



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

9/15/2009

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 016-09

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, September 24, 2009

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

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

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

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

<paa> YA

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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

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DEPT OF

SEP 08 2009

**LAND CONSERVATION
AND DEVELOPMENT**
For DLCD Use Only

Jurisdiction: **City of Medford**

Local file number: **ZC-09-059**

Date of Adoption: **8/27/2009**

Date Mailed: **8/28/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **07/10/2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Consideration of a request for a change of zone from County GC (General Commercial) to City C-H (Heavy Commercial) on three parcels totaling 7.09 acres on the south side of West Main Street approximately 345 feet west of Clover Lane.

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

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **County H-C**

to: **City C-H**

Location: **South side of West Main Street**

Acres Involved: **7**

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

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Jackson County Roads

Local Contact: Sarah Sousa

Phone: (541) 774-2380 Extension:

Address: 200 S. Ivy Street, Room 24

Fax Number: 541-774-2564

City: Medford

Zip: 97501-

E-mail Address:

sarah.sousa@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

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

per ORS 197.610, OAR Chapter 660 - Division 18.

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



CITY OF MEDFORD

PLANNING DEPARTMENT

August 28, 2009

David and Elahe Young
348 S. Modoc Ave.
Medford, OR 97504

RE: FILE NO.: ZC-09-059

The Medford Planning Commission at its regular meeting of August 27, 2009, approved the Final Order containing Findings of Fact relating to the approval of the following request: Changing the zoning from County GC (General Commercial) to City C-H (Heavy Commercial) on three parcels totaling 7.09 acres on the south side of West Main Street approximately 345 feet west of Clover Lane.

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

The final date for filing an appeal is 21 days from the date of the decision. The written appeal and filing fee must be received by the City Recorder no later than 5:00 p.m. on September 17, 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

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Enclosure: Staff Report/Final Order/Legal Description

cc: Richard Stevens & Associates, PO Box 4368, Medford, OR 97501
Affected Agency
Interested Parties

Lausmann Annex ☉ 200 South Ivy Street ☉ Medford OR 97501

Phone (541)774-2380 ☉ fax (541)774-2564

www.ci.medford.or.us

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-09-059 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY DAVID YOUNG _____)

ORDER granting approval of a request for changing the zoning from County GC (General Commercial) to City C-H (Heavy Commercial) on three parcels totaling 7.09 acres on the south side of West Main Street approximately 345 feet west of Clover Lane.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from County GC (General Commercial) to City C-H (Heavy Commercial) on three parcels totaling 7.09 acres on the south side of West Main Street approximately 345 feet west of Clover Lane; and

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

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

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

37 2W 26DB Tax Lots 4100, 4200. and 4400

is hereby changed from County GC (General Commercial) to City C-H (Heavy Commercial) zoning district.

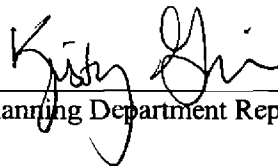
Accepted and approved this 27th day of August, 2009.

CITY OF MEDFORD PLANNING COMMISSION



Planning Commission Chair

ATTEST:



Planning Department Representative



CITY OF MEDFORD

PLANNING DEPARTMENT

STAFF REPORT

Date: August 20, 2009
To: Planning Commission
From: Kelly Akin, Senior Planner *KA*
By: Sarah Sousa, Planner III
Subject: Young Zone Change (ZC-09-059)
David Young, Applicant (Richard Stevens & Associates, Agent)

Background

Proposal

Consideration of a request for a change of zone from County GC (General Commercial) to City C-H (Heavy Commercial) on three parcels totaling 7.09 acres on the south side of West Main Street approximately 345 feet west of Clover Lane

Subject Site Zoning, GLUP Designation and Existing Uses

The Medford General Land Use Plan (GLUP) Map designation for the subject property is CM (Commercial). The subject property is currently developed with a mini-storage facility.

Surrounding Property Zoning and Uses

North: Lumber company zoned County General Commercial

South: Parcel outside the City limits and the Urban Growth Boundary totaling 8.55 acres zoned County EFU (Exclusive Farm Use) and developed with a single family home

East: Single family homes outside the City limits zoned UR-1 (Urban Residential- 1 acre minimum lot size)

West: Oak Grove Estates Planned Unit Development zoned C-H

Related Projects

A-99-149 (Annexed per Ordinance #02-192)

Applicable Criteria

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

Issues/Analysis

Staff has reviewed the zone change request and found that it meets the approval criteria listed in Medford Land Development Code Section 10.227. There are adequate infrastructure facilities available to serve the site with the exception of storm drainage. The Public Works Department – Engineering Division requires the preparation of a report demonstrating controlled storm water release (Exhibit D). A traffic study is not required, as per section 10.461 of the Medford Land Development Code, because the change of zone will not create a net increase of average daily trips to the transportation system.

Section 10.227(c) lists locational criteria for commercial zone changes. The C-H zone is only allowed for properties fronting on arterial streets or state highways. In addition, it is ordinarily considered unsuitable when abutting residential zones unless at least fifty percent (50%) of the subject property's boundaries abut other commercial and industrial zones. The subject property meets all of the above locational criteria in that it fronts upon an arterial street (West Main Street) and at least fifty percent (50%) of the parcel abuts commercially zoned property.

RECOMMENDED ACTION

Adopt the Final Order for approval of ZC-09-059 per the Staff Report dated August 20, 2009, including Exhibits A through J.

EXHIBITS

- A Conditions of Approval;
- B Approval Criteria;
- C Applicant's Findings of Fact received May 27, 2009;
- D Memorandum from the Medford Engineering Division received July 27, 2009;
- E Memorandum from the Medford Water Commission received July 29, 2009;
- F Memorandum from the Medford Fire Department received July 29, 2009;
- G Memorandum from Rogue Valley Sewer Services received July 15, 2009
- H Memorandum from Jackson County Roads received July 17, 2009;
- I City of Medford Zoning & General Land Use Maps;
- J Jackson County Assessor's Map
Vicinity Map

PLANNING COMMISSION AGENDA: AUGUST 27, 2009

EXHIBIT A

**ZC-09-059
Conditions of Approval
August 20, 2009**

1. The applicant shall comply with the:
 - a. Engineering Division Staff Report received July 27, 2009 (Exhibit D);

CITY OF MEDFORD
EXHIBIT # A
File # ZC-09-059

EXHIBIT B
ZC-09-059
ZONE CHANGE CRITERIA
Section 10.227

The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation. Section 10.227 (A) of the Land Development Code states the following:

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

- (1) The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), and (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.

- c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:
- (i) The overall area of the C-N zoning district shall be three (3) acres or less in size and within, or abutting on at least one (1) boundary, residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district.
 - (ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.
 - (iii) The overall area of the C-R zoning district shall be over three (3) acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be

CITY OF MEDFORD
EXHIBIT # B
File # ZC-09-059

unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

- (iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H zones, unless the applicant can show it would be suitable pursuant to (1)(e) below.

- (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;

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

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

IN THE MATTER OF AN APPLICATION FOR)
A CHANGE IN ZONING DESIGNATION FOR)
6.93 ACRES OF LAND, LOCATED ON THE)
SOUTH SIDE OF WEST MAIN STREET,) **FINDINGS OF FACT**
WEST OF CLOVER LANE; DAVID YOUNG,)
APPLICANT; RICHARD STEVENS &)
ASSOCIATES, INC. AGENTS)

I. RECITALS PERTAINING TO THE PROPERTY:

PROPERTY OWNERS & APPLICANT: David & Elahe Trustee's Young Family Trust
348 S. Modoc Ave.
Medford, OR 97504

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

RECEIVED

MAY 27 2009

Planning Dept.

APPLICATION: A request for a change of zoning designation from Jackson County General Commercial (GC) to Heavy Commercial (C-H) consistent with the Medford Comprehensive Plan designation for the site, which is Commercial. The properties are described as T.37S-R.2W-SEC. 26DB, (portions of) Tax Lots 4100, 4200 & 4400, located within the City Limits and consisting of approximately 6.93 acres. The properties are located on the south side of W. Main Street, west of Clover Lane, in the City of Medford, Oregon. The area to be rezoned is adjacent to properties that have been developed to the extent that water, sewer, street improvements and other public facilities have been extended into the area.

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II. APPLICABLE CRITERIA:

In order to approve a Zoning Amendment and change the Zoning Map, the applicant must submit information and findings addressing Sections 10.225 through 10.227 of the Land Development Code. A review of Section 10.226 indicates that an application for a Zone Change must contain the following:

- 1. A vicinity map drawn at a scale of 1"= 1,000' identifying the proposed area of change.**
- 2. An assessor's map with the proposed Zone Change area identified.**
- 3. Legal description of the area to be changed. Legal description shall be prepared by a licensed surveyor or title company.**
- 4. Property owner's names, addresses and map and tax lot numbers within 200 feet of the subject property, typed on mailing labels.**
- 5. Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.227, Zone Change Criteria.**

FINDING:

The Planning Commission finds that this application for a change in zoning designation from G-C to C-H, with the information presented in support of the application, is consistent with the standards for submission as required above. Also provided are the applicable maps, the legal description of the area to be changed, and the names and addresses of all adjacent properties within 200 feet typed on mailing labels, and findings consistent with the requirements of Section 10.227.

**FINDINGS IN COMPLIANCE WITH SECTION 10.227 OF THE
MEDFORD LAND DEVELOPMENT CODE:**

Section 10.227 provides that 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.

(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".

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

CONSISTENCY WITH TRANSPORTATION SYSTEM PLAN

The Medford TSP has been adopted by the City of Medford and acknowledge by the State. The proposed change of zoning from Jackson County to Medford C-H will not generate any greater potential Average Daily Trips (ADT) on the local street system. The property fronts along West Main Street, a minor arterial street for the City of Medford.

The subject property is also located within the proposed West Main TOD boundaries, per the Medford TSP. The proposed planned street system for West Main Street and the future Fulham Street (8th Street) can be accommodated with the dedication of Right of Way with the future development of the site.

An overview of existing transportation facilities that would provide service to the subject property indicates that ground transportation via existing City designated residential, collector and arterial streets is the sole transportation facility that is affected by this change of zoning.

The site does not have access to rail, light rail, water, or other alternative transportation facilities or services. Pedestrian and bicycle access will be made available via the sidewalks and bicycle lanes in the immediate vicinity; the future improvement of W. Main Street with the new street, Fulham Street/8th Street, will provide these additional improvements in this area. The site will be accessible by motor vehicle by both of these public roads. The development plan for the site will conform with all access management and location requirements of the City of Medford and Jackson County to insure adequate and effective Access Management.

This issue will be addressed during the development/site plan review process. The applicant submits that this requested zone change will not have a significant effect on the access management for the transportation facility serving the site.

Existing and potential uses on this property is in essence already documented, and the traffic counts on West Main Street are established and that the current capacity of the roadways will not be compromised by the change of zoning.

With the planned improvements to W. Main Street, to minor arterial standards with the traffic counts of this immediate area, provided by the City of Medford, indicates that there is adequate capacity available to serve the subject site. This capacity of the existing road system will not be adversely affected by this application, due to the fact that a commercial zone with Jackson County exists on the site and sufficient capacity exists for the anticipated cumulative generation in the area.

This can be found to be consistent with the existing and planned traffic facilities for the City of Medford, TSP.

FINDING:

The City of Medford finds that this application for C-H zoning district is consistent with the Medford TSP, and is in compliance with Section 10.227(1) MLDC. There are no adverse impacts contemplated on the Medford I-5 Interchanges, or the local street system.

CONSISTENCY WITH THE GENERAL LAND USE PLAN MAP:

A review of the General Land Use Plan Map of the City of Medford indicates that this area of the City is designated as "Commercial" (CM). The map designations contained in the General Land Use Plan Element of the Comprehensive Plan indicates that permitted zoning districts within the "Commercial" designation are: Neighborhood Commercial (C-N), Community Commercial (C-C), Regional Commercial (C-R), and Heavy Commercial (C-H). This is consistent with the provisions of Section 10.325-10.337 of the Medford Land Development Code.

The proposed zoning district for the subject properties is C-H. This district is consistent with the Commercial designation as identified on the GLUP map.

FINDING:

As the subject property lies within the Urban Growth Boundary and City Limits of the City of Medford, and found to be committed to Urban use, and specifically, delineated on the General Land Use Plan Map as Commercial, the C-H zoning requested is found to be consistent with the General Land Use Plan Map.

CONSISTENCY WITH THE LOCATIONAL STANDARDS:

Subsection 10.227(1)(c) MLDC is applicable to this application for the locational standards requesting C-H zoning.

(c)(iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential and I-H zone, unless the applicant can show it would be suitable pursuant to (1)(e) below.

Discussion:

The subject properties "Tract" have frontage on West Main Street, that is identified as a minor arterial street for the City of Medford. The abutting property to the west is zoned C-H with the City of Medford. The abutting properties to the north are zoned GC, a Jackson County zone, and are designated on the Medford GLUP map as Commercial within the City of Medford. The abutting lands to the east are residentially zoned UR-1, a Jackson County zone, that are designated Urban Residential on the Medford GLUP map. The provisions of Subsection (1)(e) are also applicable with this request.

The area/property to the south of the proposed C-H zoning district is zoned EFU with Jackson County and is located outside of the Medford UGB. An Agricultural Impact Assessment will be required with the development permit application for the area/property abutting to the south.

10.227(1)(e) For purposes of (1)(c) and (1)(d) above, a zone change may be found to be "suitable" where compliance is demonstrated with one (1) or more of the following criteria:

(e)(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one (1) zone;

This standard is not applicable to this application request.

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

The abutting property to the west is currently zoned C-H with the City of Medford, that met the criteria of (1)(c). The properties to the north can meet the criteria of (1)(c) with the CM designation and abutting West Main Street, satisfying the locational standards. The exterior boundary well exceeds the 50% threshold for abutting commercially zoned properties to the north and west.

(e)(iii) At least fifty percent (50%) of the subject property's boundaries abut properties that contain one (1) or more existing uses which are permitted or conditional uses in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing uses;

The abutting property to the west was recently approved by the City of Medford for a mixed use development "Oak Grove Estates, PUD". The property is zoned C-H and has uses allowed within the zoning district. The property towards the northwest, Tax Lots 4201 & 4401 are owned by SMJ Trust and operated as a lumber yard, Budget Lumber. Lumber yards are an allowed use within SIC 521. The property towards the northeast, Tax Lot 4000, is owned by David Yu and operated as a restaurant/bar, King Bo. Eating and Drinking places are a permitted use with SIC 581. The subject property's abutting boundaries to the north and west, well exceeds the 50% threshold that contain existing uses which are permitted within the C-H zoning district.

(e)(iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Section (1)(e), the subject property is separated from the "unsuitable" zone by a public right of way of at least sixty (60) feet in width.

This standard is not applicable to this application.

FINDING:

The City of Medford finds that the subject site consists of 6.93 acres requesting the Heavy Commercial zoning district that meets the locational standards within Subsections 10.227(1)(c)(iv) and 10.227(1)(e)(ii)&(iii) that are applicable to this application and the C-H district. This application is in compliance with Section 10.227(1) MLDC.

2. COMPLIANCE WITH URBAN SERVICES AND FACILITIES

The next criterion, Section 10.227(2), for a zone change is:

"It shall be demonstrated that Category A urban services and facilities are available or can and will be provided 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."

(2)(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."

Sanitary Sewer:

Sanitary Sewer service is provided by Rogue Valley Sewer Service (RVS). There is currently a 30 inch line existing along West Main Street north of the subject site. The Sanitary Sewer collection system is adequate to accommodate the proposed change in land use. Sewer service will be extended to the proposed project by the owner/developer consistent with existing regulations. The system is available in condition, capacity and location upon development.

Sewage treatment is provided by the City of Medford Regional Waste Water Treatment Plant. The plant presently serves approximately 115,000 persons. The treatment capacity of the plant is approximately 190,000 persons. The treatment plant has capacity to serve the expected population in the region for the foreseeable future.

The development of the property requires a system development charge which is dedicated to the expansion of the regional plant. This assures that the future sewage treatment of the plant remains available.

Water Service:

Water service is provided by the Medford Water Commission, which is currently serving the subject property and vicinity. There is an existing 12 inch line traversing the subject properties. There is also a new 12 inch line recently constructed within West Main Street. Extension and development of the water system within the property, for future development, is the responsibility of the property owner/developer. Adequate service lines are available to serve the subject site upon urban development.

Water capacity of the Medford Water Commission system is currently serving a population of approximately 80,000 persons, with a present day maximum daily consumption of 45,000,000 gallons. The present sources and distribution system have a capacity of 56.5 million gallons per day (Medford Water Commission, 1-96). Adequate water capacity exists to serve the subject site.

Water service for fire protection will be a requirement of the design considerations. The placement of fire hydrants and other fire safety features will be accomplished during the development review process.

Storm Drainage:

At the time of development storm sewer will be collected in an underground collection system and will be designed in accordance with the City of Medford Master Storm Sewer Program. Currently, the area is drained by both road side ditches and urban storm drain facilities. One of the drainage ways for the Elk Creek traverses the subject site and is part of the Medford Storm Drain system that flows northerly within the existing storm drainage system. With the proposed street improvements for West Main Street to minor arterial street standards a 36 inch storm drain is being proposed to accommodate drainage for the area. Sufficient capacity exists to serve the subject property.

The subject site lies within the Elk Creek Drainage Basin. Elk Creek is part of the Storm Sewer System and provides storm drainage for the area. The development of the site will require an integrated storm sewer system, with a maximum of 0.25 CFS discharge. The construction drawings prepared for the development of this property will provide the engineering to provide the storm sewer system in accordance with the City of Medford.

(2)(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;

The subject site fronts along West Main Street, which is designated as a minor arterial street, and the proposed Fulham Street/8th Street dissects the properties, which is designated as a commercial street. Vehicular access to serve the future development will be provided along the flag pole that contains 25 feet in width and the future construction of Fulham Street. The future development of Fulham Street will be improved to satisfy the urban street standards.

The existing zoning with Jackson County is GC and the proposed zoning with the City is C-H. These zoning districts have similar permitted uses to not have an adverse impact on street capacity. There will be no net increase in potential traffic generation, to be consistent with Section 10.461(3) for waiving the TIA requirement.

The following traffic counts, as related by the Medford Engineering Department has provided the year 2008 traffic counts for the vicinity. The following counts were provided.

West Main Street-

West of Clover Lane-	13,300 ADT
East of Lozier Lane-	14,400 ADT

West Main Street is planned and funded to be improved to arterial street standards for the City of Medford, and will have sufficient capacity to serve the future development on the subject site. The future construction on the subject properties will be charged a system development fee for the arterial and collector streets.

FINDING:

Based upon the information contained herein, the City of Medford concludes that there are adequate Category "A" public facilities to supply potable water to the property, as water distribution system improvements have already been in place in the vicinity; sanitary sewer service is available to the site and capacity at the Regional Treatment Plant is adequate to accommodate the area; that there is sufficient capacity on the existing local street system to accommodate the proposed use, consistent with the Medford TSP; and that the storm drainage facilities will be in compliance with the Master Storm Drain Plan.

SUMMARY AND CONCLUSIONS:

In order for an amendment to the Medford Zoning Map to be approved, the Planning Commission must find that the applicant has made the requisite findings for a zone change.

A review of the application and supporting documentation demonstrates that the application complies with the applicable standards of the Land Development Code, is consistent with GLUP map and is consistent with the Medford Transportation System Plan.

With this information provided, the applicants respectfully request that the City of Medford designate the subject properties, the portions within the incorporated Medford City Limits (37-2W-26DB, TL's 4100, 4200 & 4400), as Heavy Commercial on the Official Zoning Map for the City of Medford, Oregon.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Clark Stevens". The signature is written in a cursive style with a long horizontal stroke extending to the right.

RICHARD STEVENS & ASSOCIATES, INC.

RECEIVED

JUL 27 2009

PLANNING DEPT.

CITY OF MEDFORD
INTER - OFFICE MEMORANDUM

TO: Planning Department

FROM: Engineering Division

SUBJECT: Zone Change Request, File No. ZC-09-059

DATE: July 24, 2009

1. Sanitary Services:

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

2. Streets:

A. Current condition of nearest streets:

W. Main Street, a Minor Arterial Street is paved with curb and gutter along the frontage of this site.

Fulham Street, a planned Commercial Street, is approved as part of the tentative plat of Oak Grove Estates west of this site and per the West Main TOD Circulation Plan, this street will be located through this site.

Meadows Lane, a planned Standard Residential Street will be located on the south side of this site, per the West Main TOD Circulation Plan and per the approved tentative plat of Oak Grove Estates west of this site.

B: Who has maintenance responsibilities:

W. Main Street - Jackson County

Fulham Street and Meadows Lane – will be maintained by the City of Medford when completed and accepted by the City.

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

Land Development Code Section 10.461 governs traffic impact analyses (TIA) required

to determine development impacts on the street system. The proposed zone change from County GC (County General Commercial) to City C-H (Heavy Commercial), on 7.09 acres has the potential to generate 3545 average daily trips (ADT) or produce a net increase of 0 ADT to the transportation system. Based on this and code sections 10.460 and 10.461, a traffic impact analysis (TIA) isn't required.

At the time of any site development the City of Medford will recommend any necessary improvements and/or dedications along this proposed zone change's frontage on W. Main Street, Meadows Lane and Fulham Street.

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. for the 10-year storm and 0.35 C.F.S. for the 25 year storm per acre of development. 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-09-059

JUL 29 2009
PLANNING DEPT.

PROJECT: Consideration of a request for a change of zone from County GC (General Commercial) to City C-H (Heavy Commercial) on three parcels totaling 7.09 acres on the south side of West Main Street, approximately 345 feet west of Clover Lane; David and Elahe Young, Applicants (Richard Stevens & Associates, Inc., Agent). Sarah Sousa, Planner

PARCEL ID: 372W26DB TL's 4100, 4200, 4400

DATE: July 28, 2009

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does not exist to this property.
7. Access to MWC water lines for connection is available. A 12" water line is located in West Main Street, and a 12" water line is located across all three parcels approximately 650 feet south of West Main Street.

CITY OF MEDFORD
EXHIBIT # E
File # ZC-09-059



Medford Fire Department

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

RECEIVED

JUL 29 2009

PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 07/29/2009

From: Kleinberg, Greg

Report Prepared: 07/29/2009

File #: ZC - 09 - 59

Site Name/Description:

Consideration of a request for a change of zone from County GC (General Commercial) to City C-H (Heavy Commercial) on three parcels totaling 7.09 acres on the south side of West Main Street, approximately 345 feet west of Clover Lane; David and Elahe Young, Applicants (Richard Stevens & Associates, Inc., Agent). Sarah Sousa, Planner

DESCRIPTION OF CORRECTIONS

REFERENCE

Approved as Submitted

Meets Requirement: No Additional Requirements

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

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



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 15 2009

PLANNING DEPT.

July 15, 2009

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

Re: ZC-09-059, David Young Zone Change (372W26DB – 4100, 4200, 4400)

ATTN: Sarah,

The subject properties are currently not served by sanitary sewer.

There is an 8 inch sewer main on Darlington Street immediately to the West of the subject properties and a 30 inch sewer main on West Main Street. Sanitary sewer can be extended from either of these locations to serve the properties.

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: 2009.07.15 06:54:57 -07'00'

\\BCVSA_TREE\BCVSA41_VOL1.MEDOR.BCVSA\DATA\AGENCIES\MEDFORD\PLANNING\ZONE CHANGE\2009\ZC-09-059_YOUNG.DOC

CITY OF MEDFORD
EXHIBIT # 6
File # 2C-09-059



JACKSON COUNTY Roads

RECEIVED
Roads Engineering
 JUL 17 2009
Russ Logue
Construction
PLANNING DEPT.
 200 Antelope Road
 White City, OR 97503
 Phone: (541) 774-6255
 Fax: (541) 774-6295
 loguer@jacksoncounty.org
 www.jacksoncounty.org

July 15, 2009

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

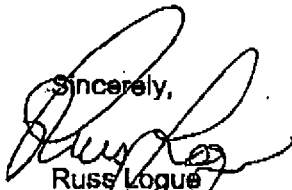
RE: Zone Change off West Main Street – a county-maintained road.
 Planning File: ZC-09-059

Dear Sarah:

Thank you for the opportunity to comment on this request for a change of zone from County GC (General Commercial) to City C-H (Heavy Commercial) on three parcels totaling 7.09 acres on the south side of West Main Street, approximately 345 feet west of Clover Lane. Jackson County Roads has the following comments:

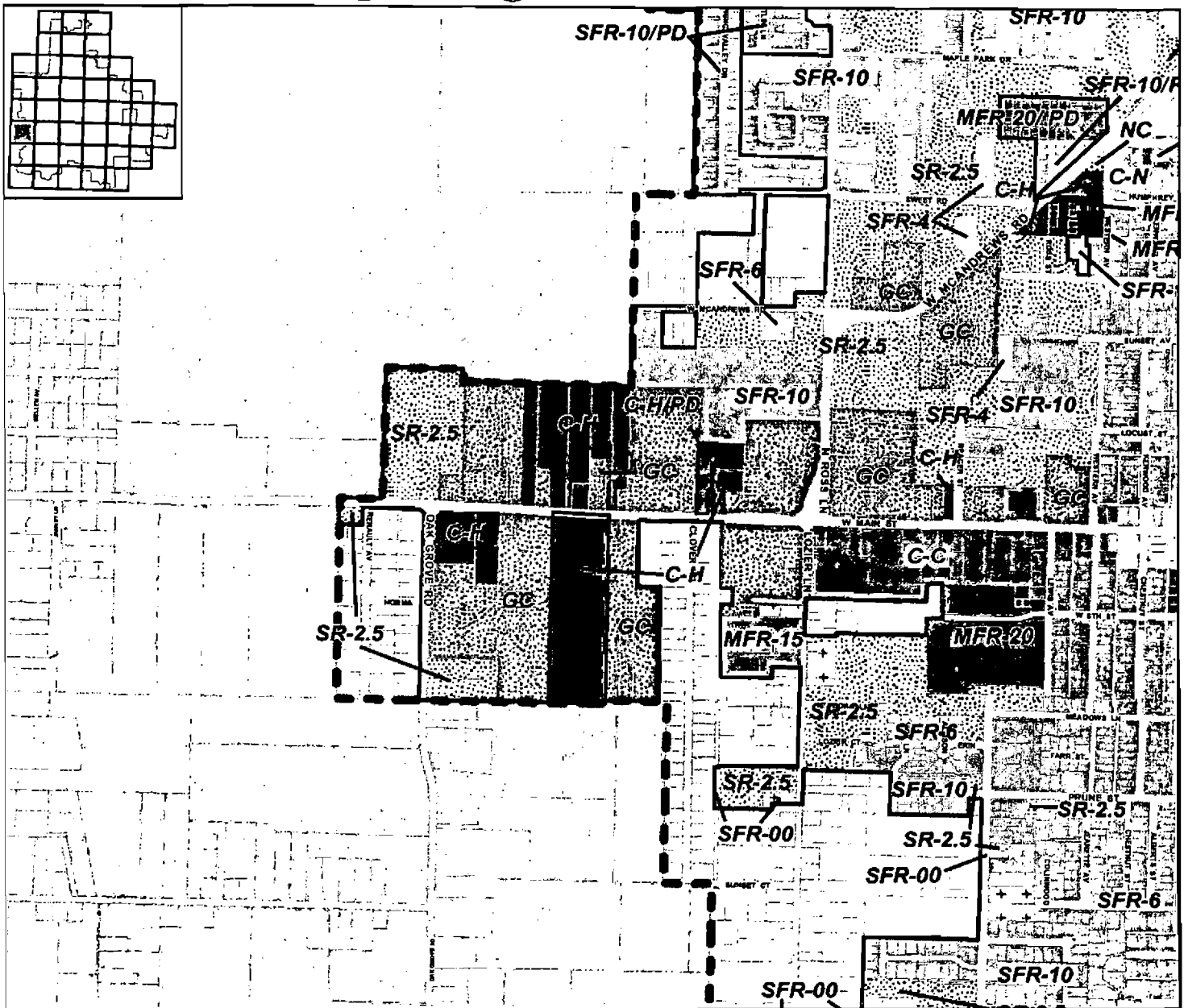
1. West Main Street, a County Arterial, is a county-maintained road and is being reconstructed. Please inform the applicant and have them contact Nancy Coates (Ph. 774-6261) at Jackson County Roads to coordinate the future project with ours.
2. All proposed access roads or frontage improvements shall be permitted and inspected by the City.
3. Future construction plans and engineered hydraulic plans and report shall be submitted to Jackson County 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 ZONING MAP

Township, Range and Section: 372W26



OVERLAYS		Other Symbols	
AA - Airport Approach	F - Freeway	LS - Limited Service	Railroad
AR - Airport Radar	H - Historic	PD - Planned Development	City Limits
CB - Central Business District	IO - Limited Industrial	SE - Southeast Plan	UGB - Outside UGB

No warranty is made by the City of Medford as to the accuracy of the information contained herein. This product is an aerial photograph and any interpretation of the official record should be verified with the Medford Planning Department.

MEDFORD CITY ZONES

Residential	
Multi-Family - 30 Units/Acre (MFR-30)	Single Family - 6 Units/Acre (SFR-6)
Multi-Family - 20 Units/Acre (MFR-20)	Single Family - 4 Units/Acre (SFR-4)
Multi-Family - 15 Units/Acre (MFR-15)	Single Family - 2 Units/Acre (SFR-2)
Single Family - 10 Units/Acre (SFR-10)	Single Family - 1 Unit/Lot (SFR-00)

Commercial	Industrial
Heavy (C-H)	Heavy (I-H)
Regional (C-R)	General (I-G)
Community (C-C)	Light (I-L)
Neighborhood (C-N)	
Service/Professional (C-S/P)	

COUNTY ZONES IN MEDFORD

Residential		
Suburban - 1 Acre Minimum (SR-1)	Rural - 5 Acre Minimum (RR-5)	
Suburban - 2.5 Acre Minimum (SR-2.5)	Farm - 5 Acre Minimum (F-5)	

Commercial	Resource	Industrial
General (GC)	Exclusive Farm Use (EFU)	General (GI)
Neighborhood (NC)	Open Space Reserve (OSR)	Light (LI)
		Airport Development - Multi-Use (AD-MU)

RECEIVED

CITY OF MEDFORD

CITY OF MEDFORD PLANNING DEPARTMENT

DATE: 6/22/09

EXHIBIT # I

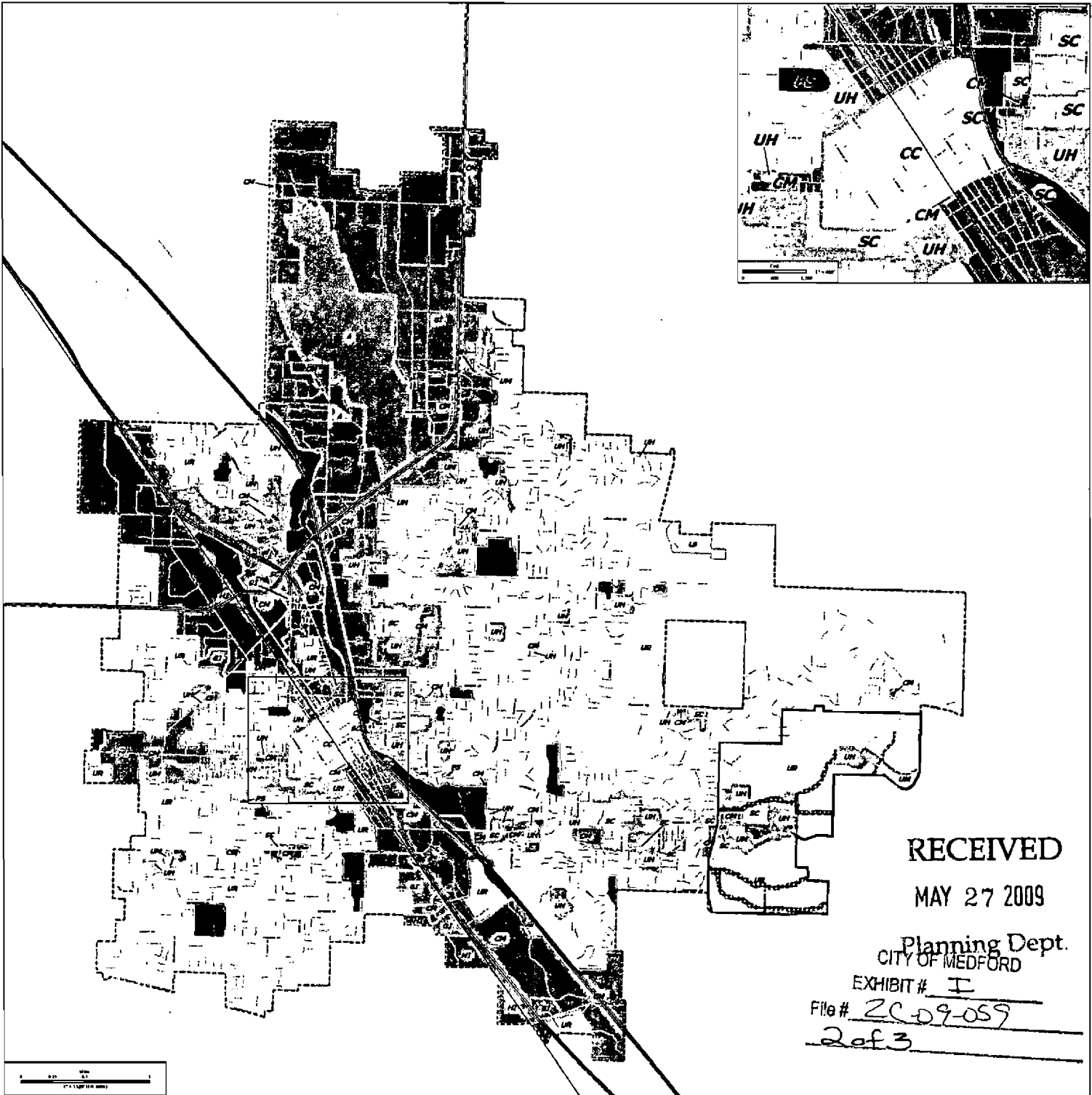
File # 2009-059

1 of 3

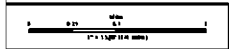
MAY 27 2009

Planning Dept.

MEDFORD GENERAL LAND USE PLAN MAP



RECEIVED
 MAY 27 2009
 Planning Dept.
 CITY OF MEDFORD
 EXHIBIT # I
 File # 2009-059
2 of 3



LAND USE CLASSIFICATIONS

- | | | |
|---------------------------------------|-------------------------|------------------------|
| Urban High Density Residential (UH) | Commercial (CM) | Airport (A) |
| Urban Medium Density Residential (UM) | Service Commercial (SC) | City Center (CC) |
| Urban Residential (UR) | General Industrial (GI) | Parks and Schools (PS) |
| Limited Service Area Overlay (LS) | Heavy Industrial (HI) | Greenways |

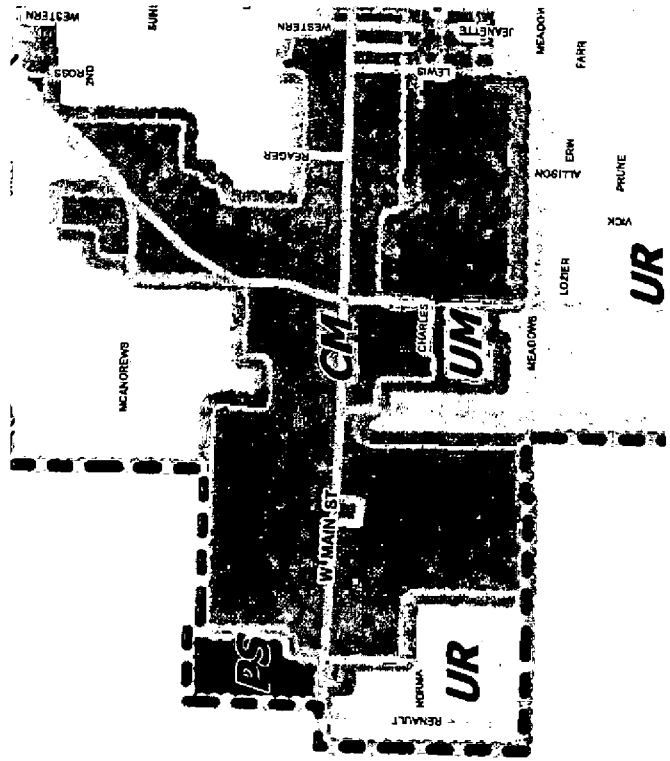


Revised Through
 Ordinance 2007-101
 Adopted May 17th, 2007

Southeast Plan Area UGB



CITY OF MEDFORD
 PLANNING DEPARTMENT



RECEIVED
 MAY 27 2009
 Planning Dept.

CITY OF MEDFORD
 EXHIBIT # I
 File # ZC-09-059
3 of 3

RECEIVED

JUL 09 2009

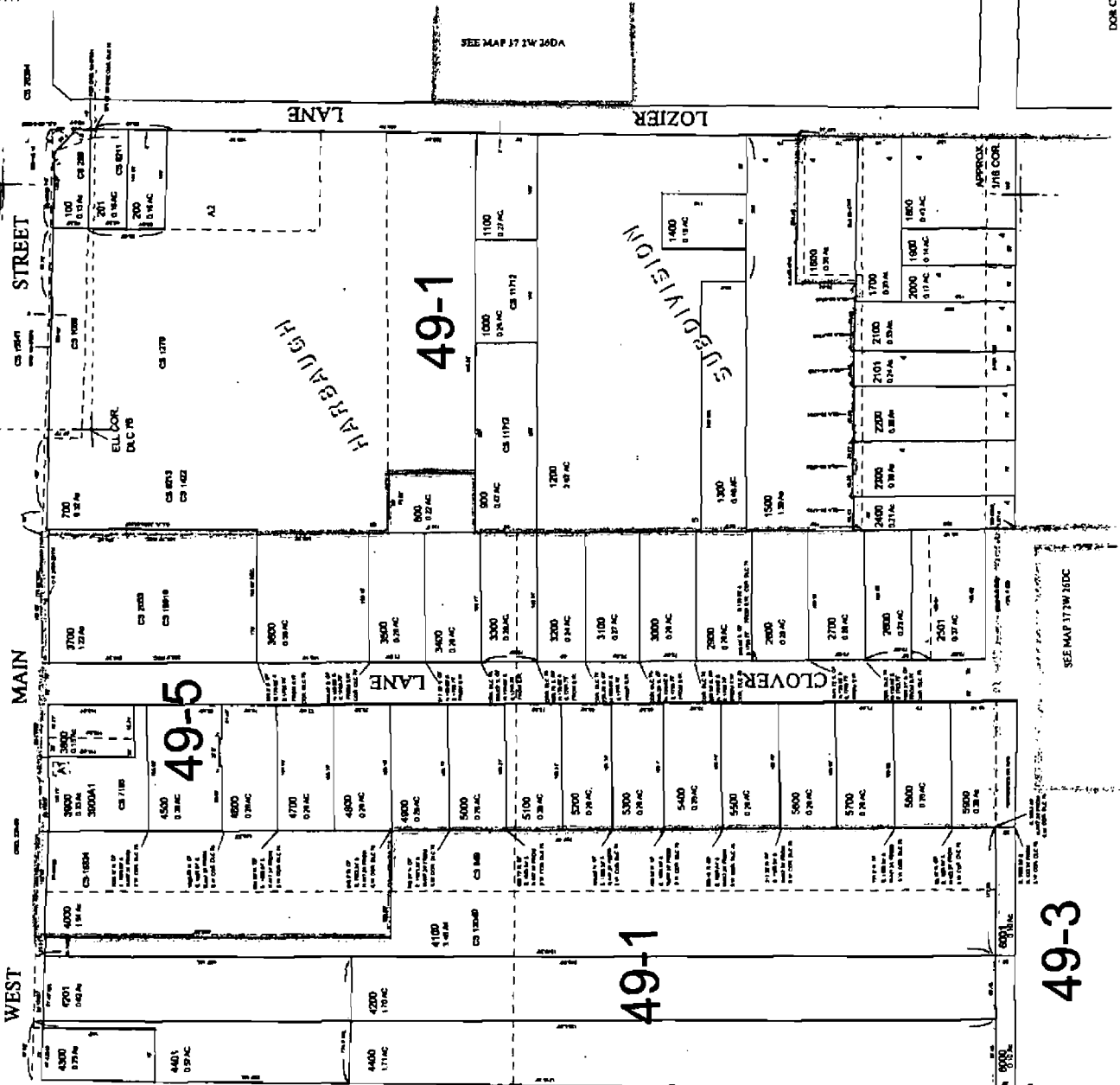
PLANNING DEPT.

1/19 COR.

37 2W 26DB
MEDFORD

N.W.1/4, S.E.1/4, SEC.26, T.37S., R.2W., W.M.
JACKSON COUNTY
1" = 100'

CANCELLED TAX
LOT NUMBERS
2500
2901
TOTAL ADDED TO 700



APPROX
1/16 COR

49-3

SEE MAP 37 2W 30C

CITY OF MEDFORD
EXHIBIT # J

File # 2C-09-059

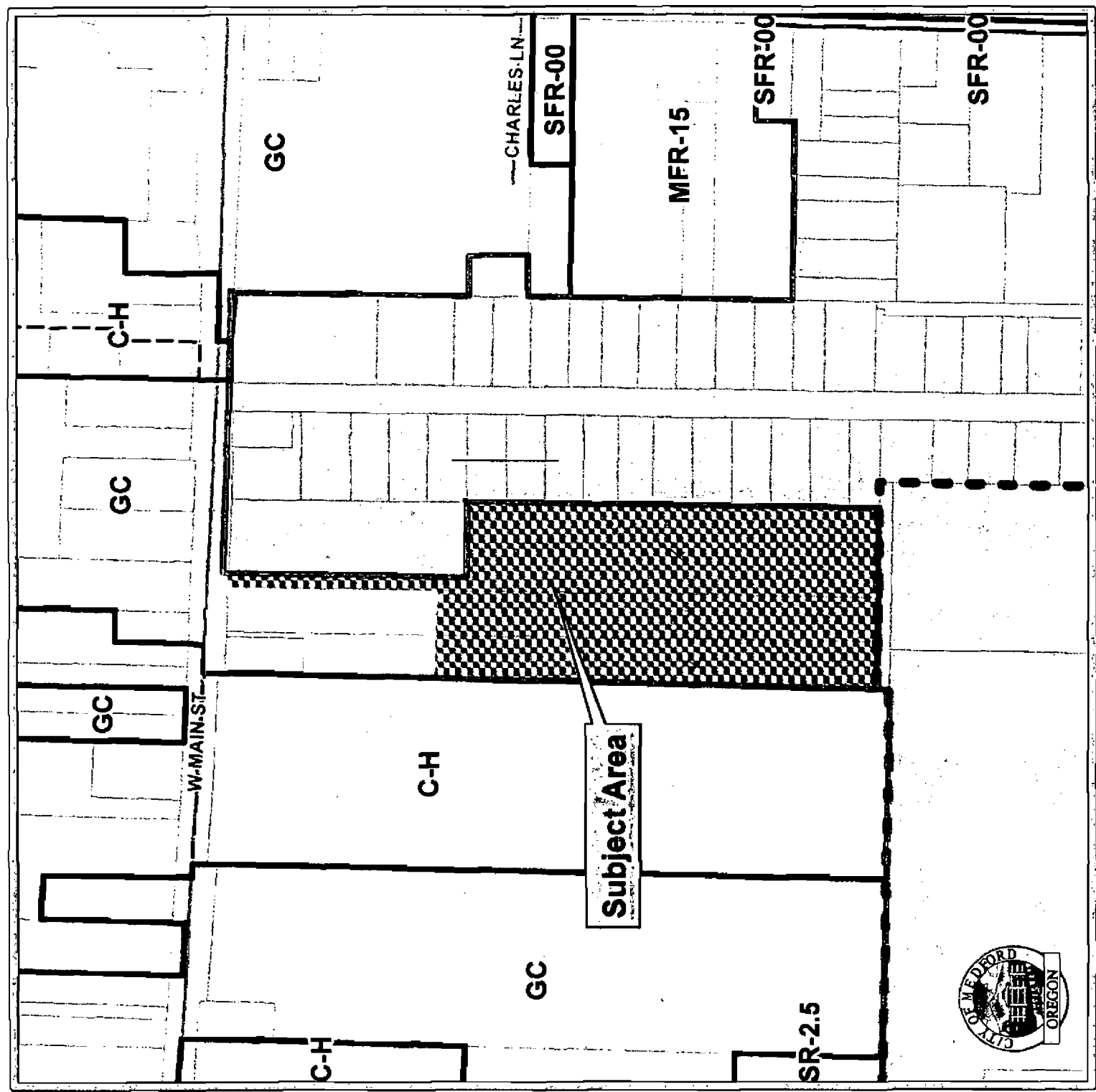
37 2W 26DB
MEDFORD
DOOR CONVERSION MARCH 19, 2008
REV JULY '08

Vicinity Map

- Zoning Boundary
- UGB
- City Limits
- Taxlots

OVERLAY

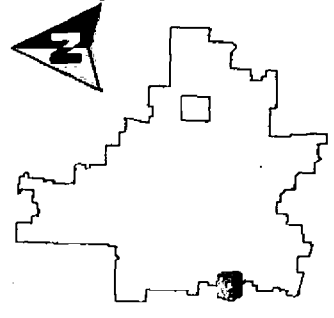
- Airport Approach
- Airport Radar
- Central Business Freeway
- Historic Outline
- Limited Industrial
- Limited Service
- Planned Development
- Southeast



FILE NUMBER:
ZC-09-059

APPLICANT:
David Young

Map: 372W26DB
TL's: 4100, 4200, 4400



00 52402

WARRANTY DEED

20 AFY RECORDING RETURN TO:
AmeriTitle 742210-60
372W260B (34) (35) 15
10
11

CAROLYN BRANHAM-BERON,
Grantor(s) hereby grant, bargain, sell, warrant and convey to:
DAVID F. YOUNG AND ELAHE V. YOUNG, CO-TRUSTEES OF THE YOUNG FAMILY TRUST UTD
MARCH 30, 1994,
Grantee(s) and grantee's heirs, successors and assigns the following described
real property, free of encumbrances except as specifically set forth herein in
the County of JACKSON and State of Oregon, to wit:

AS SET FORTH IN EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

SUBJECT TO: all those items of record and those apparent upon the land, if
any, as of the date of this deed and those shown below, if any;
and the grantor will warrant and forever defend the said premises and every
part and parcel thereof against the lawful claims and demands of all persons
whomsoever, except those claiming under the above described encumbrances.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

The true and actual consideration for this conveyance is 160,000.00.

Until a change is requested, all tax statements shall be sent to Grantee at the
following address: 2509 SANDY TERRACE, MEDFORD OR 97504

Dated this 28 day of December, 2000

Carolyn A Branham-Beron
CAROLYN BRANHAM-BERON

State of Oregon
County of JACKSON

This instrument was acknowledged before me on December 28, 2000 by CAROLYN
BRANHAM-BERON.



Gena Whipple
(Notary Public for Oregon)

My commission expires _____

ESCROW NO. AP0742210

Return to:
THE YOUNG FAMILY TRUST UTD 3-30-94

RECEIVED

MAY 27 2009

Planning Dept.

CITY OF MEDFORD

ACCOUNT #

2C-09-059

Order No. 742210-DR

Exhibit 'A'

TRACT A:

1157.24

Commencing South 89°30' East, 18.14 chains, from the intersection of the North line of the Medford and Jacksonville Railway Company's right of way as described in Volume 24, Page 359 of the Deed Records of Jackson County, Oregon, with the West line of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon, said point being the Southeast corner of tract described in Volume 22, Page 630 of the Deed Records of Jackson County, Oregon; thence South 89°30' East, 87.45 feet, to the true point of beginning; thence continue South 89°30' East, 87.45 feet to the Southwest corner of tract described in Volume 414, Page 349, said Deed Records; thence North 0°04' West, along the West line of said tract, 18.96 chains, more or less, to the Southerly right of way line of the Jacksonville Highway; thence along said Highway line, North 88°30' West, 87.45 feet, more or less, to a point North of the true point of beginning; thence South, 18.96 chains, more or less, to the true point of beginning, being known as the East Half of the West Half of tract described in Volume 54, Page 381 of the Deed Records of Jackson County, Oregon.

Tv
4200 & 4220

TRACT B:

Beginning South 89°30' East, 18.14 chains, from the intersection of the North line of the Medford and Jacksonville Railway Company's right of way as described in Volume 24, Page 359 of the Deed Records of Jackson County, Oregon, with the West line of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon, said point being the Southeast corner of tract described in Volume 22, Page 630 of the Deed Records of Jackson County, Oregon; thence South 89°30' East, 87.45 feet; thence North, 18.96 chains, more or less, to the Southerly right of way line of the Jacksonville Highway; thence along said Highway line, North 88°30' West, 87.45 feet, more or less, to the Northeast corner of said tract described in Volume 22 Deeds Page 630; thence South, along the East line thereof, 18.96 chains, to the point of beginning, being known as the West one-fourth of tract described in Volume 54, Page 381 of the Deed Records of Jackson County, Oregon.

Tv
4300, 4420, 4440

EXCEPTING THEREFROM the following:

~~Commencing South 89°30' East, 18.14 chains, from the intersection of the North line of the Medford and Jacksonville Railway Company's right of way as described in Volume 24, Page 359 of the Deed Records of Jackson County, Oregon, with the West line of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian in Oregon, said point being the Southeast corner of tract described in Volume 22, Page 630 of the Deed Records of Jackson County, Oregon; thence North, along the East line of said tract, 18.96 chains, to the Southerly right of way line of the Jacksonville Highway, for the true point of beginning; thence South 88°30' East, along said Highway line, 75.0 feet; thence South, 150.0 feet; thence North 88°30' West, 75.0 feet; thence North, 150.0 feet to the true point of beginning.~~

EXCEPTS
4300

Continued on next page

46g0464914vb

After recording return to:
Lawyers Title Insurance Corporation
1655 E. McAndrews Road, Suite 100
Medford OR 97504

Until a change is requested, all tax statements
shall be sent to Grantee at the following address:
1309 NE 6th Street
Grants Pass, Or 97526

44

Jackson County Official Records 2005-061185

R-WD
Crt=1 Srt=8 WALKERCD 06/08/2006 08:30:00 AM
\$15.00-\$5.00 \$11.00 Total:\$31.00



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Kathleen S. Beckett - County Clerk

STATUTORY WARRANTY DEED

Steven W. Kephart, Trustee or Successor Trustee under the Kephart Family Trust dated July 15, 1996 and any amendments thereto, as to an undivided 50% interest and Raymond B. Hadley and Viola Paye Hadley, as tenants by the entirety, as to an undivided 50% interest, Grantor, conveys and warrants to David P. Young and Eliahe V. Young, Co-Trustees of the Young Family Trust utd 3/30/94

Grantee, the following described real property free of encumbrances except as specifically set forth herein:
"The consideration paid herein has been paid to an Accommodator pursuant to an IRC 91031 Exchange."
See Exhibit "A" attached hereto and made a part hereof

This property is free of encumbrances, EXCEPT:
See Exhibit "A" attached hereto and made a part hereof

The true consideration for this conveyance is \$ 800,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 5th day of October, 2005.

Steven W. Kephart Trustee

Raymond B. Hadley
Viola Paye Hadley

STATE OF OREGON, COUNTY OF Jackson

The foregoing instrument was acknowledged before me this 5th day of October, 2005, by Steven W. Kephart Trustee of the Kephart Family Trust dated 7/15/96, Raymond B. Hadley and Viola Paye Hadley

Vickie Blankenburg
Notary Public for Oregon
My commission expires 7/01/09



2

EXHIBIT A

TRACT A:

Commencing at the southwest corner of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon, thence East 1553.54 feet, thence North 447.34 feet to an iron pipe, for the true point of beginning; thence South 89°32' West 177.00 feet (record 174.90 feet); thence North 0°04' West 1249.28 feet (record 1251.36 feet) to the southerly right of way line of the Jacksonville Highway; thence South 88°23' East, along said southerly right of way line, 25.01 feet; thence leaving said southerly right of way line, South 00°04' East 450.00 feet; thence North 89°56' East 152.00 feet to a point on the east boundary of the tract described and recorded in Volume 317 page 151 of the Deed Records of Jackson County, Oregon; thence South 00°04' East, along said east boundary, 797.40 feet to the true point of beginning.

(Account 1-059823-1, Levy Code 49-05, Map 372W26DB - 4100)

TRACT B:

Commencing at an iron pipe monument which bears 422.34 feet North, and 1553.54 feet East of the southwest corner of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon, thence North 0°04' West, 817.36 feet to the true point of beginning, thence North 89°32' East 179.48 feet; thence South 0°04' East 73.09 feet; thence South 89°32' West 169.52 feet; thence North 0°04' West, 73.09 feet to the true point of beginning.

(Account 1-043268-5, Levy Code 49-05, Map 372W26DB - 5600)

SUBJECT TO:

1. 2005-06 taxes, a lien in an amount to be determined, but not yet payable.

NOTE: 2004-05 TAXES ARE PAID IN FULL and are being shown for informational purposes only. This note will not be shown on a title insurance policy.

Original Amount : \$5,158.19

Tax Identification: Account 1-059823-1, Levy Code 49-05, Map 372W26DB - 4100
(Affects Tract A)

2. 2005-06 taxes, a lien in an amount to be determined, but not yet payable.

NOTE: 2004-05 TAXES ARE PAID IN FULL and are being shown for informational purposes only. This note will not be shown on a title insurance policy.

Original Amount : \$1,058.12

Tax Identification: Account 1-043268-5, Levy Code 49-05, Map 372W26DB - 5600
(Affects Tract B)

3. The herein described property has been excluded from the boundaries of the Medford Irrigation District by instrument recorded as No. 91-13875, Official Records. However, as set forth therein, the property remains "subject to any lien(s) of the United States government by and through its Bureau of Reclamation for any outstanding contractual indebtedness of the District to the Bureau...as provided in ORS 545.620." (Affects Tract B)

4. The effect of being within the Jacksonville Highway Water District, a municipal corporation, organized under and pursuant to Chapter 346, General Laws of Oregon for 1917, as amended, including the power of assessment.

(Continued)

5. Terms, provisions, covenants, conditions, restrictions, esements, and/or setbacks imposed by instrument

Recorded : January 15, 1954
As : Volume 389 page 434

6. An easement created by instrument, including the terms and provisions thereof,

Recorded : April 30, 1955

As : Volume 409 page 245

In favor of : PacifiCorp, an Oregon corporation, or its predecessor in interest

For : Transmission and distribution of electricity, and for other purposes

7. A perpetual easement for the purpose of constructing, reconstructing, maintaining, using, operating and repairing therein, the pipeline facilities of the District water system, and rights in connection therewith, granted to Jacksonville Highway Water District, an Oregon municipal corporation, recorded January 11, 1979, as No. 79-00792 of the Official Records of Jackson County, Oregon. (Affects Tract A)

8. Terms, provisions, covenants, conditions, restrictions, easements, and/or setbacks imposed by instrument

Recorded : 89-01400

As : January 20, 1989

(Affects Tract A)

9. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

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



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