



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 10/10/2014
Jurisdiction: City of Medford
Local file no.: ZC-14-065
DLCD file no.: 008-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/06/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 44 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 008-14 {22387}
Received: 10/6/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation no more than 20 days after the adoption. (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review. Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Medford

Local file no.: ZC-14-065

Date of adoption: 9/25/14

Date sent: 9/26/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 7/29/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Sarah Sousa, Planner IV

Phone: 541.774.2380

E-mail: sarah.sousa@cityofmedford.org

Street address: 200 S. Ivy Street

City: Medford

Zip: 97501-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|------------------------|----|--------|--|
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from
change. | to | acres. | A goal exception was required for this |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from SFR-00 to SFR-4 Acres: 0.44

Change from to Acres:

Change from to Acres:

Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address): 371W32C TL 3800 / 336 Charlotte Ann Rd - Medford

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE)
ZC-14-065 APPLICATION FOR A ZONE CHANGE SUBMITTED) **ORDER**
BY DANIEL GAN)

ORDER granting approval of a request for changing the zoning from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-4 (Single-Family Residential, 4 dwelling units per gross acre) on one parcel located at 336 Charlotte Ann Road, consisting of approximately 0.44 acres on the south side of Charlotte Ann Road, approximately 860 feet east of South Pacific Highway.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-4 (Single-Family Residential, 4 dwelling units per gross acre) on one parcel located at 336 Charlotte Ann Road, consisting of approximately 0.44 acres on the south side of Charlotte Ann Road, approximately 860 feet east of South Pacific Highway; 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 Report dated September 11, 2014, 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:

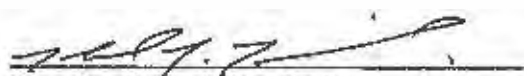
The zoning of the following described area within the City of Medford, Oregon:

37 1W 32CTax Lot 3800

is hereby changed from SFR-00 (Single-Family Residential, one dwelling unit per existing lot) to SFR-4 (Single-Family Residential, 4 dwelling units per gross acre) on one parcel located at 336 Charlotte Ann Road, consisting of approximately 0.44 acres on the south side of Charlotte Ann Road, approximately 860 feet east of South Pacific Highway.

Accepted and approved this 25th day of September, 2014.

CITY OF MEDFORD PLANNING COMMISSION


Planning Commission Chair

ATTEST:


Planning Department Representative

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SEP 09 2014

PLANNING DEPT.

FINDINGS OF FACT

IN THE MATTER OF AN APPLICATION FOR A ZONE CHANGE OF PROPERTY DESCRIBED ON THE JACKSON COUNTY ASSESSORS MAP AS T37-R1W-32C Tax Lot 3800 and located on the south side of Charlotte Ann Road, approximately 800 east of South Highway 99.

APPLICANT: Daniel Gan
163 Country Hill Drive
Phoenix, Oregon 97535

AGENT: Stephen M. Terry
POB 8083
Medford, Oregon 97504

1. BACKGROUND INFORMATION

Acreage: 0.43 acres

Current Zoning: City of Medford zoning SFR-00 (Single-Family Residential – 1 Unit per existing Lot)

Proposed Zoning: City of Medford zoning SFR-4 (Single Family Residential – 4 Units per Acre)

Present Use: The subject property is developed with a single family residence and an accessory dwelling unit.

Proposed Use: The applicant is seeking this zone change to allow a land division consistent with the zoning and density requirements and permitted uses in the SFR-4 (Single-Family Residential – 4 Units per Acre) zoning district consistent with the requirements of City of Medford Land Development Code.

Comprehensive Plan Designation: Urban Residential (UR)

Access: Access to the subject property is currently from Charlotte Ann Road.

The owner of the property is Daniel Gan.

Scope and Purpose of the Application:

This application will demonstrate compliance with the relevant zone change criteria for a zone change from City of Medford zoning district SFR-00 to City of Medford zoning district SFR-4 consistent with the requirements of City of Medford Land Development

Code Section 10.227. The property is currently developed with a single family residence and an accessory dwelling unit. The applicant is seeking a zone change to SFR-4 to partition the property to allow additional development of a single family residence.

Development Background:

The subject property is developed with a single family residence and an accessory dwelling unit. The subject property abuts SFR-00 developed with residential uses and a previously developed golf course located to the south that is currently zoned SFR-00 and has a General Land Use (GLUP) designation of Commercial (CM).. Several parcels in the immediate area are developed with residential uses. Properties in the immediate area were developed in the county prior to annexation. At the time of annexation, the SFR-00 zoning was applied with no requirement regarding public facilities.

Public Facilities:

The property has access to the full spectrum of public facilities. These findings detail the availability of Category "A" public facilities and compliance with the Oregon Transportation Planning Rule.

II. RELEVANT APPROVAL CRITERIA:

Medford Land Development Code (MLDC) Section 10.227 requires that a request for zone change must demonstrate that the request conforms to the following criteria prior to approval by the Planning Commission.

The Criteria for approval are:

1. The ~~proposed zone~~ is consistent with the Oregon Transportation Rule (OAR 660) and the General Land Use Plan Map Designation. Where applicable, the proposed zone shall also be consistent with the additional locational standards. Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria.
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. The minimum standards for Category "A" services and facilities are contained in the MLDC and Goal 3, Policy I of the Comprehensive Plan "Public Facilities Element."

The Criteria for approval are:

1. The proposed zone is consistent with the Oregon Transportation Rule (OAR 660) and the General Land Use Plan Map Designation. Where applicable, the proposed zone shall also be consistent with the additional locational standards. Where a

special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria.

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. The minimum standards for Category "A" services and facilities are contained in the MLDC and Goal 3, Policy I of the Comprehensive Plan "Public Facilities Element."

Finding - Oregon Transportation Rule

The proposed zone must be consistent with the Oregon Transportation Rule (OAR 660 Division 12). OAR 660 is designed to assure local agencies comply with State goals and regulations regarding transportation issues and provides an explanation to local agencies to demonstrate compliance with a Transportation System Plan (TSP).

"Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning jurisdiction in compliance with this division: Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP"

The City of Medford has approved a TSP consistent with the requirements of the State of Oregon. The TSP requires all modes of transportation be considered including rapid transit, air, water, rail, highway, bicycle and pedestrian.

A review of the subject property determines water and rail transportation are not available to this property. The parcel has frontage and access on Charlotte Ann and is designated by the City of Medford as residential street.

Rogue Valley Transportation District does not provide transportation direct access to the subject site. There is current Rogue Valley Transportation District service on South Pacific Highway. It should be noted that due to continuous changing in routing by the transportation district, stops may be added or discontinued depending on district planning.

Interstate 5 is approximately 0.5 miles to the east of subject property. Rogue Valley International Airport is approximately 5 miles to the north.

General Land Use Plan Map Designation

"The proposed zone is consistent with the Oregon Transportation Rule (OAR 660) and the General Land Use Plan Map Designation.

The General Land Use Plan Map (GLUP) designation for the subject property is Urban Residential (UR). The General Land Use Plan contained in The Medford Comprehensive Plan specifies the requested SFR-4 district as an appropriate zoning designation within the Urban Residential (UR) designation.

This application is requesting the SFR-4 for the subject parcel. This request can be found to be appropriate and consistent with the GLUP designation.

Locational Standards

There are no locational standards that apply to the SFR-4 zoning designation in Section (1) of the Land Development Code. The SFR-4 zoning district could be considered as the base line residential zoning district.

Where applicable, the proposed zone shall also be consistent with the City of Medford Land Development Code Section 10.227 (2):

Conclusion Transportation Planning Rule

The Planning Commission can find the property is currently served with adequate transportation facilities as required by Oregon Transportation Rule (OAR 660 Division 12). As required in the TPR, the Planning Commission can find the change to the transportation plan is not substantial as a result of approval of the requested zone change.

Conclusion General Land Use Plan Map Conformance

Approval of the proposed zone change will not create a negative impact that was not anticipated by the Urban Residential designation indicated on the GLUP map.

As described in the Medford Land Development Code, the requested SFR-4 zoning district is an appropriate zoning district for the Urban Residential (UR) GLUP designation.

The requested zone change is consistent with the approval criteria for Section 10.227 (2) of the City of Medford Land Development Code. A Traffic Impact Analysis is not a required part of the zone change application as acreage and the traffic generation for the SFR-4 zoning district and will fall below the 250 ADT threshold.

Relevant Approval Criteria -Category "A" Urban Services

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) 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
- (iv) 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.
- (c) 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.

Findings- Category "A" Urban Services

STORM DRAINAGE:

The property is within the Bear Creek Drainage Basin. Future development of the subject site shall be designed to accommodate 0.25 c.f.s. per acre. At the time of additional development, the applicant shall demonstrate that the following conditions can be met:

- A. Downstream facilities shall be improved to carry the additional flows resulting from the development under the new zoning district; or
- B. An engineer licensed in the State of Oregon shall perform a study, including modeling and/or calculations subject to the approval of the City of Medford Engineering Division, to demonstrate that the downstream facilities are adequate to accommodate the additional flows from the development; or
- C. An engineer licensed in the State of Oregon shall prepare a report, which includes testing, plans and calculations necessary to demonstrate post-construction runoff would be limited to the current or predeveloped runoff rate. The report shall be submitted to the City of Medford Engineering Division for review and approval.

Future development conditions for the subject parcel will include a drainage plan to comply with all City of Medford Drainage Master Plan, Medford Building Division, and Ground Water Drainage requirements, ordinances, and codes.

Finding:

Access to Bear Creek in conjunction with the current storm sewer drainage requirements of the property for the City of Medford will meet the requirements for storm drainage. At the time of future development, conditions will be required in compliance with all applicable City of Medford Drainage Master Plan and Building Division Codes, and Storm and Ground Water Drainage requirements of Chapter 11 of the Uniform Plumbing Code.

Conclusion:

The existing storm drainage system meets or can be designed to meet the requirements of the City of Medford. New development will be required to comply with the requirements of the Code and as stipulated by the City of Medford Engineering Division.

SANITARY SEWER SERVICE:

The subject parcel is served by Rogue Valley Sewer Services via an existing 12-inch sanitary sewer line located in Charlotte Ann Road at the property frontage. Future development of the subject parcel will require connection to this facility.

The City of Medford Regional Waste Water Treatment Plant provides sewage treatment. The plant presently serves approximately 115,000 persons. The treatment capacity of the plant is 190,800 persons at 20 million gallons per day.

Finding:

The property can be served by an existing 12 inch sanitary sewer line located in Charlotte Ann Road with adequate capacity supplied by Rogue Valley Sewer Services. Sanitary sewage collection and treatment is adequate for the purpose of the proposed zone change.

Conclusion:

The information above demonstrates that existing sanitary sewage collection and treatment services and capacities via an 12-inch sewer line is available for the proposed zone change at the time of development.

WATER SERVICE:

The subject property can be served by the Medford Water Commission by an existing 6-inch water line located in the Charlotte Ann Road right-of-way. According to the Medford Water Commission, future development of the subject parcel will be able to connect to this water line.

Water supply from the Medford Water Commission is adequate to meet the needs of the region. This is based on a service population of 100,000 persons with a present maximum daily consumption of 50 million gallons daily (summer months) and 20 million gallons daily (winter months). The present system has a capacity of 56.4 million gallons of treated gallons per day and 91 million untreated gallons per day. Water is provided from Big Butte Springs. The Rogue Treatment Plant provides water for the summer month's consumption.

Finding:

The information above demonstrates that there an adequate supply water via a 6-inch water line in Charlotte Ann Road and requisite facilities to serve the subject property is available from Medford Water Commission facilities at the time of development.

Conclusion:

There is adequate water capacity via a 6-inch water line located in Charlotte Ann Road from the Medford Water Commission facilities is available at the time of development.

STREETS:

The property currently takes access from Charlotte Ann Road. According to the City of Medford Traffic Department, Charlotte Ann Road is not classified as either a major or minor residential street. The property abuts a 60-foot wide right-of-way. Examining the number of dwelling units that could be established under the SFR-4 zoning district that street would likely be classified as a minor residential street which requires a 55-foot wide right-of way, Should a major residential street be required at the time of land division, an additional 1.5 foot wide dedication would be required.. There are no current traffic counts for Charlotte Ann Road.. According to the Engineering Division the SFR-4 zoning designation generate 9.57 ADT per unit. The net increase will be approximately 9.57 ADT. Because the net increase in the potential for vehicle trips a Traffic Impact Analysis is not required for the zone change from the SFR-00 to SFR-4.. A form provided as part of the requirements for application for a zone change with the required signature by a representative of the City of Medford, is provided as part of this application indicating that a traffic study is not required.

Finding:

According to the City of Medford Engineering Department, the street system has adequate street capacity for the zone change and future development of the subject property as uses as allowed within the SFR-4 zoning designation.

Conclusion:

Adequate street capacity exists to accommodate future development of the subject property consistent with the requirements of the City of Medford Land Development Code Section 10.227.

Traffic Impact Analysis

The land uses allowed within the SFR-4 zone designation generates approximately 9.57 ADT per unit. Typically, a traffic impact analysis is required for the addition of more than 250 average daily trips per day to the street system. There will be a net increase of approximately 9.57 ADT and therefore, a traffic study is not required.

Finding:

The Planning Commission can find that the applicant has demonstrated that Category "A" urban services and facilities are currently available, or will be available at the time of

development, to adequately serve the subject parcel property with the permitted uses allowed under the proposed SFR-4 zoning designation.

Conclusion:

Based on the information above, it can be found that the water, storm sewer and sanitary sewer facilities, and streets are currently available at the property at the time of development.

Summary and Conclusion

The Planning Commission can find the property is currently served with adequate transportation facilities as required by Oregon Transportation Rule (OAR 660 Division 12). Approval of the proposed zone change will not create an impact that was not anticipated by the General Industrial designation indicated on the GLUP map.

As required in the TPR, the Planning Commission can find no substantial impact to the transportation plan as a result of approval of the requested zone change.

The requested zone change is consistent with the locational approval criteria City of Medford Land Development Code Section 10.227 (2)

As described in the Medford Land Development Code, the requested SFR-4 (Single Family Residential 4 units per acre) zoning district is an appropriate zoning district for the Urban Residential GLUP designation. The subject parcel is within the UR Urban residential land use designation.

The Planning Commission can also find the applicant has demonstrated that Category "A" urban services and facilities are currently available, or can be made available at the time of development, to adequately serve the subject property with the permitted uses allowed under the proposed SFR-4 zoning district. There will be net increase of 9.57 (10) ADT which does not require a traffic impact analysis.

I respectfully request the approval of this request for a zone change of the subject parcel to the City of Medford SFR-4 (Single-Family Residential – 4 units per acre) zoning district as demonstrated in the findings included.

Stephen M. Terry, Agent for
Daniel Gan, Applicant

371W32C

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JUN 27 2014

PLANNING DEPT.

BELKNAP ROAD

49-1

CS-11001

INT NW COR
DLC 46

P

CHARLOTTE ANN ROAD

4-7

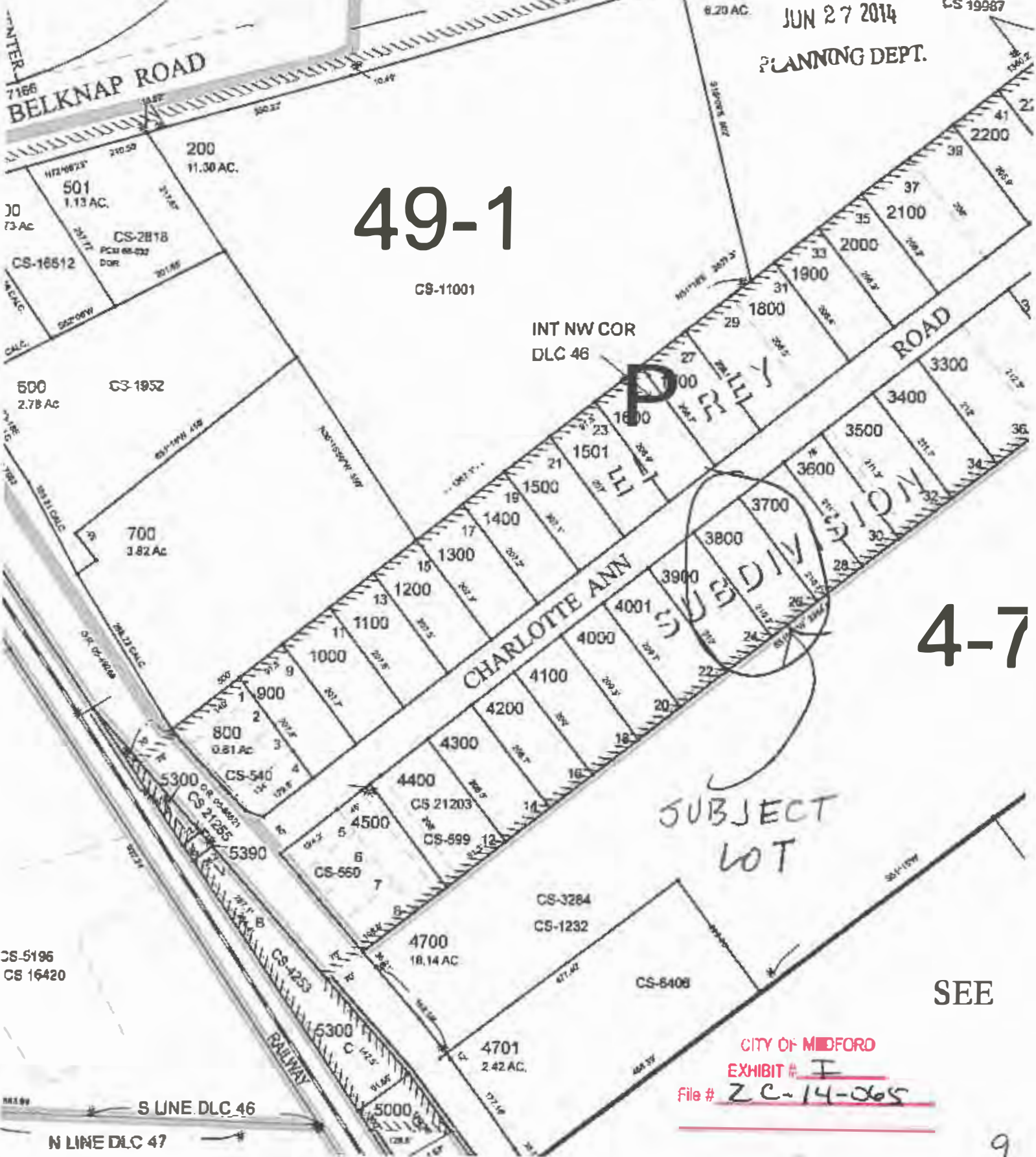
SUBJECT LOT

SEE

CITY OF MIDFORD

EXHIBIT # I

File # ZC-14-065



Application Name/Description:

Daniel Gan

Proposal:

SFR-00 to SFR-4

File Number:

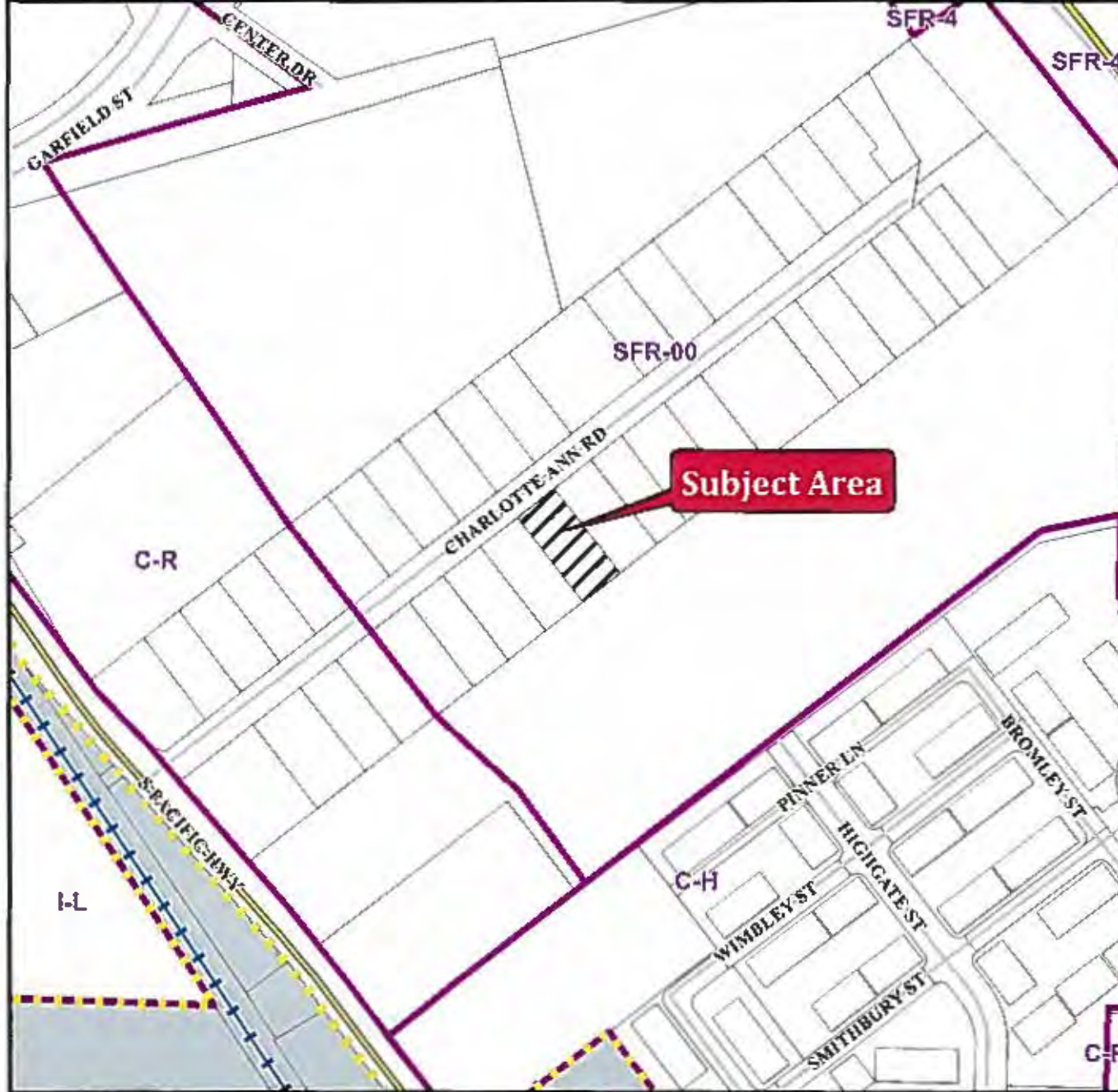
ZC-14-065






Applicant:

Daniel Gan

Map/Taxlot Number:

371W32C TL 3800



-  Subject Area
-  Medford Zoning
-  UGB
-  Tax Lots
-  City Limits



7/10/2014