



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

07/23/2012

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 006-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, August 08, 2012

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Kathy Helmer, City of Medford
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

in person electronic mailed

DEPT OF

JUL 20 2012

LAND CONSERVATION AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

For Office Use Only

Jurisdiction: **Medford**

Local file number: **ZC-12-032**

Date of Adoption:

Date Mailed: **7/17/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 5/9/2012

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 to change the zoning designation from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximately .93 acres, located approximately 331 feet south of the intersection of West Main Street and Oak Grove Road.

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

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **GC**

to: **C-H**

Location: **141 Oak Grove Road; 372W26CA 600**

Acres Involved: **0**

Specify Density: Previous: **NA**

New: **NA**

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...

35-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. 006-12 (19341) [17111]

DLCD file No. _____

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

Local Contact: **Kathy Helmer, Planner**

Phone: **(541) 774-2375** Extension: **0**

Address: **200 South Ivy Street**

Fax Number: **541-618-1708**

City: **Medford**

Zip: **97501-**

E-mail Address:

kathy.helmer@cityofmedford.org

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 30, 2011

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-12-032 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY EUGENE/SHIRLEY GAMBEE TRUST)

ORDER granting approval of a request for changing the zoning from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximately .93 acres, located at 114 Oak Grove Road, approximately 331 feet south of the intersection of West Main Street and Oak Grove Road.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximately .93 acres, located at 114 Oak Grove Road, approximately 331 feet south of the intersection of West Main Street and Oak Grove Road; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Staff Report dated June 20, 2012, and the Findings contained therein – 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 26CA Tax Lot 600

is hereby changed from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximately .93 acres, located at 114 Oak Grove Road, approximately 331 feet south of the intersection of West Main Street and Oak Grove Road.

Accepted and approved this 12th day of July, 2012.

CITY OF MEDFORD PLANNING COMMISSION



Planning Commission Chair

ATTEST:



Planning Department Representative

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CITY OF MEDFORD
PLANNING DEPARTMENT

STAFF REPORT

Date: June 20, 2012
To: Planning Commission
From: Kelly Akin, Senior Planner
By: Kathy Helmer, Planner IV
Subject: Gambee Trust Zone Change (ZC-12-032)
Gambee Trust, Applicant (CSA Planning, Ltd., Agent)

Background

Proposal

Consideration of a request to change the zoning designation from County GC (General Commercial) to City C-H (Heavy Commercial) on one parcel totaling approximately .93 acres, located at 141 Oak Grove Road, approximately 331 feet south of the intersection of West Main Street and Oak Grove Road.

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 being used for inside and outside storage. It has been developed with one structure and a cyclone fence.

Surrounding Property Zoning and Uses

North: Undeveloped property, 2.16 acres, within City limits, zoned C-H

South: Storage business with several structures and mini-storage units, 5.19 acres, within City limits, zoned GC

East: Commercial office building, within City limits, zoned C-H, 1.99 acres

West: Two lots, each containing a sixplex, zoned County RR-2.5, within Urban Growth Boundary.

Related Projects

This property was annexed in 2002 (Ordinance #2002 – 192).

ea

Applicable Criteria

MLDC 10.227 (Exhibit A)

Issues/Analysis

Staff has reviewed the zone change request and finds that it meets the approval criteria in Medford Land Development Code Section 10.227. Public Works has determined that the County GC zone and City C-H zone have comparable traffic impacts. This change of zone will not create a net increase of average daily trips to the transportation system. For this reason, a transportation impact study was not required. The agency reports in Exhibits C through H demonstrate that Category A Urban Facilities are available or can and will be made available to serve the site.

Section 10.227(1)(c) lists locational criteria for commercial zone changes. The C-H zone must front on arterial streets or state highways. The subject parcel abuts a parcel zoned C-H which fronts on a minor arterial, West Main Street. Thus, it meets that criterion. Per MLDC 10.227(1)(c)(iv), C-H is ordinarily considered unsuitable when abutting residential zones,. However, as per MLDC Section 10.227(1)(e), since fifty percent (50%) of the subject property's boundaries abut other zones expressly allowed in Section 10.227(1)(c), this may be considered an appropriate location.

West Main Transit-Oriented District (TOD) Plan

The subject parcel is located within an area for which the City was developing a long-range plan, namely the West Main Transportation-Oriented District (TOD) plan. It was to create an attractive neighborhood center with commercial uses that served the shopping needs of the local community and a new circulation plan with improved pedestrian, bicycle and transit connections to housing, retail centers and employers. A new circulation plan and zoning plan were envisioned as part of the West Main TOD plan. However, no aspects of the plan have progressed to the point of adoption; the TOD plan is currently not relevant to a review of this proposal.

FINDINGS OF FACT

Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibit B) and recommends that the Commission adopt the Findings as presented.

RECOMMENDED ACTION

Direct staff to prepare a Final Order for approval of ZC-12-032 per the Staff Report dated June 20, 2012, including Exhibits A through L.

EXHIBITS

- A Approval Criteria;
- B Applicant's Findings of Fact, received May 31, 2012;

**Gambee Trust Zone Change (ZC-12-032)
Staff Report**

June 20, 2012

- C Memorandum from the Medford Public Works Department, received May 30, 2012;
- D Memorandum from the Medford Water Commission, received May 29, 2012;
- E Memorandum from the Medford Fire Department, received May 29, 2012;
- F Memorandum from Rogue Valley Sewer Services, received May 23, 2012;
- G Memorandum from Jackson County Roads, received May 22, 2012;
- H Letter from the Oregon Department of Transportation, received May 22, 2012;
- I Medford Zoning Map, received April 30, 2012;
- J Medford General Land Use Plan Map, received April 30, 2012;
- K Nearby and Surrounding Uses Map, received April 30, 2012;
- L Jackson County Assessor's Map, received April 30, 2012;
Vicinity Map

PLANNING COMMISSION AGENDA: JUNE 28, 2012

EXHIBIT A
ZONE CHANGE APPROVAL CRITERIA – COMMERCIAL ZONES
FROM SECTION 10.227 OF THE MEDFORD LAND DEVELOPMENT CODE

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

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

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

- (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 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 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.

- (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 or more of the following criteria:

- (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;
 - (ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
 - (iii) At least 50% of the subject property's boundaries abut properties that contain one 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; or
 - (iv) Notwithstanding the definition of "abutting" in MLDC 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 60 feet in width.
- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the *Comprehensive Plan* "Public Facilities Element."
- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a

professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

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

MCD 710
MAY 31 2012
PLANNING DEPT

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

IN THE MATTER OF AN APPLICATION)
TO CHANGE THE ZONING ON A)
SINGLE PARCEL COMPRISING 0.93)
ACRE FROM JACKSON COUNTY)
GENERAL COMMERCIAL (GC) TO)
HEAVY COMMERCIAL (C-H) WHICH)
PROPERTY IS LOCATED NEAR THE)
INTERSECTION OF JACKSONVILLE)
HIGHWAY 238 AND OAK GROVE ROAD)
WITHIN THE CORPORATE LIMITS OF)
THE CITY OF MEDFORD)
)
Owners/Applicant: Gambee Eugene)
Blodgett Trust and the Gambee Shirley)
Boitano Trust)
Agent of Record: CSA Planning, Ltd.)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicants' Exhibit 1

I

NATURE AND SCOPE OF APPLICATION; BACKGROUND

The Gambee Eugene Blodgett Trust and Gambee Shirley Boitano Trust ("Applicant") seeks approval of an application to rezone property located easterly off Oak Grove Road south of and near its intersection with Jacksonville Highway 238. The zone change will enable a boundary line adjustment between this subject property and adjacent property to the east.¹ The lot line adjustment will enable expansion of the outdoor storage use that now exists on the subject property and which was relocated to this site when the City of Medford's realignment of Coker Butte Road resulted in the partial taking of land from Rogue Disposal & Recycling, Inc. on which it used to store its outdoor equipment. The sought zone change involves a single parcel. The property is occupied by an existing building which, along with the land itself, is used for both indoor and outdoor storage. Upon annexation, the subject property was not rezoned and instead retains the county General Commercial (GC) zoning that was in place at the time the property was annexed to the City of Medford.

Request: Applicant requests that the subject property be rezoned from county General Commercial (GC) to city Heavy Industrial (C-H).

¹ Representatives of the Medford Planning Department have indicated to Applicant's representatives that a boundary line adjustment cannot be permissibly made across disparate zoning district boundaries and that the issue can be resolved by rezoning the subject property as here proposed.

Corrected by Agent at publication 5/1/12



CITY OF MEDFORD
EXHIBIT # B Page 1 of 13
File # 7C-12-032

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant has submitted the following evidence with its zone change application:

- Exhibit 1.** The proposed findings of fact and conclusions of law which demonstrate how this zone change complies with the applicable substantive criteria of the City of Medford and State of Oregon
- Exhibit 2.** City of Medford General Land Use Plan (GLUP)
- Exhibit 3.** Existing City of Medford Zoning Map
- Exhibit 4.** Existing Land Use Map
- Exhibit 5.** Completed zone change application forms with written authorization from the owner/applicant, including a Power of Attorney which authorizes CSA Planning, Ltd. to file this application in its name and to speak on its behalf during public hearings on this matter

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which a zone change application must be considered are in the Medford Land Development Code (MLDC) and the Oregon Transportation Planning Rule (OAR 660-012-0060). The approval criteria is recited verbatim below and again in Section V where the various criteria are followed by the conclusions of law advanced by Applicant and recommended for adoption by the Planning Commission.

City of Medford Approval Criteria

MLDC 10.227 ZONE CHANGE CRITERIA²

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), (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 While OAR 660-012-060 is quoted verbatim in its entirety, in Section V herein only Subsection 1 is addressed with conclusions of law because the Planning Commission has determined that subsections other than 2 through 8 deal with issues that arise when a zone change (or other covered land use application) produces significant affects upon existing or planned transportation facilities which this zone change does not



Findings of Fact and Conclusions of Law
Zone Change Application
Gambee Eugene Blodgett Trust and the Gambee Shirley Boitano Trust: Owner/Applicant

- c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:
 - (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.
- (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 or more of the following criteria:
 - (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;
 - (ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
 - (iii) At least 50% of the subject property's boundaries abut properties that contain one 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; or
 - (iv) Notwithstanding the definition of "abutting" in MLDC 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 60 feet in width.
- (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.



State of Oregon Approval Criteria

OREGON TRANSPORTATION PLANNING RULE **Oregon Administrative Rules Chapter 660, Division 12**

Section 660-012-0060 Plan and Land Use Regulation Amendments

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (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).
- (6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;
- (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10%



Findings of Fact and Conclusions of Law
Zone Change Application
Gambee Eugene Blodgett Trust and the Gambee Shirley Boitano Trust: Owner/Applicant

reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

- (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);
 - (c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
 - (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.
- (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- (a) Any one of the following:
 - (A) An existing central business district or downtown;
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
 - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
 - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
 - (b) An area other than those listed in (a) which includes or is planned to include the following characteristics:
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:
 - (i) Medium to high density residential development (12 or more units per acre);
 - (ii) Offices or office buildings;
 - (iii) Retail stores and services;
 - (iv) Restaurants; and
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.
 - (B) Generally include civic or cultural uses;
 - (C) A core commercial area where multi-story buildings are permitted;
 - (D) Buildings and building entrances oriented to streets;
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
 - (F) A network of streets and, where appropriate, access ways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
 - (G) One or more transit stops (in urban areas with fixed route transit service); and
 - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.



IV

FINDINGS OF FACT

The Planning Commission reaches the following facts and finds them to be true with respect to this matter:

1. Description, Zoning, Acreage, Assessed Value, and Ownership of Subject Property:

The subject property is described in the records of the Jackson County Assessor as Tax Lot 600 on map 37-2W-26CA and comprises 0.93 acre. The property is presently covered by a Jackson County zoning district — General Commercial (GC) — and lies adjacent to other land to its north and east which is covered by the city's Commercial-Heavy (C-H) zoning district into which the subject property would be placed. The property is owned in fee simple together by the Gambee Eugene Blodgett Trust and the Gambee Shirley Boitano Trust.

2. Property Location: The subject property is situated easterly off Oak Grove Road near its intersection with of Jacksonville Highway. Various maps attached to this application illustrate the location of the property in relation to the surrounding lands and transportation network. The property is inside Medford's urban growth boundary (UGB) and has been annexed to Medford and now is within the city's corporate jurisdiction.

3. Existing Land Uses: The subject property is occupied by an existing building. The building and land is used for vehicle and equipment storage. Land uses which exist on abutting properties are illustrated on Exhibit 4.

4. Medford Comprehensive Plan Map: According to the City of Medford Comprehensive Plan the subject property is covered by a Commercial (CM) comprehensive plan (GLUP) map designation which comports with now sought Heavy Commercial (C-H) zoning district. As such, this zone change does not require amendment of the comprehensive plan map.

5. Public Facilities and Services: The subject property is served by the following public facilities and services:

A. Sanitary Sewer Collection: The subject property is under the authority of Rogue Valley Sewer Services (RVSS) and can be served by an 8-inch sanitary sewer line located on adjacent property to the east which Applicant intends to acquire following this zone change. There is also a sanitary sewer in Jacksonville Highway 238 that can be extended to serve the subject property. Applicant herewith testifies that representatives of RVSS advised Applicant's representative that the sewer lines that serve this property are adequate in condition and capacity.

B. Water Distribution: There are existing 36-inch and 12-inch ductile iron water mains in Oak Grove Road and a 12-inch ductile iron water main in Jacksonville Highway.



Service to the property would be provided by the 12-inch line as Medford Water Commission engineers seek to avoid tapping into larger transmission lines. Applicant herewith testifies that its representatives met with representatives of the Medford Public Works Department and advised Applicant's representative that the sewer lines that serve this property are adequate in condition and capacity.

C. Storm Drainage: There is an existing 24-inch concrete storm drain in Jacksonville Highway 238 that can be extended to serve the subject property either along Oak Grove Road or through property to the east of the subject property. Applicant herewith testifies that storm drain in Highway 238 is reported by representatives of the Medford Public Works Department to be adequate in condition and capacity.

D. Streets and Transportation: The subject property fronts upon and takes access from Oak Grove Road, a road that is owned and maintained by Jackson County. Oak Grove Road is designated by the Medford Comprehensive Plan (Transportation System Plan) as a major ~~collector~~arterial. The property (and existing C-H zone/area) is also indirectly served by Jacksonville Highway which is also a designated a ~~major~~ minor arterial. Oak Grove Road intersects with Jacksonville Highway approximately 350 feet north of the property. As this application involves changing an existing county GC zone to a city C-H zone, Applicant herewith testifies that a review of the permitted uses allowed in both the existing and proposed zones evidences that few if any potential permitted uses that are markedly different between the zones and, in fact, the county's GC zoning district permits a wider array of retail uses — uses which produce the greatest potential traffic impacts. As the proposed zone change is to the city's Heavy Commercial (C-H) zone, the potential for traffic impacts will be reduced.

V

CONCLUSIONS OF LAW

The Planning Commission reaches the following conclusions of law with respect to the approval standards for zone change and conditional use permit:

ZONE CHANGE

MLDC 10.227 ZONE CHANGE CRITERIA

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 (*Inapplicable Subsections Omitted*):

Zone Change Criterion 1

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



Findings of Fact and Conclusions of Law

Zone Change Application

Gambee Eugene Blodgett Trust and the Gambee Shirley Boitano Trust: Owner/Applicant

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.

- c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:
 - (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.
- (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 or more of the following criteria:
 - (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;
 - (ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
 - (iii) At least 50% of the subject property's boundaries abut properties that contain one 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; or
 - (iv) Notwithstanding the definition of "abutting" in MLDC 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 60 feet in width.

Discussion; Conclusions of Law: Subsection 1 of the applicable zone change criteria (Criterion 1) is threefold — consistency with the Oregon Transportation Planning Rule, consistency with the General Land Use Plan Map, and consistency with the locational standards in the MLDC (which guides where specific zoning districts may be applied). The Planning Commission addresses each of the three sub-criteria separately below:

1. Oregon Transportation Planning Rule. The Commission concludes that the Oregon Transportation Planning Rule is contained in Oregon Administrative Rules (OAR) Chapter 660, Division 012 and specifically in OAR 660-012-0060 and this section is recited verbatim in Section III hereinabove. The provisions of OAR 660-012-0060 which are relevant in this instance are contained in Subsection 1 which provides:

- (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.

Based upon the findings of fact, the Commission concludes that this application seeks to change the zone on a single parcel from county GC to city C-H. The county GC zone permits a wider variety of retail and other uses which produce greater traffic loading than do the more limited types of heavy commercial uses permitted in the city's C-H zone. As such, approval of this application will *not*:

- Significantly affect any existing or planned transportation facility because the zoning actions thus sought will not permit a wider nor more intensive range of uses than is presently permitted under the existing county GC zone;
 - Change the functional classification of any existing or planned transportation facility;
 - Change standards implementing a functional classification system; and
 - As measured at the end of the planning period identified in Medford's adopted transportation system plan, 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, reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standards in the TSP or comprehensive plan, nor 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. **General Land Use Plan (GLUP) Map.** The comprehensive plan (GLUP) map designation for the subject property is Commercial. By the expressed language in the comprehensive plan's General Land Use Plan Element, the Commercial (CM) GLUP map designation corresponds and comports with the C-H zoning district. As such, the Commission concludes that the proposed zone change is consistent with the GLUP map.

Locational Standards. The Exhibit 3 zoning map shows the area that comprises the C-H zone (into which the subject property would be placed). The property fronts upon Jacksonville Highway which is designated in the City of Medford Comprehensive Plan (Transportation System Plan) as an arterial street. As to abutting zoning, the Planning Commission concludes that pursuant to MLDC 10.227 (1)(e), that this zone change is concluded to be suitable because (as evidenced by Exhibit 2) more than 50 percent of the subject property's boundaries abut other lands to the east, south and north which are zoned commercial (both city and county commercial districts) in compliance with 10.227(1)(e)(ii).



Therefore and based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Zone Change Criterion 1 because the change complies with the Oregon Transportation Planning Rule (OAR Chapter 660, Division 012), is consistent with the General Land Use Plan (GLUP) Map, and it complies with the locational requirements in MLDC 10.227(1)(c)(iv) and 10.227(1)(e)(ii).

Zone Change Criterion 2

- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element"
- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current SHIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
 - (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
 - (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:



- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards.
- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule.
- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Discussion; Conclusions of Law: The Planning Commission concludes that Goal 3 and Policy 1 of the Public Facilities Element were deleted from Medford Comprehensive Plan by action of the City Council and no longer applies as a matter of law. The zone change criteria for determining the adequacy of Category A public facilities, consistent with the Public Facilities Element, now reside solely in MLDC 10.227(2). The Planning Commission reaches the following conclusions of law with respect to each of the Category "A" public facilities:

Storm Drainage System: Based upon the findings of fact in Section IV, the Planning Commission concludes storm drainage facilities are available to serve the subject property and potential future development of the subject property will not produce an unplanned nor unexpected increase in stormwater flows pursuant to the *Comprehensive Medford Area Drainage Master Plan (1996)*. Therefore, the Commission concludes that storm drainage facilities are already available and adequate in condition, capacity and location to serve the subject property under the proposed C-H zone.

Wastewater Collection and Treatment: Based upon the findings of fact in Section IV, the Planning Commission concludes that sanitary sewer facilities are sufficient to serve the existing and potential development consistent with the proposed C-H zoning district to accommodate projected peak flows for that specific gravity flow service area as determined by Rogue Valley Sewer Service (RVSS) which provides sanitary sewer service to this part of the community.

Water Facilities: Based upon the findings of fact in Section IV, the Planning Commission concludes that the water system is sufficient to provide the subject property with a permanent water supply having adequate water pressure and volume for projected fire control needs consistent with the GLUP designation as determined by representatives of the Medford Water Commission (which provides water service in Medford), and that these facilities are available to adequately serve the property under the proposed C-H zone

Streets and Transportation: The Commission concludes that the Findings of Fact in Section IV include all appropriate and relevant facts needed to properly consider this zone change with respect to traffic pursuant to Zone Change Criterion 2. The Commission also concludes that the City Traffic Engineer has waived the need for a Traffic Impact Analysis (TIA) because the existing and proposed zones are similar and the sought zone (C-H) permits a range of uses that will produce less potential traffic than the uses permitted in the existing county GC county zone.



On this evidence, the Commission concludes 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 C-H zoning. To the extent there is future development proposed for this property, it will be required to undergo Site Plan and Architectural Review prior to the issuance of development permits and through this process the city is assured that the subject property will, at the time of further development, have a full range of Category A facilities available to it. Therefore, the Planning Commission concludes that this application is consistent with Zone Change Criterion 2.


VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission ultimately concludes that the case for a zone change contemplated in this application is consistent with all of the relevant approval criteria in MLDC 10.227 because: 1) the proposed change is consistent with relevant goals and policies of the comprehensive plan, 2) that proposed change is consistent with the comprehensive plan (GLUP) map, 3) that Category "A" urban services and facilities are available to adequately serve the property, and 4) the zone change has been found to be compliant with the Oregon Transportation Planning Rule (OAR 660-12-060).

Respectfully submitted on behalf of Applicant:

CSA Planning, Ltd.



Craig A. Stone
Principal

Dated: April 26, 2012



Report Date: May 30, 2012
ZC-12-032

PUBLIC WORKS DEPARTMENT STAFF REPORT

for a Proposed Zone Change from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel of approximately 0.93 acres located at 114 Oak Grove Road, approximately 331 feet south of West Main Street.

Eugene Blodgett Gambee Trust and Shirley Boitano Gambee Trust, Applicants

I. Sanitary Sewer Facilities

This site lies within the Rogue Valley Sewer Service area. Contact Rogue Valley Sewer Service for sanitary sewer accessibility and capacity adequacy.

II. Storm Drainage Facilities

This site lies within the Elk Creek Drainage Basin. Future development of this site will require storm drainage detention and water quality improvements in accordance with Sections 10.486 and 10.729 of the Municipal Code.

III. Streets, Street Capacity, and Access

No traffic impact analysis will be required for this zone change, since the proposed zone change is anticipated to generate no additional vehicle trips per day at full build-out of the site.

No conditions pertaining to streets, street capacity, or access are requested by Public Works at this time.

Oak Grove Road is classified as a major collector street in the City of Medford's Transportation System Plan. At the time of future site development, Public Works will condition the developer to dedicate additional right-of-way on Oak Grove Road such that the total width from centerline to the right-of-way line is a minimum of 37 feet required for major collector classification in accordance with Section 10.428 of the Municipal Code.

Also at the time of future site development, Public Works will condition that access to this site be limited to one point on Oak Grove Road, and located as far as possible from the West Main Street intersection. Since Oak Grove Road is a higher order street, SDC credits will be available for right-of-way dedication and street improvements.

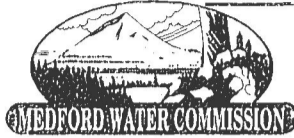
Prepared by: E. Lighthill (5/18/12)

Approved by: L. Beskow (5/22/12)

RECORDED

MAY 29 2012

PLANNING DEPT



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-12-032

PARCEL ID: 372W26CA TL 600

PROJECT: Consideration of a request to change the zoning designation from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximately .93 acres, located at 114 Oak Grove Road, approximately 331 feet south of the intersection of West Main Street and Oak Grove Road; Eugene Blodgett Gambia Trust and Shirley Boitano Gambia Trust, Applicants (CSA Planning Ltd., Agent). Kathy Helmer, Planner

DATE: May 25, 2012

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does exist to this property. There is a existing 1-inch water meter located along Oak Grove Road frontage.
7. Access to MWC water lines for connection is available. A 6" water line is located in Oak Grove Road.

CITY OF MEDFORD
EXHIBIT # D
File # ZC-12-032

25



Medford Fire Department

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

123456

MAY 29 2012

PLANNING DEPT

LAND DEVELOPMENT REPORT - PLANNING

To: Kathy Helmer

LD Meeting Date: 05/30/2012

From: Kleinberg, Greg

Report Prepared: 05/29/2012

File #: ZC - 12 - 32

Site Name/Description:

Consideration of a request to change the zoning designation from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximately .93 acres, located at 114 Oak Grove Road, approximately 331 feet south of the intersection of West Main Street and Oak Grove Road; Eugene Blodgett Gambee Trust and Shirley Boitano Gambee Trust, Applicants (CSA Planning Ltd., Agent). Kathy Helmer, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> 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 prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

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 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

RECEIVED

MAY 23 2012

PLANNING DEPT

May 21, 2012

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

Re: ZC-12-032, Blodgett Gambee Trust, LLC (372W26CA – 600)

ATTN: Kathy,

The subject property is served by an existing 4 inch sewer lateral which flows into an 18 inch sewer main located within Oak Grove Road. Adequate mainline capacity exists for the proposed zone change. The existing service line may need to be up sized depending on the exact type of development after the zone change.

Rogue Valley Sewer Services request the follow conditions be met prior to the issuance of a building permit:

- Applicant contact RVSS to discuss proposed use for subject property. System Development Charges may be due to RVSS depending on the change of use.
- Applicant submits to RVSS a plumbing plan showing any changes to the current plumbing fixtures.

Feel free to contact me directly with any additional questions.

Sincerely,


Wade Denny, PE
District Engineer

RECEIVED
MAY 23 2012
PLANNING DEPT
ZC-12-032

K:\DATA\AGENCIES\MEDFORD\PLANNG\ZONE CHANGE\2012\ZC-12-032 BLODGETT.DOC

24



JACKSON COUNTY Roads

Roads Engineering

Russ Logue
Construction Manager

200 Antelope Road
White City, OR 97603
Phone: (541) 774-6255
Fax: (541) 774-6295
logue@jacksoncounty.org
www.jacksoncounty.org

May 15, 2012

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

RECEIVED

MAY 22 2012

PLANNING DEPT.

RE: Zone change off Oak Grove Road – a county maintained road.
Planning File: ZC-12-032.

Dear Kathy:

Thank you for the opportunity to comment on the request to change the zoning designation from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximately 0.93 acres, located at 114 Oak Grove Road, approximately 331 feet south of the intersection of West Main Street and Oak Grove Road. Jackson County Roads has the following comments:

1. Any new or improved road approaches off Oak Grove Road shall be permitted and inspected by the City of Medford.
2. The applicant shall submit construction drawings to Jackson County Roads and obtain county permits if required.
3. Oak Grove Road is a County Minor Collector road and is county-maintained. The Average Daily Traffic Count one-hundred and fifty feet south of West Main Street was 3,106 on September 2004.

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

Sincerely,


Russ Logue
Construction Manager



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

District 8 - Headquarters
100 Antelope Rd.
White City, OR 97503
Phone: (541) 774-6299
Fax: (541) 774-6349

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MAY 22 2012

PLANNING DEPT

May 18, 2012

City of Medford, OR
Attn: Kathy Helmer
200 South Ivy Street
Medford, OR 97501

Re: Gambee Trust Zone Change from GC to C-H (ZC-12-032).

Dear Ms. Helmer,

Thank you for the opportunity to comment on the consideration of a request to change the zoning designation from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximately .93 acres located at 114 Oak Grove Road, approximately 331 feet south of the intersection of West Main Street and Oak Grove Road.

ODOT has reviewed this land use request and determined this proposal will not adversely impact the state's transportation facility; therefore, the proposed land use action does not trigger ODOT's review under the Transportation Planning Rule (OAR 660-012-0060), nor the Access Management Rule under (OAR 734-051-0045). We have no further comments on this action.

Please enter this record into the public record for the proposed project and send me a copy of the City's final decision. Please feel free to contact me at (541) 774-6399 if you have additional comments or concerns.

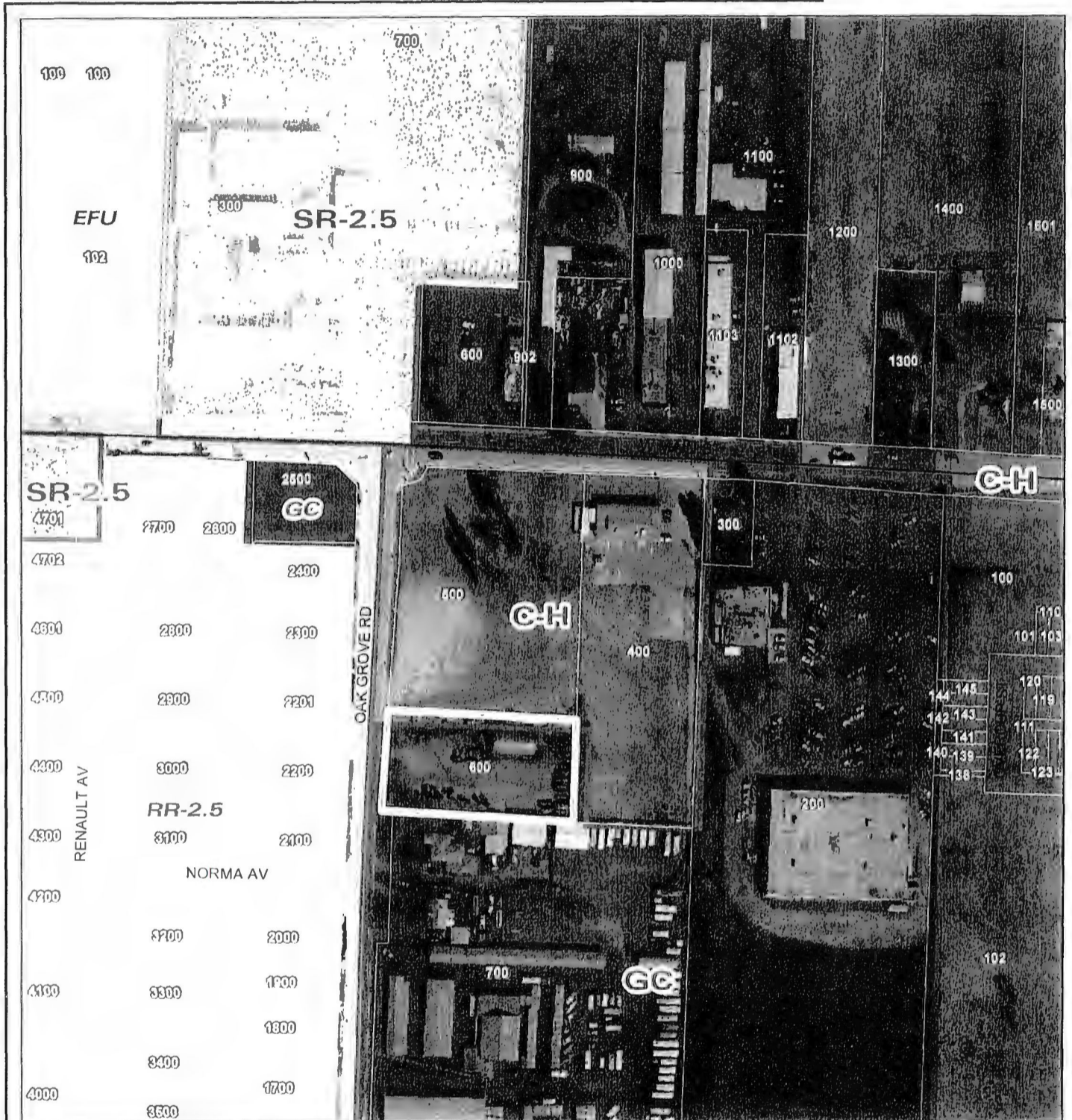
Respectfully,

Ian K. Horlacher
Development Review Planner

Cc: RVDRT

CITY OF MEDFORD
EXHIBIT # H
File # ZC-12-032

APR 30 2012



Subject	UGB
Medford Zoning	County Zoning
Medford - C-H	County GC
Medford - SR-2.5	County RR-2.5
County - GC	EFU

Zoning Map

CITY OF MEDFORD

37-2W-26CA-600

2007 Aerial

EXHIBIT # V

File # 2C-12-032

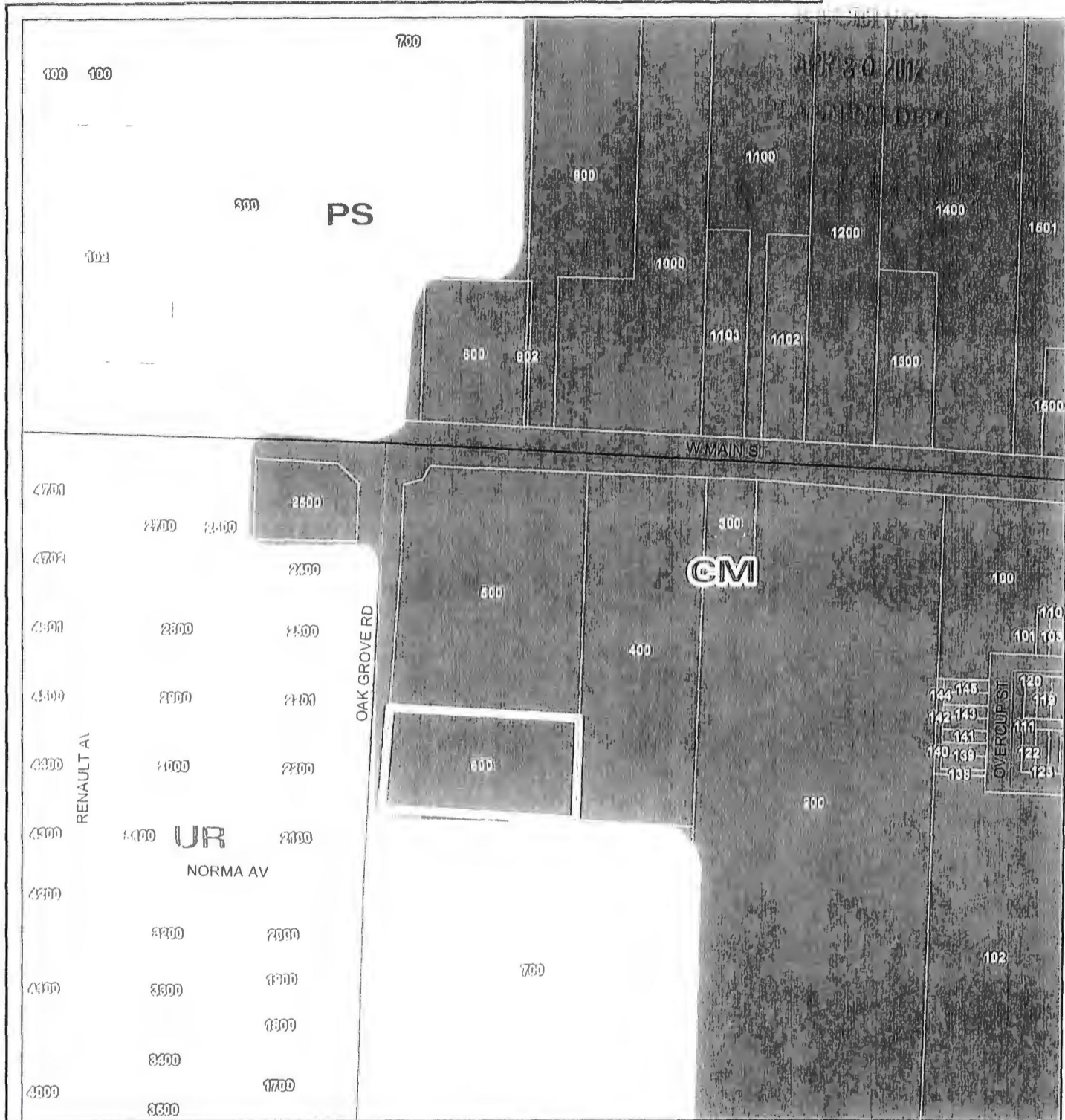
200 0 200 Feet

1 inch equals 200 feet

CSA Planning, Ltd.

April 2012 Source: Jackson County GIS Services, City of Medford

EXHIBIT 2



Subject
 UGB
General Land Use Plan (GLUP)
 CM - Commercial
 PS - Parks & Schools
 UR - Urban Residential

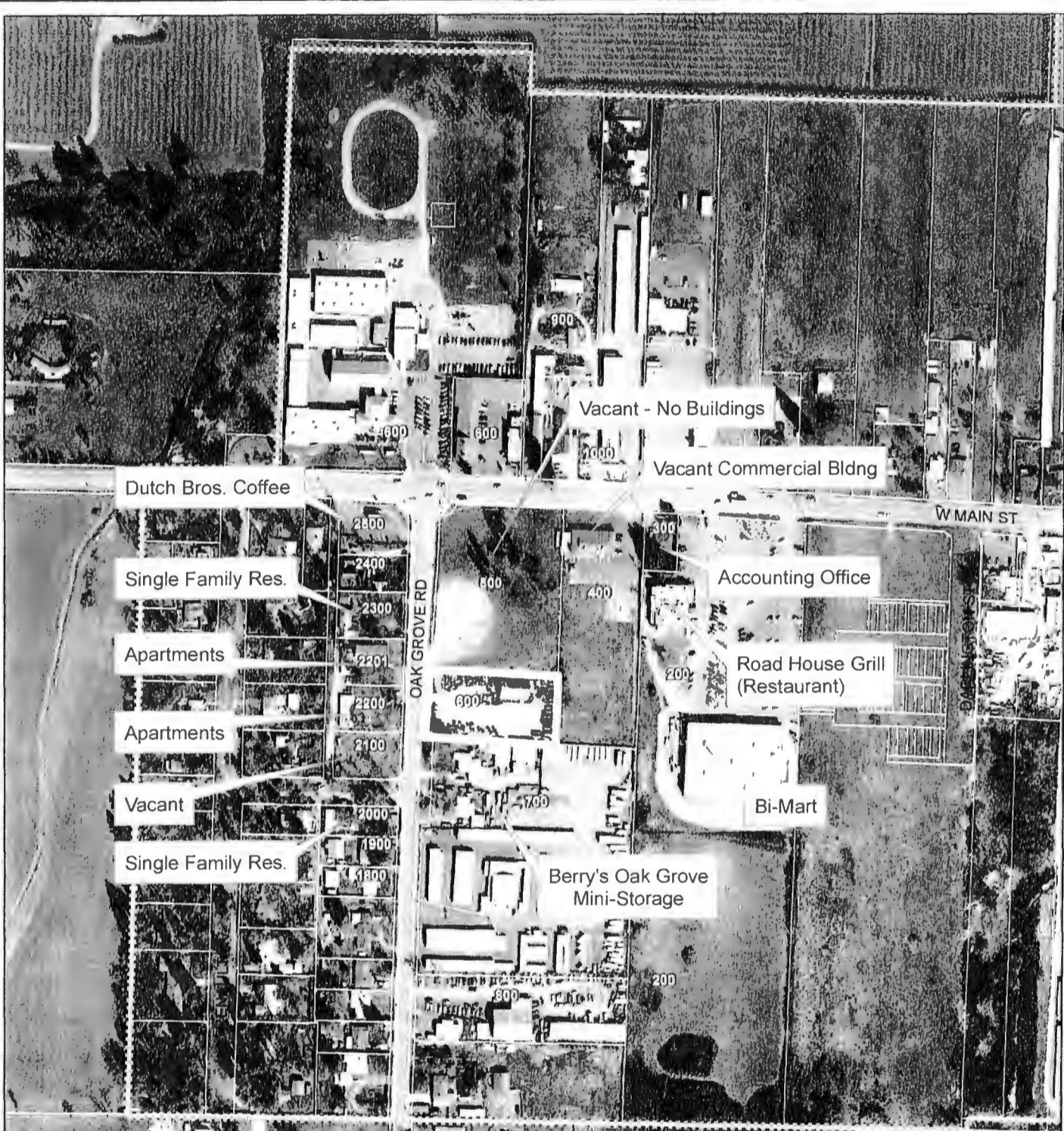
Medford General Land Use Plan (GLUP)
 CITY OF MEDFORD
37-2W-26CA-600
 EXHIBIT # 5
 File # 3C-12-032

W E
 S

200 0 200
 Feet
 1 inch equals 200 feet

CSA Planning, Ltd.
 April 2012 Source: Jackson County GIS Services, City of Medford

PK 50 2017



Legend

- Subject
- Tax Lots

Nearby & Surrounding Uses

37-2W-26CA-600
2007 Aerial

CITY OF MEDFORD

EXHIBIT # K

File # ZC-12-032



1 inch equals 300 feet



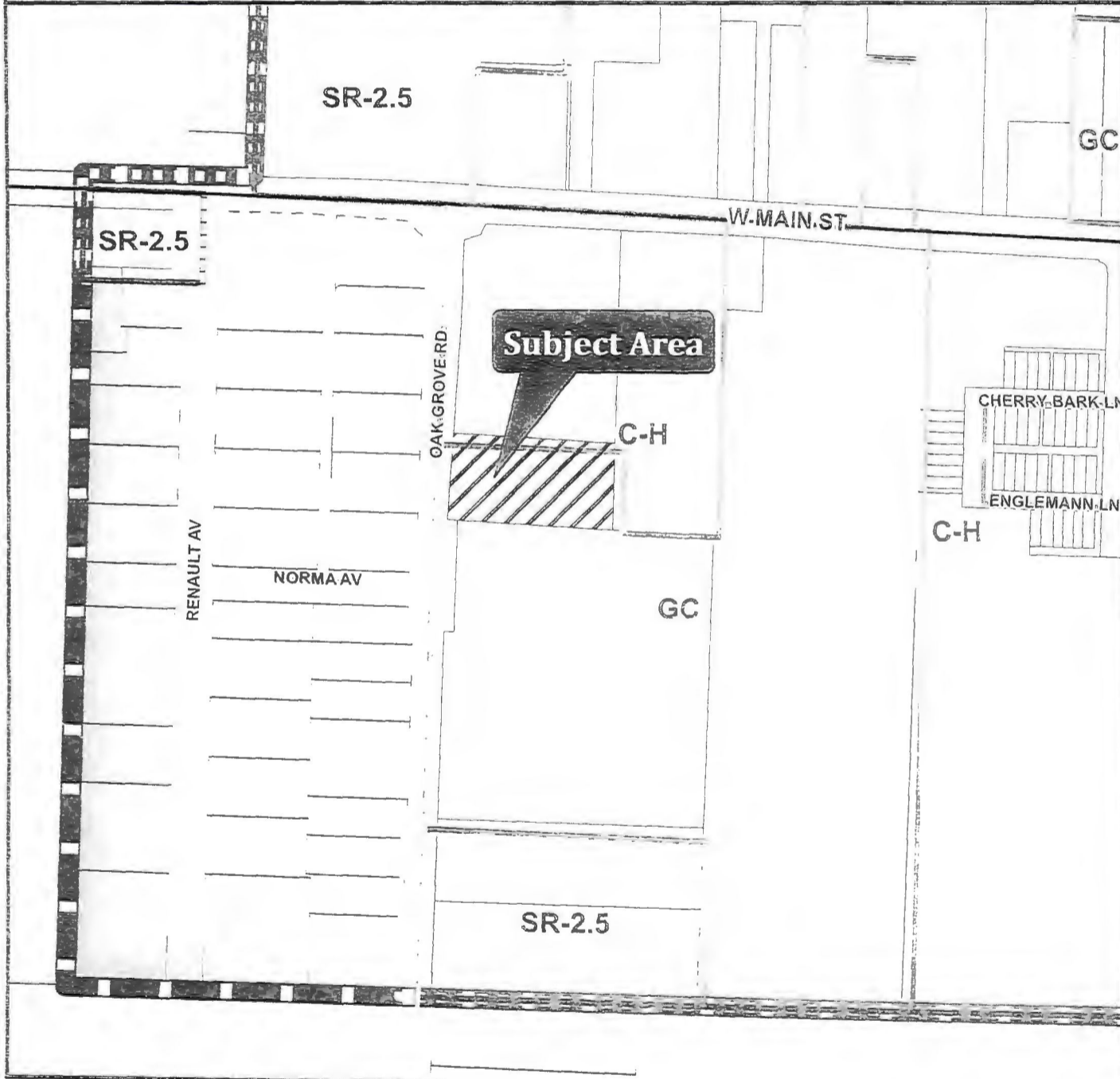
CSA Planning, Ltd.

April 2012 Source: Jackson County GIS Services, City of Medford

12

CITY OF MEDFORD -- PLANNING DEPARTMENT

Vicinity Map



Application Name:
Gambee Trust

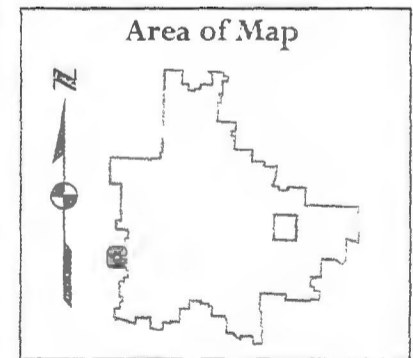
Proposal:
**Zone Change from
GC to C-H**

File no.
ZC-12-032

Applicant:
Gambee Trust

Map/Taxlot
372W26CA TL 600

	Medford Zoning
	Subject Area
	UGB
	Tax Lots
	City Limits



5/7/2012

LEGAL DESCRIPTION
37-2W-26CA, Tax Lot 600

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APR 30 2012
PLANNING DEPT

Beginning at the intersection of the West line of Donation Land Claim No. 76, Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon, with the South line of the Medford-Jacksonville Highway from which point a 30 inch W. O. bears North 1° 15' West, 71.5 feet and running thence along said South highway right of way line South 88° 05' East, 300.0 feet (corrected to South 88° 23' East, 297.81 feet); thence South 0° 06' West parallel with said Donation Land Claim line, 361.43 feet to the true point of beginning; thence continuing South 0° 06' West, along said line 146.27 feet; thence North 88° 05' West, 300.0 feet (corrected to North 88° 23' West, 297.81 feet), parallel with said highway to said Donation Land Claim line; thence North 0° 06' East, 146.27 feet; thence South 88° 23' East, 297.81 feet to the true point of beginning. EXCEPTING THEREFROM that portion conveyed by instrument recorded as Document No. 99-60614, Official Records of Jackson County, Oregon.

CITY OF MEDFORD
EXHIBIT #
File # 20-12032

le

**EXHIBIT A
ZONE CHANGE APPROVAL CRITERIA – COMMERCIAL ZONES
FROM SECTION 10.227 OF THE MEDFORD LAND DEVELOPMENT CODE**

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

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

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

(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 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 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.

(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 or more of the following criteria:

- (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;
 - (ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
 - (iii) At least 50% of the subject property's boundaries abut properties that contain one 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; or
 - (iv) Notwithstanding the definition of "abutting" in MLDC 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 60 feet in width.
- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the *Comprehensive Plan* "Public Facilities Element."
- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a

professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
 - (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

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

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MAY 31 2012

PLANNING DEPT

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF AN APPLICATION)
 TO CHANGE THE ZONING ON A)
 SINGLE PARCEL COMPRISING 0.93)
 ACRE FROM JACKSON COUNTY)
 GENERAL COMMERCIAL (GC) TO)
 HEAVY COMMERCIAL (C-H) WHICH)
 PROPERTY IS LOCATED NEAR THE)
 INTERSECTION OF JACKSONVILLE)
 HIGHWAY 238 AND OAK GROVE ROAD)
 WITHIN THE CORPORATE LIMITS OF)
 THE CITY OF MEDFORD)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Applicants' Exhibit 1

Owners/Applicant: Gambee Eugene)
 Blodgett Trust and the Gambee Shirley)
 Boitano Trust)
 Agent of Record: CSA Planning, Ltd.)

I

NATURE AND SCOPE OF APPLICATION; BACKGROUND

The Gambee Eugene Blodgett Trust and Gambee Shirley Boitano Trust ("Applicant") seeks approval of an application to rezone property located easterly off Oak Grove Road south of and near its intersection with Jacksonville Highway 238. The zone change will enable a boundary line adjustment between this subject property and adjacent property to the east.¹ The lot line adjustment will enable expansion of the outdoor storage use that now exists on the subject property and which was relocated to this site when the City of Medford's realignment of Coker Butte Road resulted in the partial taking of land from Rogue Disposal & Recycling, Inc. on which it used to store its outdoor equipment. The sought zone change involves a single parcel. The property is occupied by an existing building which, along with the land itself, is used for both indoor and outdoor storage. Upon annexation, the subject property was not rezoned and instead retains the county General Commercial (GC) zoning that was in place at the time the property was annexed to the City of Medford.

Request: Applicant requests that the subject property be rezoned from county General Commercial (GC) to city Heavy ~~Industrial~~ ^{Commercial} (C-H).

¹ Representatives of the Medford Planning Department have indicated to Applicant's representatives that a boundary line adjustment cannot be permissibly made across disparate zoning district boundaries and that the issue can be resolved by rezoning the subject property as here proposed.

** Corrected by Agent at public hearing of 5/22/12*



II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant has submitted the following evidence with its zone change application:

- Exhibit 1.** The proposed findings of fact and conclusions of law which demonstrate how this zone change complies with the applicable substantive criteria of the City of Medford and State of Oregon
- Exhibit 2.** City of Medford General Land Use Plan (GLUP)
- Exhibit 3.** Existing City of Medford Zoning Map
- Exhibit 4.** Existing Land Use Map
- Exhibit 5.** Completed zone change application forms with written authorization from the owner/applicant, including a Power of Attorney which authorizes CSA Planning, Ltd. to file this application in its name and to speak on its behalf during public hearings on this matter

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which a zone change application must be considered are in the Medford Land Development Code (MLDC) and the Oregon Transportation Planning Rule (OAR 660-012-0060). The approval criteria is recited verbatim below and again in Section V where the various criteria are followed by the conclusions of law advanced by Applicant and recommended for adoption by the Planning Commission.

City of Medford Approval Criteria

MLDC 10.227 ZONE CHANGE CRITERIA²

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), (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 While OAR 660-012-060 is quoted verbatim in its entirety, in Section V herein only Subsection 1 is addressed with conclusions of law because the Planning Commission has determined that subsections other than 2 through 8 deal with issues that arise when a zone change (or other covered land use application) produces significant affects upon existing or planned transportation facilities which this zone change does not



Findings of Fact and Conclusions of Law

Zone Change Application

Gambee Eugene Blodgett Trust and the Gambee Shirley Boitano Trust: Owner/Applicant

- c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:
- (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.
- (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 or more of the following criteria:
- (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;
 - (ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
 - (iii) At least 50% of the subject property's boundaries abut properties that contain one 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; or
 - (iv) Notwithstanding the definition of "abutting" in MLDC 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 60 feet in width.
- (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.



State of Oregon Approval Criteria

OREGON TRANSPORTATION PLANNING RULE **Oregon Administrative Rules Chapter 660, Division 12**

Section 660-012-0060 Plan and Land Use Regulation Amendments

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- (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).
- (6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in 0060(1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in (a)-(d) below;
- (a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10%



reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

- (b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in (a);
 - (c) Where a local government assumes or estimates lower vehicle trip generation as provided in (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in 0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and
 - (d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than presumed pursuant to (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.
- (8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:
- (a) Any one of the following:
 - (A) An existing central business district or downtown;
 - (B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;
 - (C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or
 - (D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.
 - (b) An area other than those listed in (a) which includes or is planned to include the following characteristics:
 - (A) A concentration of a variety of land uses in a well-defined area, including the following:
 - (i) Medium to high density residential development (12 or more units per acre);
 - (ii) Offices or office buildings;
 - (iii) Retail stores and services;
 - (iv) Restaurants; and
 - (v) Public open space or private open space which is available for public use, such as a park or plaza.
 - (B) Generally include civic or cultural uses;
 - (C) A core commercial area where multi-story buildings are permitted;
 - (D) Buildings and building entrances oriented to streets;
 - (E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;
 - (F) A network of streets and, where appropriate, access ways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;
 - (G) One or more transit stops (in urban areas with fixed route transit service); and
 - (H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.



IV

FINDINGS OF FACT

The Planning Commission reaches the following facts and finds them to be true with respect to this matter:

1. Description, Zoning, Acreage, Assessed Value, and Ownership of Subject Property:

The subject property is described in the records of the Jackson County Assessor as Tax Lot 600 on map 37-2W-26CA and comprises 0.93 acre. The property is presently covered by a Jackson County zoning district — General Commercial (GC) — and lies adjacent to other land to its north and east which is covered by the city's Commercial-Heavy (C-H) zoning district into which the subject property would be placed. The property is owned in fee simple together by the Gambee Eugene Blodgett Trust and the Gambee Shirley Boitano Trust.

2. Property Location: The subject property is situated easterly off Oak Grove Road near its intersection with of Jacksonville Highway. Various maps attached to this application illustrate the location of the property in relation to the surrounding lands and transportation network. The property is inside Medford's urban growth boundary (UGB) and has been annexed to Medford and now is within the city's corporate jurisdiction.

3. Existing Land Uses: The subject property is occupied by an existing building. The building and land is used for vehicle and equipment storage. Land uses which exist on abutting properties are illustrated on Exhibit 4.

4. Medford Comprehensive Plan Map: According to the City of Medford Comprehensive Plan the subject property is covered by a Commercial (CM) comprehensive plan (GLUP) map designation which comports with now sought Heavy Commercial (C-H) zoning district. As such, this zone change does not require amendment of the comprehensive plan map.

5. Public Facilities and Services: The subject property is served by the following public facilities and services:

A. Sanitary Sewer Collection: The subject property is under the authority of Rogue Valley Sewer Services (RVSS) and can be served by an 8-inch sanitary sewer line located on adjacent property to the east which Applicant intends to acquire following this zone change. There is also a sanitary sewer in Jacksonville Highway 238 that can be extended to serve the subject property. Applicant herewith testifies that representatives of RVSS advised Applicant's representative that the sewer lines that serve this property are adequate in condition and capacity.

B. Water Distribution: There are existing 36-inch and 12-inch ductile iron water mains in Oak Grove Road and a 12-inch ductile iron water main in Jacksonville Highway.



Service to the property would be provided by the 12-inch line as Medford Water Commission engineers seek to avoid tapping into larger transmission lines. Applicant herewith testifies that its representatives met with representatives of the Medford Public Works Department and advised Applicant's representative that the sewer lines that serve this property are adequate in condition and capacity.

C. Storm Drainage: There is an existing 24-inch concrete storm drain in Jacksonville Highway 238 that can be extended to serve the subject property either along Oak Grove Road or through property to the east of the subject property. Applicant herewith testifies that storm drain in Highway 238 is reported by representatives of the Medford Public Works Department to be adequate in condition and capacity.

D. Streets and Transportation: The subject property fronts upon and takes access from Oak Grove Road, a road that is owned and maintained by Jackson County. Oak Grove Road is designated by the Medford Comprehensive Plan (Transportation System Plan) as a major ~~collector~~arterial. The property (and existing C-H zone/area) is also indirectly served by Jacksonville Highway which is also a designated a major minor arterial. Oak Grove Road intersects with Jacksonville Highway approximately 350 feet north of the property. As this application involves changing an existing county GC zone to a city C-H zone, Applicant herewith testifies that a review of the permitted uses allowed in both the existing and proposed zones evidences that few if any potential permitted uses that are markedly different between the zones and, in fact, the county's GC zoning district permits a wider array of retail uses -- uses which produce the greatest potential traffic impacts. As the proposed zone change is to the city's Heavy Commercial (C-H) zone, the potential for traffic impacts will be reduced.

V

CONCLUSIONS OF LAW

The Planning Commission reaches the following conclusions of law with respect to the approval standards for zone change and conditional use permit:

ZONE CHANGE

MLDC 10.227 ZONE CHANGE CRITERIA

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 (*Inapplicable Subsections Omitted*):

Zone Change Criterion 1

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), (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:
 - (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.
- (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 or more of the following criteria:
 - (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows for only one zone;
 - (ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (1)(c) or (1)(d) above;
 - (iii) At least 50% of the subject property's boundaries abut properties that contain one 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; or
 - (iv) Notwithstanding the definition of "abutting" in MLDC 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 60 feet in width.

Discussion; Conclusions of Law: Subsection 1 of the applicable zone change criteria (Criterion 1) is threefold — consistency with the Oregon Transportation Planning Rule, consistency with the General Land Use Plan Map, and consistency with the locational standards in the MLDC (which guides where specific zoning districts may be applied). The Planning Commission addresses each of the three sub-criteria separately below:

1. **Oregon Transportation Planning Rule.** The Commission concludes that the Oregon Transportation Planning Rule is contained in Oregon Administrative Rules (OAR) Chapter 660, Division 012 and specifically in OAR 660-012-0060 and this section is recited verbatim in Section III hereinabove. The provisions of OAR 660-012-0060 which are relevant in this instance are contained in Subsection 1 which provides:

- (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.

Based upon the findings of fact, the Commission concludes that this application seeks to change the zone on a single parcel from county GC to city C-H. The county GC zone permits a wider variety of retail and other uses which produce greater traffic loading than do the more limited types of heavy commercial uses permitted in the city's C-H zone. As such, approval of this application will *not*:

- Significantly affect any existing or planned transportation facility because the zoning actions thus sought will not permit a wider nor more intensive range of uses than is presently permitted under the existing county GC zone;
 - Change the functional classification of any existing or planned transportation facility;
 - Change standards implementing a functional classification system; and
 - As measured at the end of the planning period identified in Medford's adopted transportation system plan, 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, reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standards in the TSP or comprehensive plan, nor 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. **General Land Use Plan (GLUP) Map.** The comprehensive plan (GLUP) map designation for the subject property is Commercial. By the expressed language in the comprehensive plan's General Land Use Plan Element, the Commercial (CM) GLUP map designation corresponds and comports with the C-H zoning district. As such, the Commission concludes that the proposed zone change is consistent with the GLUP map.

Locational Standards. The Exhibit 3 zoning map shows the area that comprises the C-H zone (into which the subject property would be placed). The property fronts upon Jacksonville Highway which is designated in the City of Medford Comprehensive Plan (Transportation System Plan) as an arterial street. As to abutting zoning, the Planning Commission concludes that pursuant to MLDC 10.227 (1)(e), that this zone change is concluded to be suitable because (as evidenced by Exhibit 2) more than 50 percent of the subject property's boundaries abut other lands to the east, south and north which are zoned commercial (both city and county commercial districts) in compliance with 10.227(1)(e)(ii).



Therefore and based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Zone Change Criterion 1 because the change complies with the Oregon Transportation Planning Rule (OAR Chapter 660, Division 012), is consistent with the General Land Use Plan (GLUP) Map, and it complies with the locational requirements in MLDC 10.227(1)(c)(iv) and 10.227(1)(e)(ii).

* * * * *

Zone Change Criterion 2

- (2) it shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."
- (a) Storm drainage, sanitary sewer and water facilities must already be adequate in condition, capacity and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
 - (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
 - (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:



- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Discussion; Conclusions of Law: The Planning Commission concludes that Goal 3 and Policy 1 of the Public Facilities Element were deleted from Medford Comprehensive Plan by action of the City Council and no longer applies as a matter of law. The zone change criteria for determining the adequacy of Category A public facilities, consistent with the Public Facilities Element, now reside solely in MLDC 10.227(2). The Planning Commission reaches the following conclusions of law with respect to each of the Category "A" public facilities:

Storm Drainage System: Based upon the findings of fact in Section IV, the Planning Commission concludes storm drainage facilities are available to serve the subject property and potential future development of the subject property will not produce an unplanned nor unexpected increase in stormwater flows pursuant to the *Comprehensive Medford Area Drainage Master Plan* (1996). Therefore, the Commission concludes that storm drainage facilities are already available and adequate in condition, capacity and location to serve the subject property under the proposed C-H zone.

Wastewater Collection and Treatment: Based upon the findings of fact in Section IV, the Planning Commission concludes that sanitary sewer facilities are sufficient to serve the existing and potential development consistent with the proposed C-H zoning district to accommodate projected peak flows for that specific gravity flow service area as determined by Rogue Valley Sewer Service (RVSS) which provides sanitary sewer service to this part of the community.

Water Facilities: Based upon the findings of fact in Section IV, the Planning Commission concludes that the water system is sufficient to provide the subject property with a permanent water supply having adequate water pressure and volume for projected fire control needs consistent with the GLUP designation as determined by representatives of the Medford Water Commission (which provides water service in Medford), and that these facilities are available to adequately serve the property under the proposed C-H zone

Streets and Transportation: The Commission concludes that the Findings of Fact in Section IV include all appropriate and relevant facts needed to properly consider this zone change with respect to traffic pursuant to Zone Change Criterion 2. The Commission also concludes that the City Traffic Engineer has waived the need for a Traffic Impact Analysis (TIA) because the existing and proposed zones are similar and the sought zone (C-H) permits a range of uses that will produce less potential traffic than the uses permitted in the existing county GC county zone.



On this evidence, the Commission concludes 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 C-H zoning. To the extent there is future development proposed for this property, it will be required to undergo Site Plan and Architectural Review prior to the issuance of development permits and through this process the city is assured that the subject property will, at the time of further development, have a full range of Category A facilities available to it. Therefore, the Planning Commission concludes that this application is consistent with Zone Change Criterion 2.

VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission ultimately concludes that the case for a zone change contemplated in this application is consistent with all of the relevant approval criteria in MLDC 10.227 because: 1) the proposed change is consistent with relevant goals and policies of the comprehensive plan, 2) that proposed change is consistent with the comprehensive plan (GLUP) map, 3) that Category "A" urban services and facilities are available to adequately serve the property, and 4) the zone change has been found to be compliant with the Oregon Transportation Planning Rule (OAR 660-12-060).

Respectfully submitted on behalf of Applicant:

CSA Planning, Ltd.



Craig A. Stone
Principal

Dated: April 26, 2012



Report Date: May 30, 2012
ZC-12-032

PUBLIC WORKS DEPARTMENT STAFF REPORT

for a Proposed Zone Change from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel of approximately 0.93 acres located at 114 Oak Grove Road, approximately 331 feet south of West Main Street.

Eugene Blodgett Gambie Trust and Shirley Boitano Gambie Trust, Applicants

I. Sanitary Sewer Facilities

This site lies within the Rogue Valley Sewer Service area. Contact Rogue Valley Sewer Service for sanitary sewer accessibility and capacity adequacy.

II. Storm Drainage Facilities

This site lies within the Elk Creek Drainage Basin. Future development of this site will require storm drainage detention and water quality improvements in accordance with Sections 10.486 and 10.729 of the Municipal Code.

III. Streets, Street Capacity, and Access

No traffic impact analysis will be required for this zone change, since the proposed zone change is anticipated to generate no additional vehicle trips per day at full build-out of the site.

No conditions pertaining to streets, street capacity, or access are requested by Public Works at this time.

Oak Grove Road is classified as a major collector street in the City of Medford's Transportation System Plan. At the time of future site development, Public Works will condition the developer to dedicate additional right-of-way on Oak Grove Road such that the total width from centerline to the right-of-way line is a minimum of 37 feet required for major collector classification in accordance with Section 10.428 of the Municipal Code.

Also at the time of future site development, Public Works will condition that access to this site be limited to one point on Oak Grove Road, and located as far as possible from the West Main Street intersection. Since Oak Grove Road is a higher order street, SDC credits will be available for right-of-way dedication and street improvements.

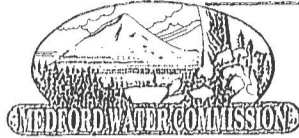
Prepared by: E. Lighthill (5/18/12)

Approved by: L. Beskow (5/22/12)

RECEIVED

MAY 29 2012

PLANNING DE



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: ZC-12-032
PARCEL ID: 372W26CA TL 600
PROJECT: Consideration of a request to change the zoning designation from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximately .93 acres, located at 114 Oak Grove Road, approximately 331 feet south of the intersection of West Main Street and Oak Grove Road; Eugene Blodgett Gambee Trust and Shirley Boitano Gambee Trust, Applicants (CSA Planning Ltd., Agent). Kathy Helmer, Planner
DATE: May 25, 2012

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does exist to this property. There is a existing 1-inch water meter located along Oak Grove Road frontage.
7. Access to MWC water lines for connection is available. A 6" water line is located in Oak Grove Road.

26



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

30 LVE

JUL 29 2012

PLANNING DE

LAND DEVELOPMENT REPORT - PLANNING

To: Kathy Helmer

LD Meeting Date: 05/30/2012

From: Kleinberg, Greg

Report Prepared: 05/29/2012

File #: ZC - 12 - 32

Site Name/Description:

Consideration of a request to change the zoning designation from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximately .93 acres, located at 114 Oak Grove Road, approximately 331 feet south of the intersection of West Main Street and Oak Grove Road; Eugene Blodgett Gambee Trust and Shirley Boitano Gambee Trust, Applicants (CSA Planning Ltd., Agent). Kathy Helmer, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> 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 prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

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 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 - www.RVSS.us

RECEIVED

MAY 23 2012

PLANNING DEPT

May 21, 2012

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

Re: ZC-12-032, Blodgett Gambee Trust, LLC (372W26CA – 600)

ATTN: Kathy,

The subject property is served by an existing 4 inch sewer lateral which flows into an 18 inch sewer main located within Oak Grove Road. Adequate mainline capacity exists for the proposed zone change. The existing service line may need to be up sized depending on the exact type of development after the zone change.

Rogue Valley Sewer Services request the follow conditions be met prior to the issuance of a building permit:

- Applicant contact RVSS to discuss proposed use for subject property. System Development Charges may be due to RVSS depending on the change of use.
- Applicant submits to RVSS a plumbing plan showing any changes to the current plumbing fixtures.

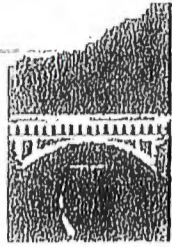
Feel free to contact me directly with any additional questions.

Sincerely,

Wade Denny, PE
District Engineer

CITY OF MEDFORD
EXHIBIT # 5
File # ZC-12-032

K:\DATA\AGENCIES\MEDFORD\PLANNING\ZONE CHANGE\2012\ZC-12-032 BLODGETT.DOC



JACKSON COUNTY Roads

Roads
Engineering

Russ Logue
Construction Manager

200 Antelope Road
White City, OR 97603
Phone: (541) 774-6256
Fax: (541) 774-6205
loguara@jacksoncounty.org
www.jacksoncounty.org

May 15, 2012

RECEIVED

MAY 22 2012

PLANNING DEPT.

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

RE: Zone change of Oak Grove Road – a county maintained road.
Planning File: ZC-12-032.

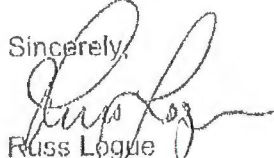
Dear Kathy:

Thank you for the opportunity to comment on the request to change the zoning designation from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximately 0.93 acres, located at 114 Oak Grove Road, approximately 331 feet south of the intersection of West Main Street and Oak Grove Road. Jackson County Roads has the following comments:

1. Any new or improved road approaches off Oak Grove Road shall be permitted and inspected by the City of Medford.
2. The applicant shall submit construction drawings to Jackson County Roads and obtain county permits if required.
3. Oak Grove Road is a County Minor Collector road and is county-maintained. The Average Daily Traffic Count one-hundred and fifty feet south of West Main Street was 3,106 on September 2004.

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

Sincerely,


Russ Logue
Construction Manager

21



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportatio

District 8 - Headquarters
100 Antelope Rd.
White City, OR 97503
Phone: (541) 774-6299
Fax: (541) 774-6349

RECEIVED

MAY 22 2012

PLANNING DE.

May 18, 2012

City of Medford, OR
Attn: Kathy Helmer
200 South Ivy Street
Medford, OR 97501

Re: Gambee Trust Zone Change from GC to C-H (ZC-12-032).

Dear Ms. Helmer,

Thank you for the opportunity to comment on the consideration of a request to change the zoning designatio from GC (County General Commercial) to C-H (City Heavy Commercial) on one parcel totaling approximatel .93 acres located at 114 Oak Grove Road, approximately 331 feet south of the intersection of West Main Str and Oak Grove Road.

ODOT has reviewed this land use request and determined this proposal will not adversely impact the state's transportation facility; therefore, the proposed land use action does not trigger ODOT's review under the Transportation Planning Rule (OAR 660-012-0060), nor the Access Management Rule under (OAR 734-05' 0045). We have no further comments on this action.

Please enter this record into the public record for the proposed project and send me a copy of the City's final decision. Please feel free to contact me at (541) 774-6399 if you have additional comments or concerns.

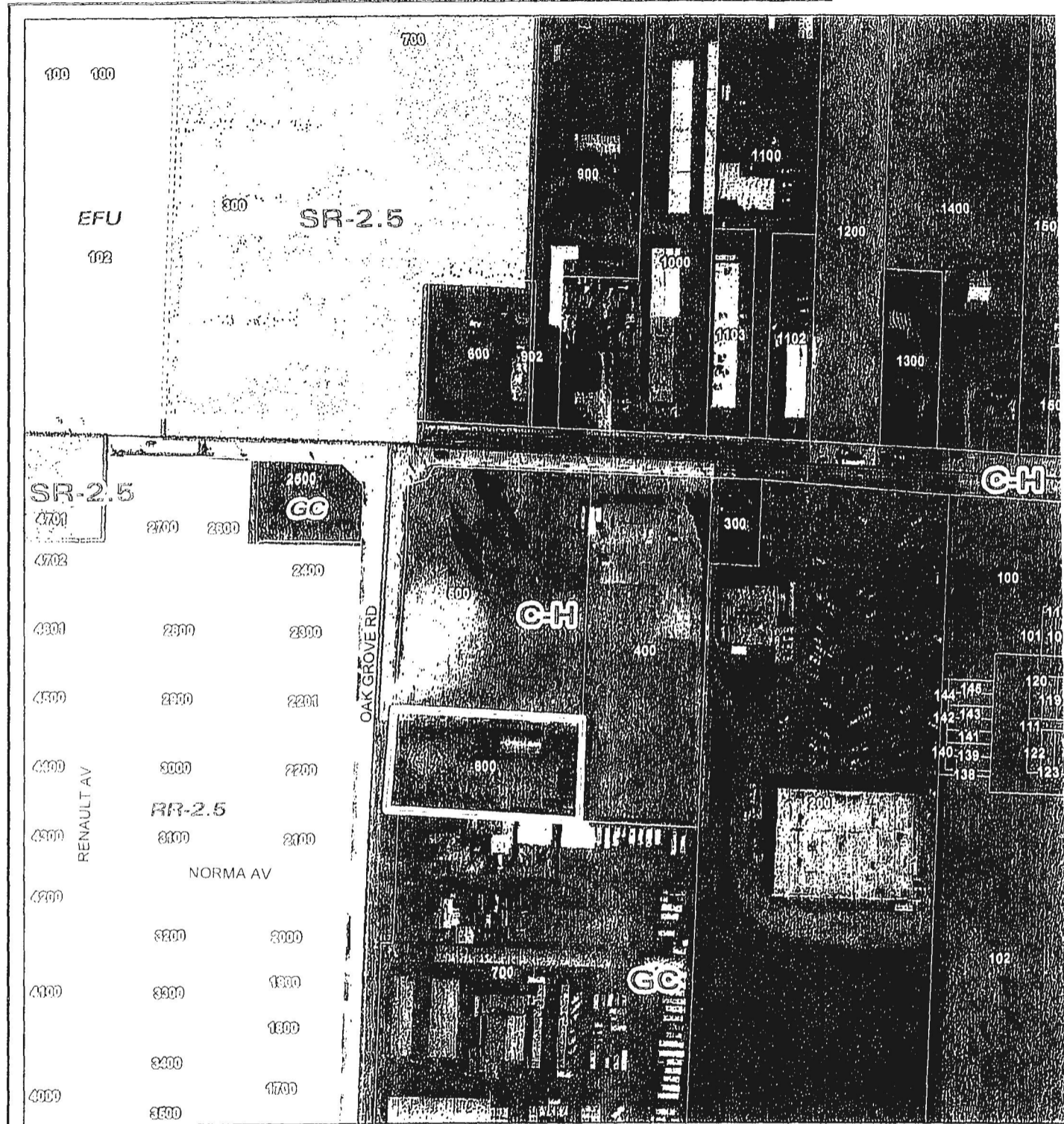
Respectfully,

Ian K. Horlacher
Development Review Planner

Cc: RVDRT

CITY OF MEDFORD
EXHIBIT # H
File # ZC-12-032

APR 5 2012



Subject	UGB
Medford Zoning	County Zoning
Medford - C-H	County GC
Medford - SR-2.5	County RR-2.5
County - GC	EFU

Zoning Map

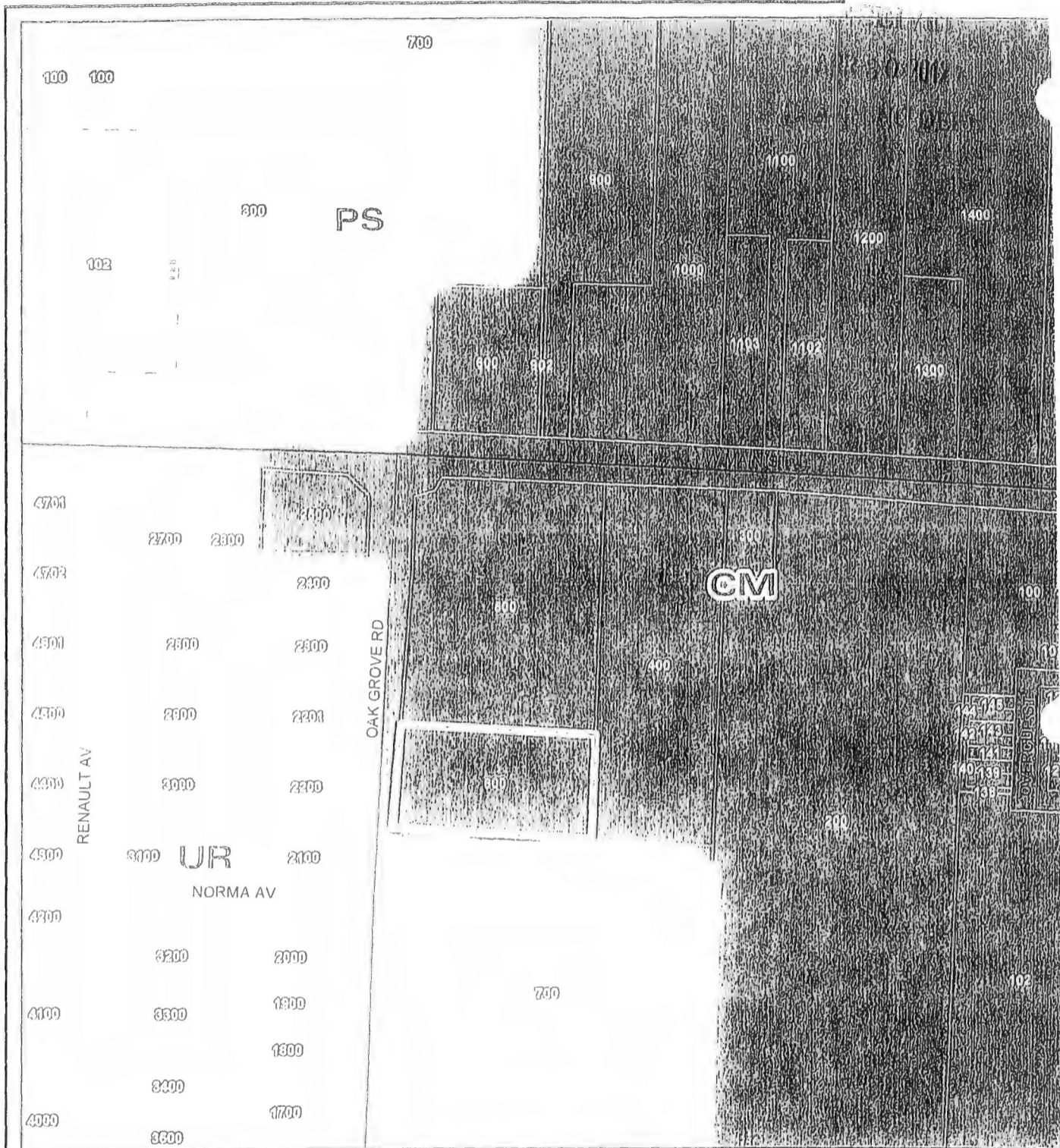
CITY OF MEDFORD
 EXHIBIT # 2
 File # 2C-12-032

37-2W-26CA-600
 2007 Aerial

CSA Planning, Ltd.


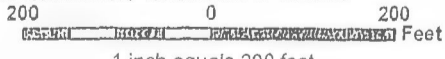
200 0 200 Feet
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April 2012 Source: Jackson County GIS Services, City of Medford



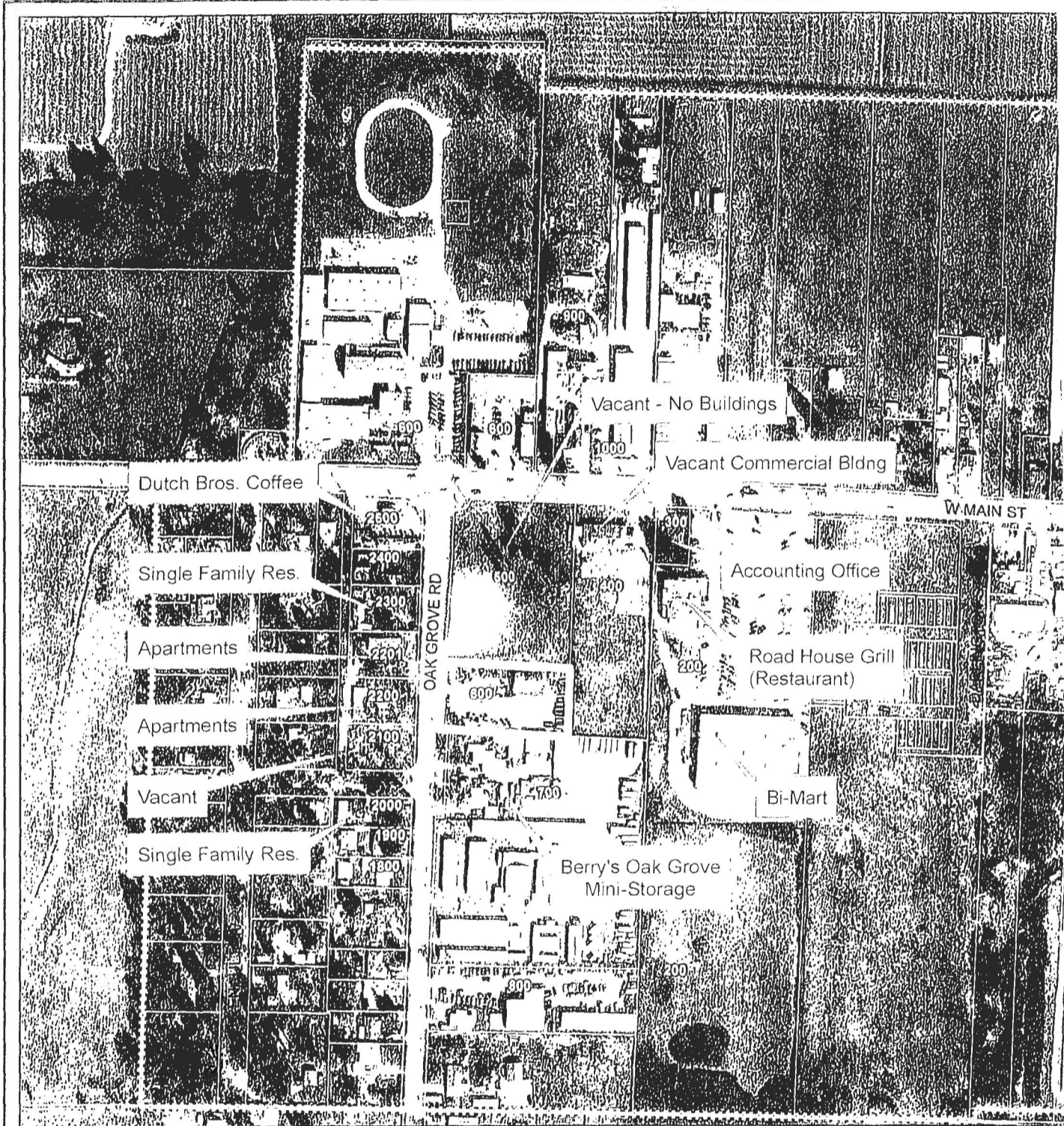
- - Subject
 # - UGB
General Land Use Plan (GLUP)
 [Hatched Pattern] CM - Commercial
 PS - Parks & Schools
 UR - Urban Residential

Medford General Land Use Plan (GLUP)
 37-2W-26CA-600
 CITY OF MEDFORD
 EXHIBIT # 5
 File # ZC-12-032



 1 inch equals 200 feet


 CSA Planning, Ltd.
 April 2012 Source: Jackson County GIS Services, City of Medford

PA 30 012



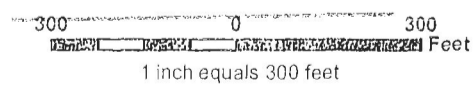
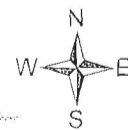
Legend

- Subject
- Tax Lots

Nearby & Surrounding Uses

37-2W-26CA-600
2007 Aerial

CITY OF MEDFORD
EXHIBIT # R
File # ZC-12-032



CSA Planning, Ltd.

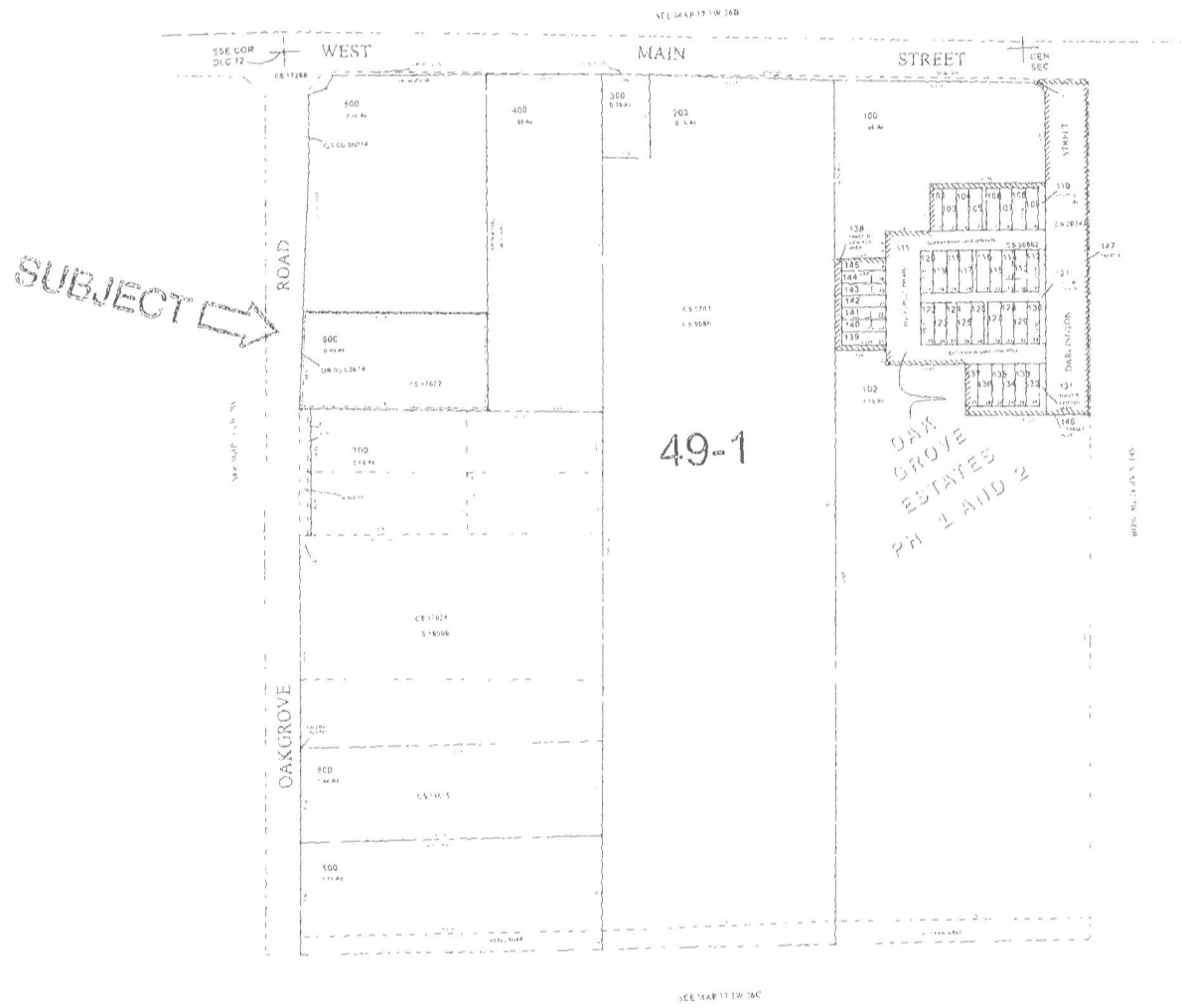
April 2012 Source: Jackson County GIS Services, City of Medford

APR 30 2012
PLANNING

FOR ASSESSMENT AND
TAXATION ONLY

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

37
N



GIS DATA
02/07/2011 9:04:42 AM jpm/whh

37 2V
MEI
NEW MAP
REV. 11/01

CITY OF MELFOLD
EXHIBIT # 1
File # ZC-12-032

Application Name:
Gambee Trust

Proposal:
Zone Change from
GC to C-H

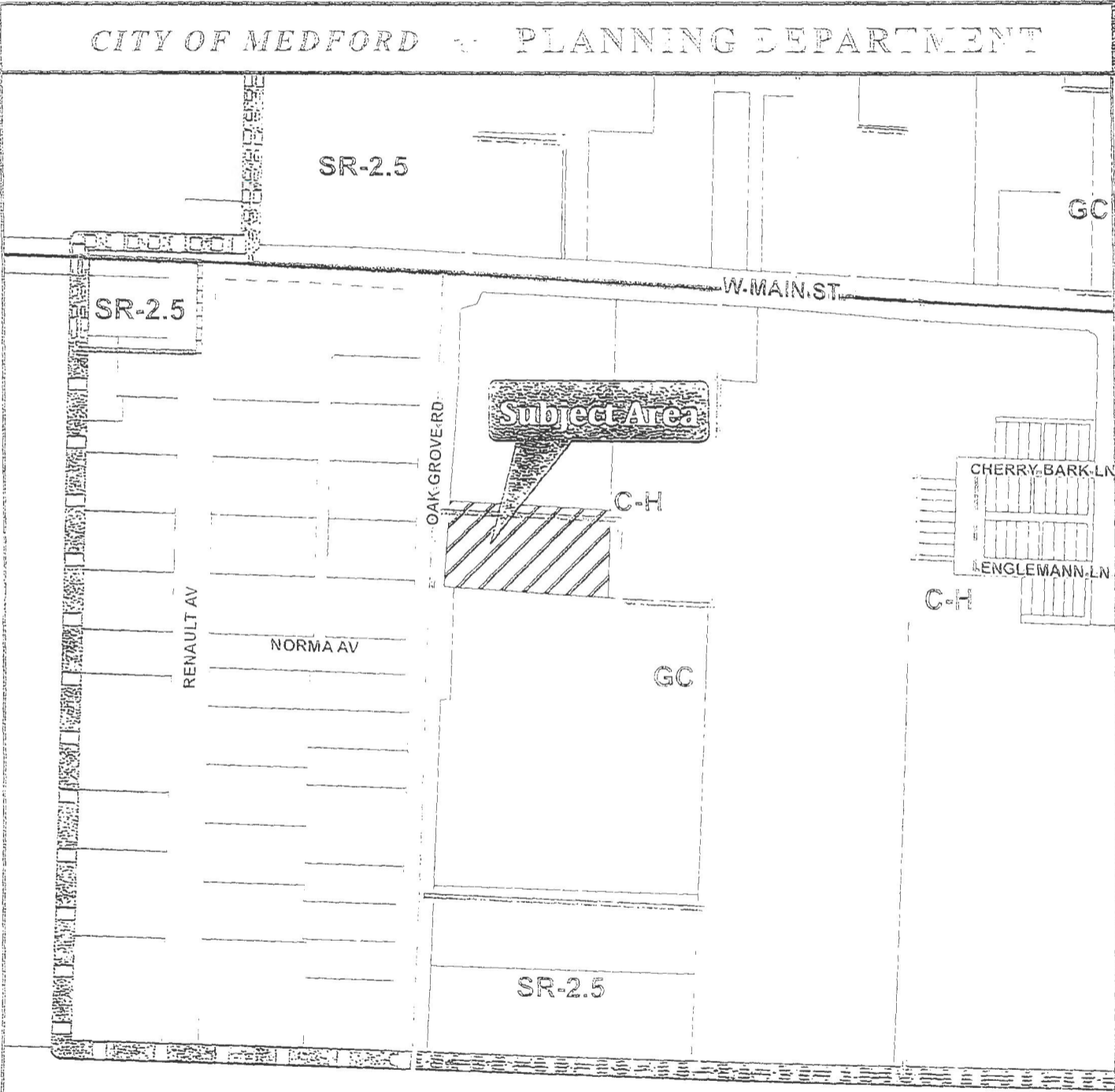
File no.
ZC-12-032

Applicant:
Gambee Trust

Map/Taxlot
372W26CA TL 600

	Medford Zoning
	Subject Area
	UGB
	Tax Lots
	City Limits

Area of Map



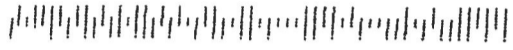
LEGAL DESCRIPTION
37-2W-26CA, Tax Lot 600

RECEIVED
APR 30 2012
PLANNING DEP

Beginning at the intersection of the West line of Donation Land Claim No. 76, Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon, with the South line of the Medford-Jacksonville Highway from which point a 30 inch W. O. bears North 1° 15' West, 71.5 feet and running thence along said South highway right of way line South 88° 05' East, 300.0 feet (corrected to South 88° 23' East, 297.81 feet); thence South 0° 06' West parallel with said Donation Land Claim line, 361.43 feet to the true point of beginning; thence continuing South 0° 06' West, along said line 146.27 feet; thence North 88° 05' West, 300.0 feet (corrected to North 88° 23' West, 297.81 feet), parallel with said highway to said Donation Land Claim line; thence North 0° 06' East, 146.27 feet; thence South 88° 23' East, 297.81 feet to the true point of beginning. EXCEPTING THEREFROM that portion conveyed by instrument recorded as Document No. 99-60614, Official Records of Jackson County, Oregon.

CITY OF MEDFORD
EXHIBIT # _____
File # 20-12-032

CERTIFIED MAIL™



PIVY STREET
), OR 97501



7007 0710 0001 0567 1787



Hasler

\$08.20

07/18/2012

Mailed From 97501
US POSTAGE

DEPT OF

JUL 20 2012

LAND CONSERVATION
AND DEVELOPMENT

ATTN: PLAN AMENDMENT SPECIALIST
DEPT. OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OR 97301-2540

RETURN TO SENDER
REQUIRED

