APPLICATION

Property Information Table – Table 1

	Map	Tax Lot	Existing Zoning	Acres
Parcel 1	37-2W-35B	3502	SFR-00	3.20
Parcel 2	37-2W-35B	3500	SFR-00	3.28
Parcel 3	37-2W-35C	100	SFR-00	8.14
Total				14.62

Parcel 1 was recently annexed to the in July of 2008 (File A-07-208), at which time a City zone of SFR-00 was placed on the property. Parcels 2 and 3 were annexed in 2006 (File A-05-308) with a concurrent zoning of SFR-00. The purpose of the zone change is to allow for the future development of the subject properties.

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-6 (Single-Family Residential – 6 dwelling units per acre).

C. APPLICANT'S SUBMITTALS

- Exhibit 1 Revised Findings of Fact and Conclusions of Law
- Exhibit 2 Traffic Impact Analysis, dated June 1, 2009, by Southern Oregon Transportation Engineering, LLC
- Exhibit 3 Legal Description of Area to be Rezoned
- Exhibit 4 Assessor's Map showing Subject Area to be Rezoned
- Exhibit 5 General Land Use Plan Map showing Subject Area
- Exhibit 6 City of Medford Zoning Map
- Exhibit 7 Email from David Pyles, Oregon Department of Transportation, dated May 21, 2009
- Exhibit 8 Supplemental Traffic Analysis dated August 17, 2009, by Southern Oregon Transportation Engineering, LLC

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, below, has addressed the policies and implementation strategies of the TSP that apply to the subject application for a change of zone to SFR-6.

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 has required, and the applicant has provided a Traffic Impact Analysis in conjunction with the subject application. The conclusions of that analysis shows that *“the proposed Stewart Avenue zone change application can be accommodated on the existing transportation system without creating adverse impacts. Intersection operation, turn lanes, and crash histories were evaluated to address project impacts. Results of the analysis show the following:*

- *Study area intersections are shown to operate acceptably under existing year 2009, design year 2010 no-build, and design year 2010 build conditions.*
- *Turn lane warrants were evaluated at the proposed intersection of Stewart Avenue and the project under design year 2010 conditions. A westbound left turn lane was shown to meet left turn lane criterion under build conditions.*
- *Crash data was evaluated at study area intersections. Based on crash summaries, there is no need for any mitigation or further investigation.*

The proposed Stewart Avenue zone change application is in compliance with the Medford Comprehensive Plan pursuant to Medford Land Development Code 10.227(1) and Goal No. 3, Policy 1 of the Public Facilities Element. Streets that serve the subject property will accommodate projected P.M. peak traffic volumes within acceptable levels of service.”

It is unknown at this time if vehicular traffic will access the subject zone change property from Stewart Avenue; from Thomas Road; or possibly from both streets. The submitted TIA (Exhibit “2”) analyzed the traffic scenario with all trips taking direct access onto Stewart Avenue. Because there is a possibility that all or a portion of the vehicular trips may take access onto Thomas Road, most likely from Willow Way, the applicant was requested by the City to provide supplemental information addressing that circumstance (Exhibit “8”). The result of that supplemental study concludes that:

The unsignalized intersection of Thomas Road & Stewart Avenue is shown to operate at a level of service “B” under year 2010 build conditions and meets City

of Medford performance standards as a result of access taken to Willow Way. Turn lane analyses show that criterion for a westbound left turn along Stewart Avenue at Thomas Road is met under year 2010 build conditions and would be required as mitigation if access is taken to Willow Way rather than Stewart Avenue.

The identified westbound left turn lane on Stewart Avenue will become a condition of this zone change. That turn lane will need to be installed either at a new public street intersection with Stewart Avenue, or at the Stewart Avenue/Thomas Road intersection, depending on the traffic access from the property. The applicant has included a stipulation that the improvement will be constructed prior to the approval of a final plat for a subdivision on the subject property.

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.

CONSISTENCY WITH GENERAL LAND USE PLAN MAP DESIGNATION

Findings of Fact

The General Land Use Plan Map (Exhibit "5") shows land use designation of the subject property as *Urban Residential*. 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 also finds that there are locational standards in Section 10.227(1) of the Land Development Code, that are addressed below, which

include physical development constraints, that determine which of the four zoning districts are 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-6 zone, and that the subject property is most appropriate for that district.

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 Table 1, the subject property proposed for a change of zone to SFR-6 is approximately 14.6 acres.

Conclusion of Law

As the subject property to be rezoned is larger than 5 acres, the Planning Commission finds that the proposed zone change is consistent with the locational standards of Subsection 1b(2) 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.*

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- 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 30-inch water main in Stewart Avenue running along the north side of the subject property.
- an 8-inch water main in Thomas Road, which presently terminates approximately 80 feet north of the Willow Way right-of-way;

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-6 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-6 zoning.

- B. Sanitary Sewer and Treatment – The subject property can currently be served by the Rogue Valley Sewer Services, which has an 8-inch sanitary sewer line located in Willow Way at Thomas Road; and an 8-inch sewer line along the boundary of two of the tax lots that comprise the subject property (Tax Lots 100 and 3500).

The City of Medford, 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-6 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-6 zoning.

- C. Storm Drainage – The subject site is located in the Elk Creek Drainage Basin and is currently served by roadside ditches. All storm drainage improvements 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-6 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 Stewart Avenue, a designated Major Arterial street, according to Medford's Medford Street Functional Classification Plan, and Willow Way.

The acreage of the subject site is approximately 14.62 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 14.74 acres, which includes one-half of the abutting right-of-way. Based upon the proposed SFR-6 zoning which will permit a maximum of 6 dwelling units per gross acre, the subject site proposed to be rezoned will allow a maximum of 88 dwelling units, or an increase above the existing single-family residence on the property, of 85 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 813.45 ADT.

Section 10.461(3) of the Land Development Code requires a Traffic Impact Analysis (TIA) when a zone change application shows the potential to generate more than 250 net ADT's, or if the Public Works Department has concerns due to operations or accident history. Because the proposed zone change will generate an increase of trips that exceeds 250 ADT, a Traffic Impact Study was performed by Southern Oregon Transportation Engineering, LLC and submitted as Exhibit "2" of this application.

The peak period trips are approximately 10 percent of the Average Daily Trips. The proposed zone change will, therefore, generate approximately sixteen (81) 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.

Upon analysis of those City intersections showing an increase of 25 peak period or more trips, the Traffic Impact Study concludes that: *"the proposed Stewart Avenue zone change application can be accommodated on the existing transportation system without creating adverse impacts. Intersection operation, turn lanes, and crash histories were evaluated to address project impacts. Results of the analysis show the following:*

- *Study area intersections are shown to operate acceptably under existing year 2009, design year 2010 no-build, and design year 2010 build conditions.*
- *Turn lane warrants were evaluated at the proposed intersection of Stewart Avenue and the project under design year 2010 conditions. A westbound left turn lane was shown to meet left turn lane criterion under build conditions.*
- *Crash data was evaluated at study area intersections. Based on crash summaries, there is no need for any mitigation or further investigation.*
- *95th percentile queue lengths were evaluated at the proposed project access point on Stewart Avenue to determine storage length requirements of a westbound left turn lane. Results of the analysis show that a minimum of 50' of storage is required to support the westbound left turn movement under year 2010 build conditions.*

The proposed Stewart Avenue zone change application is in compliance with the Medford Comprehensive Plan pursuant to Medford Land Development Code 10.227(1) and Goal No. 3, Policy 1 of the Public Facilities Element. Streets that serve the subject property will accommodate projected P.M. peak traffic volumes within acceptable levels of service."

Because there is a possibility that all or a portion of the vehicular trips may take access onto Thomas Road, most likely from Willow Way, the applicant was requested by the City to provide supplemental information addressing that circumstance (Exhibit "8"). The result of that supplemental study concludes that:

The unsignalized intersection of Thomas Road & Stewart Avenue is shown to operate at a level of service "B" under year 2010 build conditions and meets City of Medford performance standards as a result of access taken to Willow Way. Turn lane analyses show that criterion for a westbound left turn along Stewart Avenue at Thomas Road is met under year 2010 build conditions and would be required as mitigation if access is taken to Willow Way rather than Stewart Avenue.

The identified westbound left turn lane on Stewart Avenue will become a condition of this zone change. That turn lane will need to be installed either at a new public street intersection with Stewart Avenue, or at the Stewart Avenue/Thomas Road intersection, depending on the traffic access from the property. The applicant has included a stipulation that the improvement will be constructed prior to the approval of a final plat for a subdivision on the subject property.

The Oregon Department of Transportation (ODOT) has reviewed the trip generation for the proposed zone change and as evidenced by Exhibit 7, ODOT states "... that the proposed zone change may be found to not significantly affect state highway facilities, per the Transportation Planning Rule (OAR 660-012-0060)."

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-6 zoning, provided that, as stipulated, a westbound left turn lane be constructed on Stewart Avenue prior to subdivision final plat approval.

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 application for not only changes to the City's Comprehensive Plan, but also applications for zone changes within the City.

The applicant commissioned a Traffic Impact Analysis by Southern Oregon Transportation Engineering, LLC, which has been submitted as part of the zone change application addressing a direct Stewart Avenue vehicular access (Exhibit "2"). Supplemental information was also submitted to address a Thomas Road access (Exhibit "8").

The study finds that there will be significant impacts upon the existing transportation facilities because of the impact of the net traffic generation as a result of the proposed zone change. In accordance with provisions of the Oregon Transportation Rule, compliance can be accomplished by minor transportation improvements. Such is the case with the proposed application. According to the traffic study, left turn warrants were evaluated at the proposed intersection of Stewart Avenue and the project under design year 2010 conditions. A westbound left turn lane was shown to meet left turn lane criterion under build conditions.

The identified westbound left turn lane on Stewart Avenue will become a condition of this zone change. That turn lane will need to be installed either at a new public street intersection with Stewart Avenue, or at the Stewart Avenue/Thomas Road intersection, depending on the traffic access from the property. The applicant has included a stipulation that the improvement will be constructed prior to the approval of a final plat for a subdivision on the subject property.

The applicant has included a stipulation that such a westbound left turn lane will be installed prior to approval of a subdivision final plat on the subject property.

The Oregon Department of Transportation (ODOT) finds that the proposed zone change will not significantly affect state highway facilities, per the Transportation Planning Rule (OAR 660-012-0060).

Conclusion of Law

The Planning Commission concludes that with the addition of a westbound left turn lane on Stewart Avenue, there will not be a significant affect on an existing or planned transportation facility and therefore, the application is consistent with the Oregon Transportation Planning Rule.

F. ULTIMATE CONCLUSION

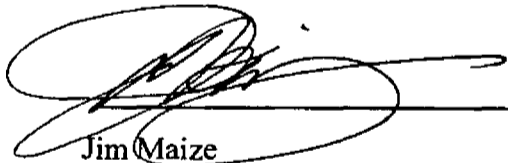
Based upon the above Findings of Fact and Conclusions of Law, the Planning Commission concludes that the application for a change of zone from a City SFR-00 to a SFR-6 zoning district is consistent with the relevant decisional criteria found in Section 10.227 of Medford's Land Development Code and the Oregon Transportation Planning Rule (Section 660-012-0060 of the Oregon Administrative Rules), and the application can, therefore, be approved.

G. STIPULATION

In accordance with, and in order to insure that adequate transportation facilities serving the subject property are available, the applicant agrees to the installation of a westbound left turn lane at the intersection of Stewart Avenue and the subject property, or at the intersection of Stewart Avenue and Thomas Road prior to approval of a subdivision final plat on the subject property.

Respectively Submitted,

Maize & Associates, Inc.



Jim Maize
Agent for Applicants,

Dated: August 18, 2009

I. EXECUTIVE SUMMARY

Summary

Southern Oregon Transportation Engineering, LLC prepared a traffic impact analysis for a proposed zone change from SFR-00 to SFR 6 (Single Family Residential) on Township 37S Range 2W Section 35B, tax lots 3500 & 3502 and Township 37S Range 2W Section 35C, tax lot 100. The three tax lots are located south of Stewart Avenue and west of Thomas Road in Medford, Oregon and total 14.62 acres (14.74 gross acres).

Access to the site under existing conditions is available from Stewart Avenue. Access in the future is expected to be available through Arlington Drive and the future Cunningham extension.

The site is currently zoned SFR-00 and is proposed as SFR-6 zoning. Under SFR-6 zoning on 14.74 gross acres the site has the potential to develop up to 88 single family dwelling units. Eighty eight single family dwelling units are estimated to generate 842 average daily trips (ADT) with 88 occurring during the P.M. peak hour. Project trips were distributed throughout the transportation system until they dropped below 25 peak hour trips in any direction to establish the study area. Study area intersections were evaluated under existing year 2009, year 2010 no-build, and year 2010 build conditions to determine project impacts.

Conclusions

The findings of the traffic impact analysis conclude that the proposed Stewart Avenue zone change application can be accommodated on the existing transportation system without creating adverse impacts. Intersection operation, turn lanes, crash histories, and 95th percentile queue lengths were evaluated to address project impacts. Results of the analysis show the following:

- Study area intersections are shown to operate acceptably under existing year 2009, design year 2010 no-build, and design year 2010 build conditions.
- Turn lane warrants were evaluated at the proposed project access point on Stewart Avenue under design year 2010 conditions. A westbound left turn lane was shown to meet left turn lane criterion under build conditions.
- Crash data was evaluated at study area intersections. Based on crash summaries, there is no need for any mitigation or further investigation.
- 95th percentile queue lengths were evaluated at the proposed project access point on Stewart Avenue to determine storage length requirements for a westbound left turn lane. Results of the analysis show that a minimum of 50' of storage is required to support the westbound left turn movement under year 2010 build conditions.

The proposed Stewart Avenue zone change application is in compliance with the Medford Comprehensive Plan pursuant to Medford Land Development Code 10.227(1) and Goal No. 3, Policy 1 of the Public Facilities Element. Streets that serve the subject property will accommodate projected P.M. peak traffic volumes within acceptable levels of service.

CITY OF MEDFORD
EXHIBIT # G
File # ZC-09-061

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

112 Monterey Drive | Medford, Or. 97504 | Phone 541.941.4148 | Fax 541.535.6873 | Email: Kwkp1@Q.com

August 17, 2009

David Jiao, Assistant to the Traffic Engineer
City of Medford Public Works/Engineering
411 W. 8th Street
Medford, OR 97501

RECEIVED

AUG 17 2009

PLANNING DEPT.

RE: Supplemental Traffic Analysis for Willow Way Access Scenario – Stewart Ave
Zone Change TL 3500-3502-100

Dear David,

Southern Oregon Transportation Engineering, LLC prepared a supplemental analysis for the Stewart Avenue zone change application (referenced as the White/Barnum/Five Development Zone Change) that considers an alternate project access point to Willow Way rather than Stewart Avenue, in the event that access cannot be taken to Stewart Avenue. Access in the original traffic impact analysis was shown along the south side of Stewart Avenue west of Thomas Road. This supplemental analysis evaluates impacts associated with a proposed project access point on Willow Way. Refer to Figure A for a map of both access locations.

BACKGROUND METHODOLOGY

This supplemental traffic analysis is provided to address project impacts to study area intersections in the event that access is taken from Willow Way rather than Stewart Avenue. For purposes of the analysis, all traffic splits to and from Stewart Avenue remain the same and make no changes to study area intersections along Stewart Avenue with the exception of Thomas Road & Stewart Avenue. Traffic splits at the intersection of Thomas Road & Stewart Avenue will change as a result of access taken through Willow Way because Thomas Road becomes the main outlet for project trips to reach Stewart Avenue until future street connections provide additional outlets. Based on this, the intersection of Thomas Road & Stewart Avenue was re-evaluated to address project impacts under year 2010 build conditions considering the Willow Way access scenario. All other study area intersections remain unchanged and were not re-evaluated.

All project trips originally assumed to use Thomas Road continue to use Thomas Road in the Willow Way access scenario. Project trips along Stewart Avenue east and west of Thomas Road remain the same.

CITY OF MEDFORD
EXHIBIT # H
File # 20-09-061

Ex 8" 43

ANALYSIS

The intersection of Thomas Road & Stewart Avenue was re-evaluated under year 2010 Build conditions with proposed access taken through Willow Way. Results of the analysis are provided below:

Level of Service:

The intersection of Thomas Road & Stewart Avenue is shown to operate at a level of service "B" (northbound movement) under build conditions which meets the City of Medford minimum level of service "D" performance standard.

Turn Lane Evaluation:

Left Turn Lane – The criterion for a westbound left turn lane on Stewart Avenue at Thomas Road is shown to be met under year 2010 build conditions. Simtraffic runs show a 95th percentile queue length of 49 feet (approximately two vehicles) for the westbound left turn movement under year 2010 build conditions. It is recommended that the minimum storage length of a left turn lane be 50 feet or greater.

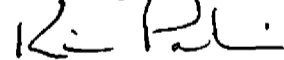
Right Turn Lane – The criterion for an eastbound right turn lane on Stewart Avenue at Thomas Road is not shown to be met under year 2010 build conditions.

CONCLUSIONS

The unsignalized intersection of Thomas Road & Stewart Avenue is shown to operate at a level of service "B" under year 2010 build conditions and meets City of Medford performance standards as a result of access taken to Willow Way. Turn lane analyses show that criterion for a westbound left turn along Stewart Avenue at Thomas Road is met under year 2010 build conditions and would be required as mitigation if access is taken to Willow Way rather than Stewart Avenue. The minimum storage length required for a westbound left turn lane is 50 feet under build conditions. Synchro, Simtraffic, and turn lane graphs are attached for reference.

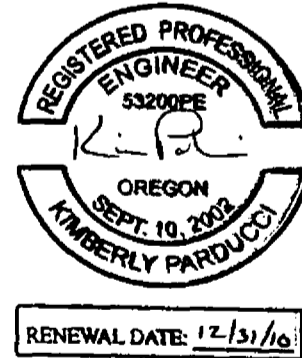
I hope this adequately addresses the concerns of Public Works regarding circumstances that would require the proposed project to take access from Willow Way rather than Stewart Avenue. Please feel free to contact me with any questions or concerns.

Sincerely,



Kimberly Parducci, P.E. PTOE
SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Cc: Jim Maize, Maize Consulting & Associates, Inc.
Sandra Johnson, Planning Department
Alex Georgevitch, Transportation Manager



Attachments: Figures A and B, Synchro output, Simtraffic output, turn lane graphs

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department
FROM: Engineering Division
SUBJECT: Zone Change Request, File No. ZC-09-061
DATE: August 26, 2009

RECEIVED
AUG 26 2009
PLANNING DEPT.

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:

Stewart Avenue, a designated Major Arterial Street, is paved without curb and gutter along the frontage of this proposed zone change property.

Willow Way, a designated Minor Arterial Street, is not paved from Thomas Road to this proposed zone change property.

B: Who has maintenance responsibilities:

Stewart Avenue- Jackson County

Willow Way – property owners that front the street

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 14.62 acres (15.09 gross acres) has the potential to develop up to 88 SFR dwelling units or generate 842 average daily trips (ADT). The net increase in ADT to the transportation system is 814 ADT. Based on this and code sections 10.460 and 10.461, a traffic impact analysis (TIA) will be required.

A Traffic Impact Analysis (TIA) for White / Barnum / Five Development Zone Change on

CITY OF MEDFORD
EXHIBIT # I
File # ZC-09-061

372W35B tax lot 3500, 3502 and 37S2W35C tax lot 100 was prepared by Southern Oregon Transportation Engineering and submitted to Public Works on June 1, 2009 for review. In addition to the original traffic impact study, a supplemental analysis for the alternative access to/from Willow Avenue was submitted for the review on August 17, 2009.

This original study analyzed the traffic impact of the proposed zone change from SFR-00 to SFR-06 (light industrial) on 14.74 acres. The proposed zone change can generate 842 ADT. The study evaluated the intersection of Lozier Lane & Stewart Avenue, Columbus Ave. & Stewart Ave., Peach St. & Stewart Ave., Kings Hwy & Stewart Ave., Oakdale Ave. & Stewart Ave., and the proposed access point on Stewart Ave. under the existing Year 2009, Year 2010 no build, and Year 2010 conditions. The study shows that the intersections in the study area operate acceptably under the existing year 2009, Year 2010 no-built and year 2010 built condition. The study also evaluated the turn lane warrants at the proposed access point on Stewart Ave. A westbound left turn lane criterion was met under Year 2010 build condition.

The supplemental analysis evaluated the access point to Willow Way. The criterion for westbound left turn lane along Stewart Avenue at Thomas Road is met under Year 2010 build condition.

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

If the proposed access point on Stewart Avenue is allowed in the future, the westbound left turn lane shall be installed on Stewart Avenue at the proposed access point. The minimum storage for the left turn lane will be 50'. If the access is taken to/from Willow Way, the westbound left turn lane along Stewart Avenue at Thomas Road is required. And the minimum storage for the left turn lane will be 50'.

At the time of site development the City of Medford will recommend any necessary dedications and/or improvements on Stewart Avenue and Willow Way adjacent to, or through 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.



BOARD OF WATER COMMISSIONERS

Staff Memo

RECEIVED

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: ZC-09-061

JUL 15 2009
PLANNING DEPT.

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 three parcels consisting of a total of approximately 14.6 acres on the south side of Stewart Avenue, approximately 600 feet west of Thomas Road; James White/Sam & Mary Barnum/Five Development, LLC, Applicants (Maize & Associates, Inc., Agent). Sandra Johnson

PARCEL ID: 372W35B TL's 3500, 3502 & 372W35C TI 100

DATE: July 13, 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 will be required at time of future land development review.
5. On-site water line installation will be required at time of future land development review.
6. Depending on configuration of proposed development the looping of water lines may be required between existing water lines located in Stewart Avenue and Thomas Road.
7. MWC-metered water service does not exist to this property.
8. Access to MWC water lines for connection is available. A 30" water transmission line is located on the south side of Stewart Avenue, and an 8" water line exists in Thomas Road. The existing 8" water line in Thomas Road is located between approximately 75' north of Willow Way to approximately 150' north of Arlington Drive.

CITY OF MEDFORD
EXHIBIT # J
File # ZC-09-061

28



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

LAND DEVELOPMENT REPORT - PLANNING

To: Sandra Johnson

LD Meeting Date: 07/15/2009

From: Kleinberg, Greg

Report Prepared: 07/15/2009

File #: ZC - 09 - 61

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 three parcels consisting of a total of approximately 14.6 acres on the south side of Stewart Avenue, approximately 600 feet west of Thomas Road; James White/Sam & Mary Barnum/Five Development, LLC, Applicants (Maize & Associates, Inc., Agent). Sandra Johnson

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 combustibile 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
EXHIBIT # K
File # ZC-09-061



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

RECEIVED

JUL 07 2009

PLANNING DEPT.

July 7, 2009

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

**Re: ZC-09-061, White/Barnum/Five Development Zone Change (372W35B - 3500,
3502; 372W35C - 100)**

ATTN: Sandra,

Tax Lot 3500 is currently not served by sanitary sewer, however, there is an 8 inch sewer main on Stewart Avenue fronting on the property which could provide service.

Tax Lot 3502 is currently connected to an 8 inch sewer main at the end of Victory Lane.

Tax Lot 100 is currently not served by sanitary sewer, however, there is an 8 inch sewer main which runs to the end of Willow Way which could provide service.

All of these available sewer mains have adequate capacity to serve the proposed increased density. Development of the properties will require internal main line extensions which must be designed and constructed in accordance with RVSS standards.

Sincerely,

Carl Tappert P.E.
District Engineer

Carl
Tappert

Digitally signed by
Carl Tappert
DN: cn=Carl Tappert
Date: 2009.07.07
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CITY OF MEDFORD
EXHIBIT # L
File # ZC-09-061

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30



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

July 7, 2009

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

RECEIVED

JUL 14 2009

PLANNING DEPT.

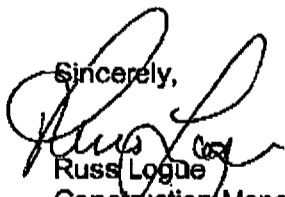
RE: Zone Change off Stewart Avenue – a county-maintained section of the road.
Planning File: ZC-09-061

Dear Sandra:

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-6 (Single-Family Residential – 6 dwelling units per acre) on three parcels consisting of a total of approximately 14.6 acres on the south side of Stewart Avenue, approximately 600 feet west of Thomas Road. Jackson County Roads has the following comments:

1. Stewart Avenue, County Arterial, is county-maintained along this section of road. We recommend limited access off it.
2. Please note Willow Way, Victory Lane and Spirit Drive are now City of Medford local access roads.
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

CITY OF MEDFORD
EXHIBIT # M
File # ZC-09-061

From: "PYLES David" <David.PYLES@odot.state.or.us>
Subject: ODOT response to Maize & Associates "Stewart Avenue Zone Change" letter of May 18, 2009
Date: May 21, 2009 9:22:30 AM PDT
To: "Jim Maize" <jmaize3145@charter.net>
Cc: "DORRELL Dan W" <Dan.W.DORRELL@odot.state.or.us>, "BROOKS Aaron G" <Aaron.G.BROOKS@odot.state.or.us>, "WANG Wei * Michael" <Wei.WANG@odot.state.or.us>

Jim:

I received your May 18th letter yesterday regarding an approximate 14.74 acre zone change proposed on three parcels located approximately 2.5 miles from Highway 99 in west Medford, south of Stewart Avenue. The Department understands your client proposes a change of zone from SFR-00 (single-family residential, one dwelling unit per lot) to SFR-6 (single-family residential, 6 dwelling units per acre). The subject property is described as Map 37-2W-35B, Tax Lots 3500 and 3502, and Map 37-2W-35C, Tax Lot 100.

Applying the ITE Trip Generation (#210) for single-family detached housing, the approximate average rate for vehicle trip ends per acre for a weekday PM peak hour results in approximately 2.75 trips per acre. Given this generation, we estimate the total trip generation potential for the proposed zone change is approximately 243 PM peak hour trips for the subject property's gross acreage.

The ODOT finds, applying professional judgment based on the project data and facts, that the proposed zone change may be found to not significantly affect state highway facilities, per the Transportation Planning Rule (OAR 660-012-0060). We concur with your letter.

We appreciate your coordination of transportation issues for this zone change. Please include this correspondence with the zone change application to the City of Medford, if necessary. We look forward to working with Maize & Associates on future development review projects.

Kind regards,

David J. Pyles | Development Review Planner III
The ODOT Region 3 / District 8 | 100 Antelope Rd. | White City, OR 97503
☎ : (541) 774.6399 | 7: (541) 774.6349 | ✉ : David.Pyles@odot.state.or.us

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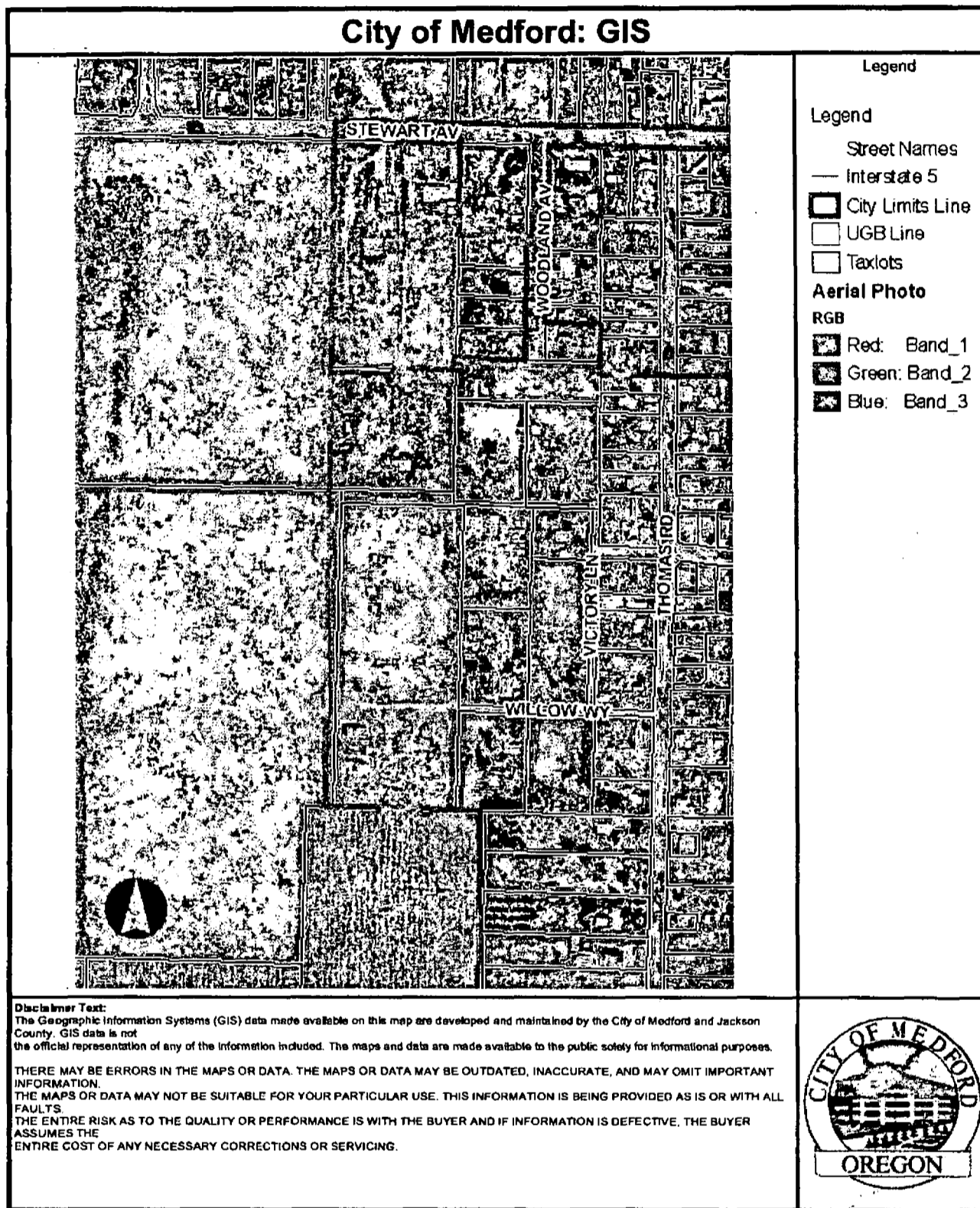
JUN 03 2009

Planning Dept.

CITY OF MEDFORD
EXHIBIT # N
File # ZC-09-061

APPLICANT'S
EXHIBIT
"7 1/3"

9



CITY OF MEDFORD
EXHIBIT # 0
File # ZC-09-061

21

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

If development results in an access, other than a single-family driveway, on Stewart Avenue, the westbound left turn land shall be installed on Stewart Avenue at the proposed access point. The minimum storage for the left turn lane will be 50'.

If development results in an access, other than a single-family driveway from Willow Way, the westbound left turn lane along Stewart Avenue at Thomas Road is required. And the minimum storage for the left turn lane will be 50'.

RECEIVED

SEP 10 2009

PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # P
File # ZC-09-061

Vicinity Map

- Zoning Boundary
- UGB
- City Limits
- Taxlots

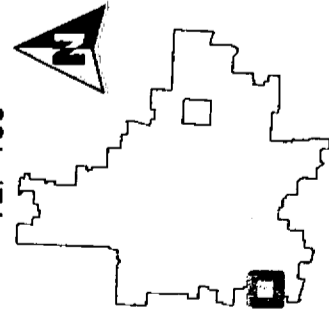
OVERLAY

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

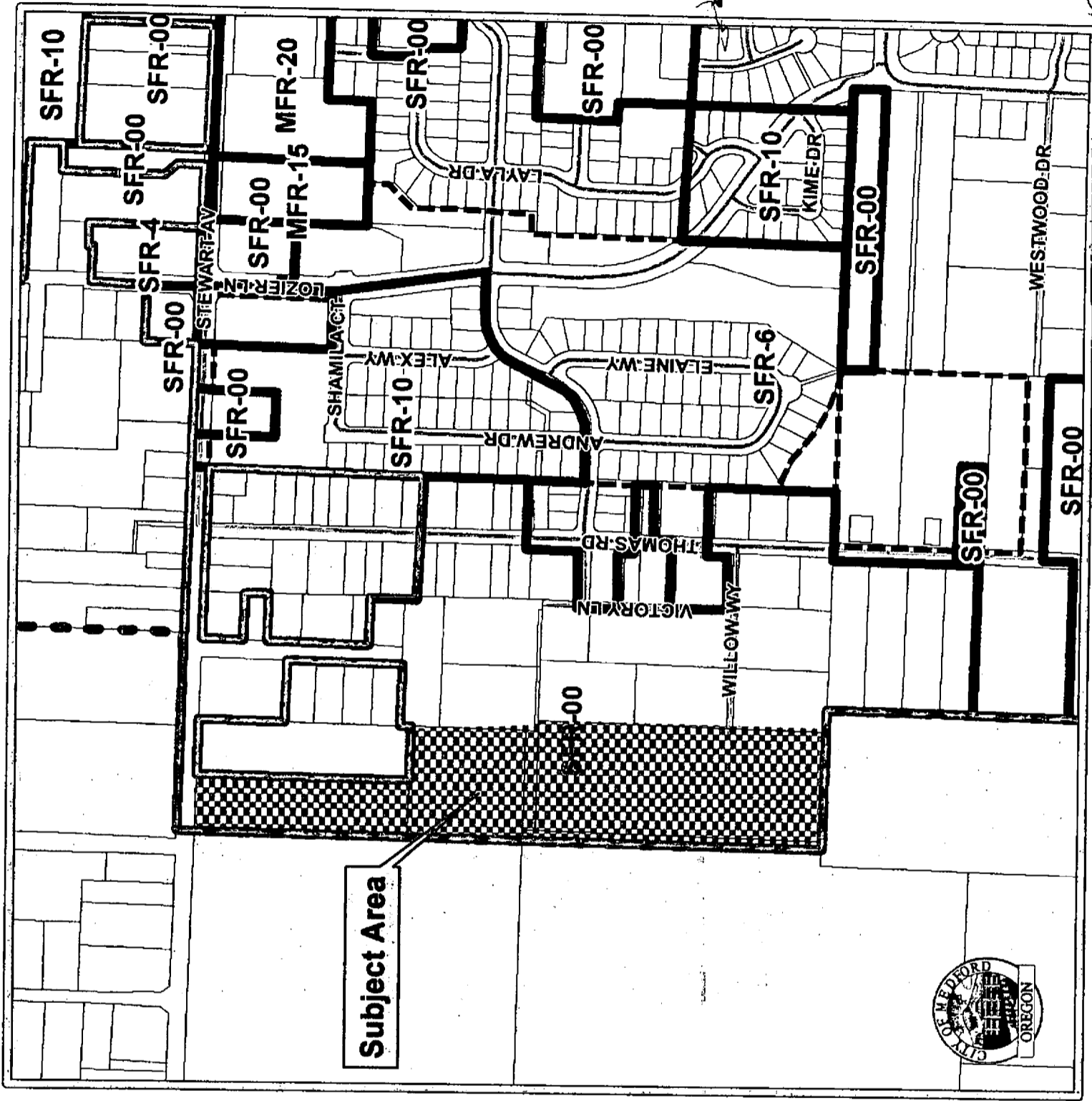
FILE NUMBER:
ZC-09-061

APPLICANTS:
White, Barnum &
Five Development LLC

Map: 372W35B
TL's: 3500, 3502
Map: 372W35C
TL: 100



7/16/2009





7007 0720 0001 0567 2432

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



US POSTAGE

RETURN RECEIPT
REQUESTED