



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/27/2014

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 014-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, February 13, 2014

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: Carla Angeli Paladino, City of Medford
Gordon Howard, DLCD Urban Planning Specialist
Josh LeBombard, DLCD Regional Representative
Gary Fish, DLCD Transportation Planner

<paa> YA



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

FOR DLCD USE

File No.: 014-13 (20080)
[17741]
Received: 1/23/2014

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.: **CP-13-118**

Date of adoption: 01/16/2014

Date sent: 1/23/2014

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): 11/7/2013

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:

Local contact (name and title): Carla Angeli Paladino

Phone: 541-774-2395

E-mail: carla.paladino@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 UR	to CM	5.19 acres.	A goal exception was required for this change.
Change from UR	to CM	1.44 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
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	to	Acres:
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:
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Location of affected property (T, R, Sec., TL and address): 241 & 339 Oak Grove Rd.; 372W26CA700 & 372W26CA800

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.

Any supplemental information that may be useful to inform DLCD or members of the public of the effect of the actual change

ORDINANCE NO. 2014-17

AN ORDINANCE approving a Class 'B' (minor) amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation on two parcels located at 241 Oak Grove Road and 339 Oak Grove Road.

WHEREAS, in order to be consistent with the proposed commercial zoning occurring through the West Main Area Legislative Zone Change (ZC-13-117), this GLUP Map amendment for the following two parcels is necessary:

Parcel 1: This parcel located at 241 Oak Grove Road is currently zoned County General Commercial (GC) and is proposed to be converted to City Heavy Commercial (C-H) by the West Main Area Zone Change. This property's current GLUP designation is Urban Residential (UR) and is proposed to be changed to Commercial (CM);

Parcel 2: This parcel located at 339 Oak Grove Road is currently zoned County Suburban Residential 2.5 (2.5 acre minimum) and is proposed to be converted to City Heavy Commercial (C-H) by the West Main Area Zone Change. This property's current GLUP designation is Urban Residential (UR) and is proposed to be changed to Commercial (CM); now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* to change the land use designation on two parcels located at 241 Oak Grove Road and 339 Oak Grove Road as set forth herein and as illustrated in the Staff Report dated December 16, 2013, attached hereto as Exhibit A and incorporated herein, is hereby approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law included in the Staff Report dated December 16, 2013, attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this 16 day of January, 2014.

ATTEST: Glenda Wilson
City Recorder

Steve Whelan
Mayor

APPROVED Jan 16, 2014.

Steve Whelan
Mayor



EXHIBIT A
CITY OF MEDFORD

PLANNING DEPARTMENT

CITY COUNCIL STAFF REPORT
GENERAL LAND USE PLAN MAP (GLUP) AMENDMENT

Date: December 16, 2013
To: City Council for January 16, 2014, Public Hearing
From: Carla Angeli Paladino, Planner III
Reviewer: Suzanne Myers, AICP, Principal Planner
Subject: Oak Grove Road GLUP Amendment (CP-13-118) (Quasi-Judicial)

BACKGROUND

Proposal: The proposal is for a Minor Comprehensive Plan amendment to amend the General Land Use Plan (GLUP) from *Urban Residential (UR)* to *Commercial (CM)* for two properties slightly over 6.5 acres in size, generally located on the east side of Oak Grove Road approximately 500 feet south of the intersection of West Main Street and Oak Grove Road. (City of Medford, Applicant)

History: This application is filed in conjunction with a Zone Change (ZC 13-117), a Major Zoning Map Amendment to re-zone over 150 properties in the City limits from County zoning to City zoning. These two properties are included in the zone change project. The GLUP amendment is necessary in order for the proposed re-zone of these two properties to also be consistent with the General Land Use Plan designation.

Authority: This request is a Class "B" quasi-judicial Comprehensive Plan Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Comprehensive Plan under *Medford Land Development Code* Sections 10.102, 10.110, 10.111, 10.122, 10.165, and 10.185.

Review Criteria: *Medford Land Development Code* 10.192 refers to the criteria in the Review and Amendments section of the Comprehensive Plan for amendments to Map Designations.

GLUP Map Designation, Zoning, and Uses on Subject Property

There are two properties under review for a GLUP amendment. Parcel 1 (situs 241 Oak Grove Road) is proposed to be converted from the County zoning designation of General Commercial (GC) to City Heavy Commercial (C-H) and Parcel 2 (situs 339 Oak Grove Road) is proposed to be converted from the County zoning designation of Suburban Residential 2.5 (SR 2.5) to City Heavy Commercial (C-H). Both parcels have a current

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GLUP designation of Urban Residential (UR). The proposed GLUP designation for the two properties is Commercial (CM) to be consistent with the proposed re-zone. Parcel 1 is currently being used as a mini storage facility while Parcel 2 is being used as an auto body repair shop and automobile storage yard. These uses were established prior to annexation.

GLUP Map Designation, Zoning, and Uses on Surrounding Property

North:	GLUP	Commercial (CM)
	Zone	General Commercial (GC) and Heavy Commercial (C-H) Proposed Heavy Commercial
	Use	Outdoor Storage and Vacant property
South:	GLUP	Urban Residential (UR)
	Zone	Suburban Residential 2.5 (SR 2.5) Proposed SFR-00
	Use	Residence
East:	GLUP	Commercial (CM)
	Zone	General Commercial (GC) Proposed Heavy Commercial
	Use	Bi-mart, Roadhouse Restaurant, and vacant land
West:	GLUP	Commercial (CM) and Urban Residential (UR)
	Zone(s)	Suburban Residential 2.5 (SR 2.5) and General Commercial (GC) (In the UGB- no proposed change)
	Uses	Residences and Dutch Bros.

APPROVAL CRITERIA COMPLIANCE

Comprehensive Plan - Review and Amendments Section – Map Designations Amendments shall be based on the following:

Criterion 1: A significant change in one or more Goal, Policy, or Implementation Strategy.

Findings: Satisfied. The Medford Transportation System Plan discusses the Transit Oriented Design and Transit Corridor Development strategies (or TOD Study) to be undertaken in various locations within the city to facilitate mixed use development, land use pattern changes, and reduced reliance on the automobile. There are four different Transit Oriented Districts (TOD) outlined in the transportation plan with one being located in West Medford. The boundaries of the West Medford TOD are identified generally as Western Avenue on the east, Maple Park Drive on the north, Meadows Lane on the south, and the city limit line on the west. Plans to provide for a new street circulation plan and consideration of modifying zoning for properties within the TOD were proposed back in 2009. A final decision on the circulation plan was never finalized and subsequent review of zoning was not initiated.

Also in 2008/2009, a separate project was undertaken by the City to rezone over 500 properties that contained County zoning designations and provide equivalent City zoning designations. The properties located within the West Medford area were omitted from this proposal in anticipation that zoning would be modified with the TOD study in this area. The re-zone project was completed leaving the properties within the West Medford area as the remaining properties in the city limits that contain County zoning designations.

Due to the difficulty of regulating these remaining properties with County zoning designations, it was determined that a separate zone change proposal (project ZC 13-117) would be undertaken in order to convert properties in this area with County zoning to City zoning designations. In conjunction with the zone change, two properties were identified that also need a GLUP amendment in order to provide consistency between the zone map and land use plan map (this proposal).

The current GLUP proposal and the zone change project represent a change in implementation strategy for this area. It is the first step in removing the barriers of the existing County zoning designations and providing property owners with a City designation that can more easily be regulated through existing City ordinances. The GLUP proposal will align the land use map and proposed zoning map for these two properties. These changes stand on their own and do not impact any future proposals related to the TOD study.

Conclusion: The implementation strategy of changing the zoning and in the case of these two properties, the GLUP map, was undertaken in order to convert these remaining properties with County zoning to City zoning designations and correct the GLUP map. This represents a different implementation strategy but an appropriate one.

Criterion 2: Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

Findings: Satisfied. The project helps accomplish two objectives. The first relates to converting the properties from a County zoning designation to a City zoning designation through project ZC 13-117. The second is to update the General Land Use Plan (GLUP) map in order for the proposed City zoning to correlate with the proposed land use designation. The subject properties under review contain commercial businesses and the proposed zoning and land use plan changes will provide for the continued use of these properties as such. The properties contain slightly over 6.50 acres that will be included in the commercial inventory for the city. Although the sites are currently developed, the proposed change provides future opportunities for redevelopment of the properties. The change from Urban Residential (UR) to Commercial (CM) continues to ensure adequate economic opportunities for the properties.

Conclusion: There has been a demonstrated need shown to change from Urban Residential (UR) to Commercial (CM) based on the existing uses on site, the proposed

zoning designation of Heavy Commercial (C-H), and for the continued economic opportunities of the properties.

Criterion 3: The orderly and economic provision of key public facilities.

Findings: Satisfied. The subject properties are served by a range of public facilities located within Oak Grove Road. Rogue Valley Sewer Service provides sewer service in this area and based on a conversation with Rogue Valley Sewer, laterals are stubbed to the subject parcels. Medford Water Commission has water lines within Oak Grove Road and, based on a conversation with Commission staff, the properties do not appear to be connected to water; however it is available for use in the future. Storm drain lines exist along Main Street and the area is entirely within the Elk Creek Drainage Basin. Redevelopment of the sites will require storm drainage detention and water quality treatment in accordance with City standards. The street facilities include curb and gutter along the east side of Oak Grove Road and curb, gutter and sidewalk along the west side of the street.

Conclusion: The existing facilities are adequate to serve the subject properties and support the change from Urban Residential (UR) to Commercial (CM).

Criterion 4: Maximum efficiency of land uses within the current urbanizable area.

Findings: Satisfied. The subject properties are located within the city limits and are proposed to be rezoned from County zoning designations to City zoning designations and the GLUP map amended from Urban Residential (UR) to Commercial (CM). These changes are being initiated in order to better regulate these properties through City regulations rather than old County regulations. These proposed changes are intended to help maximize the efficiency of land use within the urbanizing area specifically by aligning the existing uses with the appropriate equivalent City zoning designation and GLUP change.

Conclusion: The proposed changes help maximize how the properties are used and regulated within the current urbanizable area.

Criterion 5: Environmental, energy, economic and social consequences.

Findings: Satisfied.

Environmental and Energy consequences: The properties are currently developed. There are no known environmental or energy consequences that will result as part of the GLUP amendment. Any future development of the site would be in accordance with City regulations and other applicable laws.

Economic consequences: The proposed change is from Urban Residential (UR) to Commercial (CM). It is the intent that the conversion of the zoning and GLUP designations will better align with the commercial uses occurring on

the properties and provide more economic opportunities for development on these sites in the future.

Social consequences: The properties are currently developed with a mini storage facility and an auto repair business. The zoning and GLUP designations to the east and north are compatible with the proposed changes to the subject properties. The properties on the east side of Oak Grove Road are located within the Urban Growth Boundary and have an Urban Residential (UR) GLUP designation and still retain County zoning. The area is a mix of developed and vacant lands and a combination of commercial and residential uses. The proposed change to the subject properties is not anticipated to have a negative social consequence as the area already has a mix of uses.

Conclusion: The proposed GLUP amendment will not cause any known negative environmental, energy, economic, or social consequences that require mitigation.

Criterion 6: Compatibility of the proposed change with other elements of the City Comprehensive Plan.

Findings: Satisfied. The Goals, Policies, and Implementation section of the Comprehensive Plan provides the following goals and policies applicable to the proposed GLUP map amendment:

ECONOMIC ELEMENT:

Goal: To actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford.

Policy 1-3: The City of Medford shall encourage the redevelopment of underutilized employment sites.

Implementation 1-3(b): When evaluating GLUP Map amendments, assess the potential impacts of those amendments on neighboring land uses.

Response: The subject properties are currently used as commercial businesses. The proposed rezoning of the parcels and the amendment of the GLUP map will continue to provide for the existing uses on site. The proposed changes are not anticipated to impact surrounding property owners and the use of existing public facilities such as sewer, water, and streets. The modifications are consistent with the existing land use patterns to the north and east of the site. Properties to the west contain existing residences and are aware of the commercial uses to the east. The modifications will provide the property owners with an understanding of the city regulations and uses that pertain to the new zoning designation and provide an opportunity to redevelop in the future if the owners so choose.

PUBLIC FACILITIES ELEMENT

Goal 2: To assure that General Land Use Plan (GLUP) designations and the development approval process remain consistent with the City of Medford's ability to provide adequate levels of essential public facilities and services.

Policy 2-B: The City of Medford shall strive to ensure that new development does not create public facility demands that diminish the quality of services to current residences and businesses below established minimum levels.

Response: It has been shown that existing public facilities are available and adequate to serve the subject properties. See Criterion 3 above for details.

GENERAL LAND USE PLAN ELEMENT

Goal 1: To maintain and update the City of Medford General Land Use Plan Map.

Policy 1-A: The City of Medford General Land Use Plan Map shall be reviewed at least every five years, and may be amended whenever it is determined that a change is warranted.

Goal 2: To administer the City of Medford General Land Use Plan Map so as to further the purposes of the Map and the Comprehensive Plan.

Policy 2-B: Because the City of Medford General Land Use Plan Map is general and non-site-specific, ambiguities may arise. If it is unclear whether a specific property is in a particular designation, the Planning Commission shall be requested to interpret the designation boundaries. The Commission shall consider the character of surrounding uses, past interpretations, and applicable goals and policies of the Comprehensive Plan when making an interpretation.

Response: The proposal is necessary in order to better relate the proposed zoning designation of Heavy Commercial on the properties with the appropriate GLUP designation of Commercial (CM). The existing Urban Residential (UR) GLUP designation is not appropriate or adequate for the uses on the site and the proposed zoning. An update to the GLUP map is necessary in this situation.

Conclusion: Based on the above information, the proposal is found to be compatible with the identified elements of the Comprehensive Plan.

Criterion 7: All applicable Statewide Planning Goals.

Findings: The following shows compliance with the applicable Statewide Planning Goals. The applicable goals include Goals 1, 2, 9, 11, 12, and 14. Staff finds Goals 3-8,

10, and 13 do not apply to this proposal and Goals 15-19 are not applicable to the City of Medford.

1. Goal 1 – Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Statewide Goal 1 requires jurisdictions to outline a citizen involvement program that provides opportunities for citizen participation in the land use process. The City of Medford has a citizen involvement program described in the Comprehensive Plan that dates back to the 1970s. In addition, the City's land use process also engages the citizenry by providing opportunities to provide comments, input, and testimony regarding land use matters that affect the Comprehensive Plan.

For this proposal, letters identifying the project were mailed directly to property owners informing them of the proposed GLUP amendment both in written and map form. A public notice followed identifying the project and informing the property owners as well as surrounding property owners within 200 feet of the public hearing on the proposal. The information has been posted on the City's website since November 18, 2013, for public viewing and contact information is listed in order for citizens to provide feedback and ask questions. Notice also has been advertised in the Mail Tribune. A formal hearing before the Planning Commission was held on December 12, 2013, when they made a formal recommendation on the amendment. The City Council hearing provides an additional opportunity for affected property owners and the general public an opportunity to provide oral or written comments and suggestions on the proposal. The amendment is in compliance with Goal 1 based on adherence to the above process.

2. Goal 2 – Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The City of Medford has an adopted Comprehensive Plan and Land Development Code that provide the basis for decisions and actions taken on land use matters. These documents identify compliance with the statewide planning goals, factual information, and policy choices that shape and guide the City. Periodically, modifications and changes to these documents are essential in order to remain up to date on current trends, changing policy, or circumstances. The GLUP amendment will modify the designation of two properties from an Urban Residential (UR) designation to a Commercial (CM) designation. This proposal is appropriate and necessary in order for the proposed Heavy Commercial (C-H) zoning designation recommended under project ZC 13-117 to correlate with the underlying GLUP map. The City is in compliance with Statewide Planning Goal 2 with this project.

3. Goal 9 - Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The properties under consideration are being used commercially: Parcel 1 is a mini storage facility while Parcel 2 contains an auto body repair shop and outdoor storage. The proposed re-zone under project ZC 13-117 from County General Commercial to City Heavy Commercial will provide for the continued use of these sites as commercial operations. The current proposal takes the properties one step further by aligning the commercial uses and zoning with the appropriate commercial GLUP designation.

4. Goal 11: Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The subject properties are located within the City limits and are located in an area that contains urban public facilities and services that can serve the parcels. Based on available account information from the Medford Water Commission, it appears these two parcels receive their potable water through a well. Water lines do exist in Oak Grove Road for future connection to these properties either when necessary or triggered through development. The Rogue Valley Sewer Service serves the area with sewer, and laterals are stubbed to the properties. Adequate public services are available to these already developed properties.

5. Goal 12: Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

The subject properties are currently developed with commercial businesses. The conversion from County zoning to City zoning under project ZC 13-117 and the amendment of the GLUP designation will align the uses with the zoning and land use maps. The changes being recommended will not increase the traffic generation for these two parcels because the continuation of the existing uses is anticipated. Future modifications to the sites or uses on site may trigger review of transportation impacts however none exist with the current proposal.

The majority of Oak Grove Road is a two lane street with striped bike lanes. Along the east side of Oak Grove Road next to the subject properties curb and gutter exist while along the west side of the road curb, gutter, and sidewalk are provided. The intersection of Oak Grove Road and West Main Street is signalized. No changes to this facility are warranted with this proposal.

The Oregon Department of Transportation has commented on this proposal and finds no impacts to state transportation facilities under the Transportation Planning Rule or State Access Management Rule.

- 6. Goal 14: Urbanization:** *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

The subject properties are currently developed with commercial uses. It is proposed that the parcels receive a city zoning designation of Heavy Commercial based on the findings for project ZC 13-117 and a GLUP amendment per this proposal that will amend the map from Urban Residential (UR) to Commercial (CM). These steps are being taken in order to align the zoning and GLUP maps of these properties with the existing urban uses occurring on the sites.

Conclusion: The applicable Statewide Planning Goals and Guidelines specifically Goals 1, 2, 9, 11, 12, and 14 are met with this amendment.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are met, the Planning Commission recommends the City Council approve CP-13-118 per the staff report dated December 16, 2013, including Exhibits A-F.

EXHIBITS

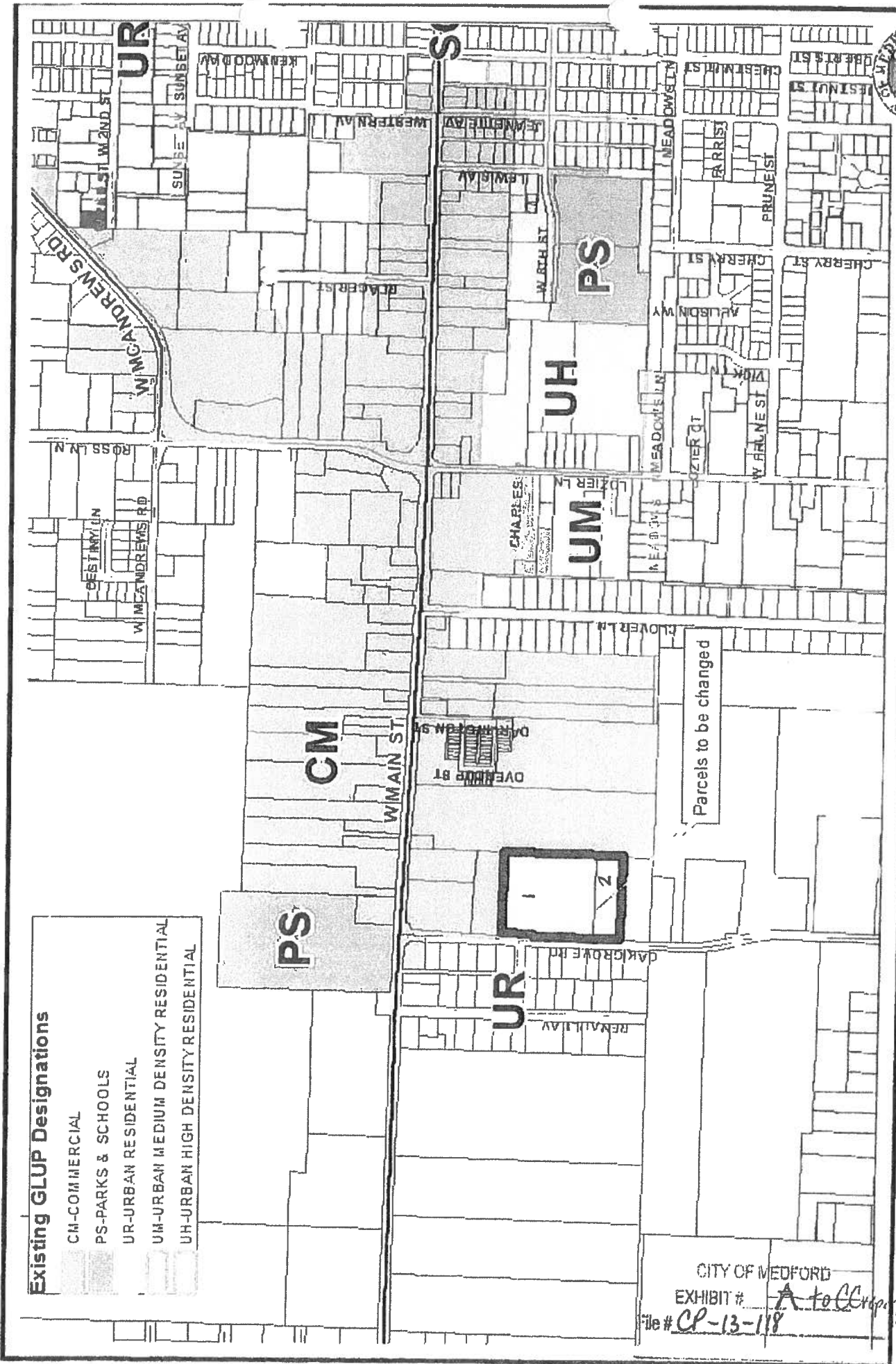
- A** Existing General Land Use Plan designation
- B** Proposed General Land Use Plan designation
- C** Comments from the Oregon Department of Transportation received November 25, 2013.
- D** Comments from the Medford Fire Department
- E** Comments from the Medford Public Works Department
- F** Minutes from December 12, 2013, Planning Commission Public Hearing

CITY COUNCIL AGENDA: January 16, 2014

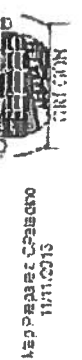
Project CP 13-118
Existing GLUP Designations

Existing GLUP Designations

- CM-COMMERCIAL
- PS-PARKS & SCHOOLS
- UR-URBAN RESIDENTIAL
- UM-URBAN MEDIUM DENSITY RESIDENTIAL
- UH-URBAN HIGH DENSITY RESIDENTIAL

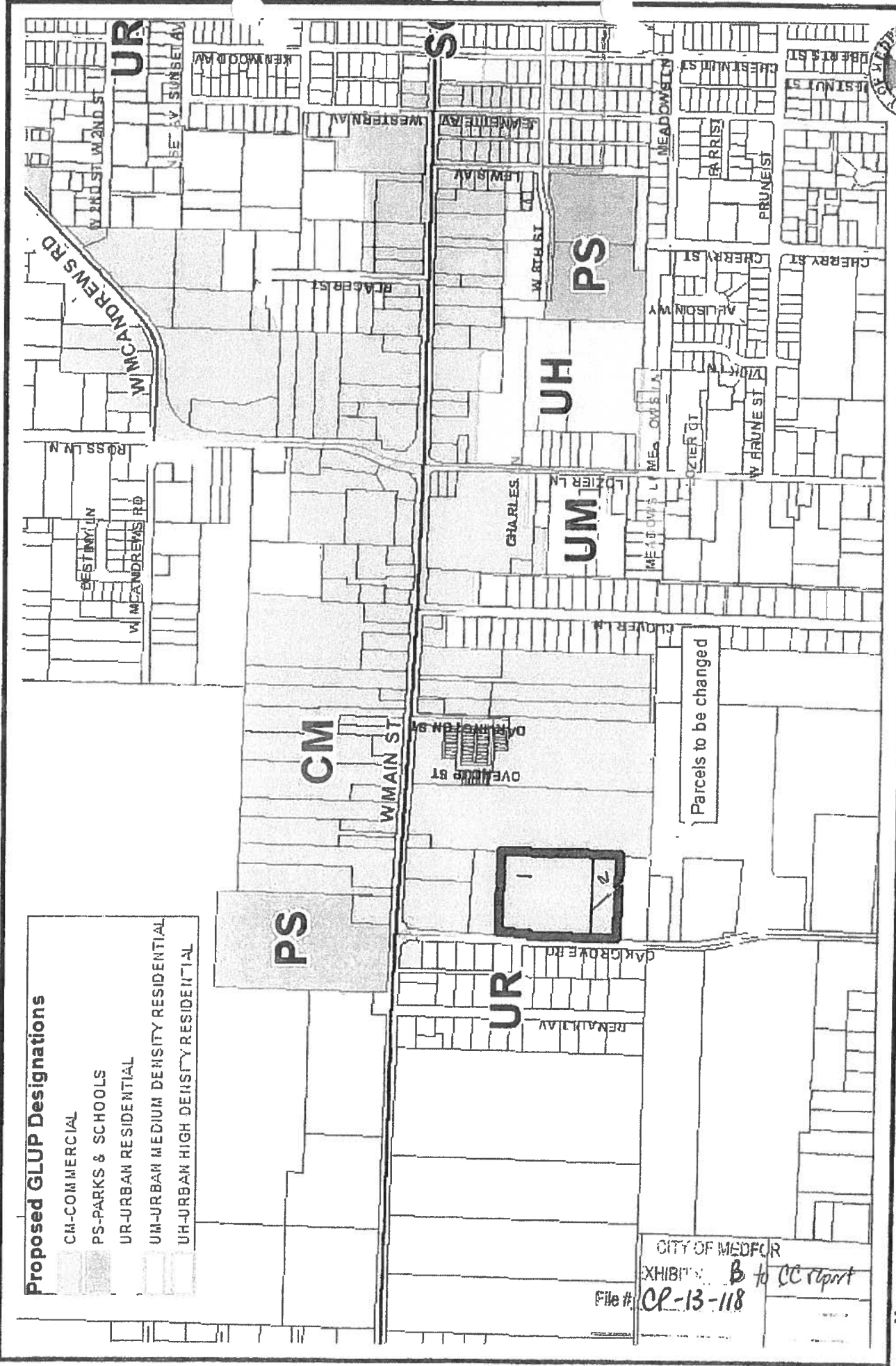


CITY OF MEDFORD
EXHIBIT # *A to C Report*
file # *CP-13-118*



Project CP 13-118
Proposed GLUP Designations

- Proposed GLUP Designations**
- CH-COMMERCIAL
 - PS-PARKS & SCHOOLS
 - UR-URBAN RESIDENTIAL
 - UM-URBAN MEDIUM DENSITY RESIDENTIAL
 - UH-URBAN HIGH DENSITY RESIDENTIAL



CITY OF MEDFORD
EXHIBIT B to CC report
File #: CP-13-118



Two parcels to be changed from UR to CM

Map Prepared: 02/26/2010
11:11:00 AM



Carla G. Paladino

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Monday, November 25, 2013 10:51 AM
To: 'carla.paladino@cityofmedford.org'
Subject: CP-13-118

Carla,

Thank you for sending agency notice of the consideration of a proposed Class 'B' Minor Comprehensive Plan amendment to amend the General Land Use Plan (GLUP) map from Urban Residential (UR) to Commercial (CM) for two properties located at 241 and 339 Oak Grove Road. We reviewed this and determined that it would not significantly affect state transportation facilities under the State Transportation Planning Rule (OAR 660-012-0060) or State Access Management Rule (OAR 734-051-000). We have no further comments at this time.

Don Morehouse
Senior Transportation Planner
ODOT Region 3, District 8 (Rogue Valley Tech Center)
Ph: (541) 774-6399
Fax: (541) 774-6349
Donald.Morehouse@odot.state.or.us



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

LAND DEVELOPMENT REPORT - PLANNING

To: Jackson County

LD Meeting Date: 11/27/2013

From: Fire Marshal Kleinberg

Report Prepared: 11/25/2013

File #: CP - 13 - 118

Site Name/Description:

Consideration of a Class 'B' Minor Comprehensive Plan amendment to amend the General Land Use Plan (GLUP) map from Urban Residential (UR) to Commercial (CM) for two properties located at 241 and 339 Oak Grove Road. This application is filed in conjunction with ZC-13-117, a Major Amendment to re-zone over 150 properties with County zoning to City zoning; City of Medford, Applicant. Carla Paladino, 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.

Date: November 27, 2013
NO.: ZC 13-117/CP 13-118

PUBLIC WORKS DEPARTMENT STAFF REPORT

Project: West Main Zone Change and GLUP Amendments

1. **ZC-13-117** Consideration of a proposed Class 'A' Major Amendment to the City of *Medford Zoning Map* changing the zoning of approximately 170 properties located in the West Main area of the City of Medford from County zoning to City zoning. The existing County zoning includes the following types: Suburban-2.5 acre minimum (SR 2.5); General Commercial (GC), and Neighborhood Commercial (NC). The properties will be converted to one of the following City zoning designations: Single Family Residential – One dwelling unit per acre (SFR-00), Heavy Commercial (C-H), Community Commercial (C-C), or Neighborhood Commercial (C-N). These properties are the last remaining sites within the City that retain County zoning; City of Medford, Applicant. Carla Paladino, Planner
2. **CP-13-118** Consideration of a Class 'B' Minor Comprehensive Plan amendment to amend the General Land Use Plan (GLUP) map from Urban Residential (UR) to Commercial (CM) for two properties located at 241 and 339 Oak Grove Road. This application is filed in conjunction with ZC-13-117, a Major Amendment to re-zone over 150 properties with County zoning to City zoning; City of Medford, Applicant. Carla Paladino, Planner

Initiated by: The City of Medford

1. Sanitary Services:

Most of this area being considered lies within the Rogue Valley Sewer Service area. Contact Rogue Valley Sewer Service for sanitary sewer accessibility and capacity adequacy. The most easterly portion is within City of Medford's jurisdiction. Currently, there is capacity within Medford's system, but the City's Sanitary Sewer Master Plan indicates that future development will require that the trunk line down West Main will need some capacity enhancements.

Since the proposed zone change and GLUP Amendment will only be changing the current County zoning to like City zoning, Public Works does not anticipate any impacts as a result of the proposed zone change and GLUP Amendment.

2. Streets:

Since the proposed zone change and GLUP Amendment will only be changing the current County zoning to like City zoning that it was with County zoning, Public Works does not anticipate any impacts as a result of the proposed zone change and GLUP Amendment.

3. Drainage:

This area lies entirely within the Upton Slough Drainage Basin. Development of each parcel in this area will require storm drainage detention and water quality treatment in accordance with the MLDC, Sections 10.481, 10.486, and 10.729.

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____
NOV 27 2013
CITY OF MEDFORD
E to CC report
CP-13-118



MINUTES
Planning Commission Meeting
December 12, 2013

The regular meeting of the Medford Planning Commission was called to order at 5:38 p.m. in the Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Robert Tull, Vice Chair
Bill Christie
Norman Fincher
David McFadden
Patrick Miranda
Bill Mansfield
Alec Schwimmer

Staff

Blanca Petrou, Assistant Planning Director
Suzanne Myers, Principal Planner
Kelly Akin, Principal Planner
Lori Cooper, Deputy City Attorney
Larry Beskow, City Engineer
Terri Rozzana, Recording Secretary
Desmond McGeough, Planner II
Carla Paladino, Planner III

Commissioners Absent

Michael Zarosinski, Chair, Excused Absence

10. **Roll Call**

20. **Consent Calendar/Written Communications.**

20.1 **CUP-13-091** Final Order for a request for a Conditional Use Permit to allow carport structures with photovoltaic energy modules over 32 existing parking spaces at Grace Christian School / First Baptist Church on two parcels totaling 9.15 acres located on the west side of Crater Lake Avenue approximately 320 feet south of Spring Street within the MFR-30 (Multiple-Family Residential – 30 units per gross acre) zoning district. First Baptist Church, (Applicant); CSA Planning, Ltd, (Agent). **WITHDRAWN**

20.2 **CUP-13-081/E-13-082** Final Order for a request for a Conditional Use Permit to allow for improvements to Hawthorne Park and an Exception to street standards on a 13 acre parcel located on the south side of East Jackson Street, the north side of East Main Street, the west side of Hawthorne Street, and east of Interstate 5 within a C-S/P (Commercial – Service/Professional) zoning district. City of Medford, (Applicant); CSA Planning, Ltd, (Agent).

20.3 **CUP-13-092** Final Order for a request for a Conditional Use Permit to allow the establishment and operation of three automobile dealerships on approximately 11.9 acres, located on the east side of Grumman Drive, approximately 1000 feet north of Coker Butte Road, within an I-L/ A-R /RZ (Light Industrial / Airport Radar Overlay / Restricted Zoning) zoning district. Adroit Construction Company, (Applicant); Maize & Associates Inc., (Agent).

Motion: Adopt the consent calendar.

Moved by: Commissioner McFadden Seconded by: Commissioner Miranda

Voice Vote: Motion passed, 7-0.

30. **Minutes.**

30.1 The minutes for November 14, 2013, were approved as submitted.

CITY OF MEDFORD

EXHIBIT # F

CP-13-118

40. **Oral and Written Requests and Communications.** None.

Lori Cooper, Deputy City Attorney, read the Quasi-Judicial Statement.

50. **Public Hearing.**

Old Business

- 50.1 **LDS-13-073/E-13-100** Consideration of a request for tentative plat approval for Cyprus Creek Subdivision Phase 1B, a three-lot subdivision and an Exception request to reduce the right-of-way width of Willow Brook Drive to 40 feet and allow curb-tight sidewalks on approximately 0.74 acre located at the northerly terminus of Thomas Road and the westerly terminus of Willow Brook Drive zoned SFR-6/PD (Single Family Residential, six dwelling units per gross acre/Planned Development). Thomas Road LLC, (Applicant); Steven Swartsley, (Agent).

Vice Chair Tull inquired whether any Commissioners have a conflict of interest or ex parte communication they would like to disclose. None were declared.

Kelly Akin, Principal Planner, stated that there were two letters at the Commissioner's places that she would like to submit into the record as Exhibit R, from surrounding property owners. Ms. Akin read the land division and exception criteria and gave a staff report.

The public hearing was opened and the following testimony was given.

- a. Steven Swartsley, P. O. Box 8600, Medford, Oregon, 97501. Mr. Swartsley stated that he is the agent for Thomas Road LLC in this application. The findings that he submitted with the applications adequately address any issues concerned with this. Also, the findings submitted with the exception request adequately sets forth the moving of the sidewalk curbside. This is a short part of the sidewalk. It is on the north side of Willow Brook Drive. It moves it away from the irrigation ditch. The Public Works Department recommended that the applicant design it that way.

Commissioner McFadden asked Larry Beskow, City Engineer that one of the letters that the Commissioners received this evening, talks about a concern of people thinking they can get through on a street named Thomas Road that is not connected to the main body of Thomas Road further to the north. What steps would it take to have a City street sign installed near the section of Thomas Road that would say something like "not a through street" to keep people from having to turn around in the street at this location? Mr. Beskow replied that it is not a dead end street because it does connect to Willow Brook Drive. At Archer Street a sign stating that Thomas Road is not a through street would have to go through the Traffic Coordinating Committee and they would make a recommendation on what to do. They would direct Public Works to install or not install such a sign.

The public hearing was closed.

Motion: Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-13-073/E-13-100 per the Staff Report dated December 5, 2013, including Exhibits A through Q and adding Exhibit R.

Moved by: Commissioner McFadden Seconded by: Commissioner Miranda

Roll Call Vote: Motion passed, 7-0.

New Business

- 50.2 **CP-13-061** Consideration of a Class A major legislative amendment of the Medford Comprehensive Plan to make the following revisions to the Public Facilities Element: (1) Provide update to Category "B" public facilities regarding description of primary, secondary and higher education facilities within the urban growth boundary; (2) Adopt by reference and incorporate into the City of Medford Comprehensive Plan Facilities Element the Medford School District 549 C School District Long Range Facilities Plan, May 12, 2012 Update, along with findings, conclusions and appendixes; (3) Provide revisions to the conclusions, goals, policies and implementation measures of the School section of the Public Facilities Element. (City of Medford, Applicant).

Desmond McGeough, Planner II, briefly discussed the Medford Comprehensive Plan structure, application criteria, background, amendment objectives, Medford 549C School District Facility Plan, staff's proposed conclusions, agency/public comments and staff's recommendation.

Commissioner Mansfield asked that when staff makes the recommendation that the Planning Commission forward a recommendation to the City Council for approval does that mean that the Planning Commission agrees with the School District about the establishment of a school outside the current urban growth boundary or does it mean that the Planning Commission disagreed? Mr. McGeough replied that Conclusion number ten indicates that there is a process. Staff is not endorsing the site or agreeing that the site is desirable. It would be difficult for the City to come to that conclusion now because it is outside the urban reserve areas. Commissioner Mansfield asked if Mr. McGeough was suggesting it be kicked over to more process; is that the essence of what staff is recommending? Mr. McGeough replied that at some point there will have to be a process done to evaluate lands both inside and outside urban reserve lands if the School District wants this particular parcel brought into the urban growth boundary. Commissioner Mansfield asked if this kicking it over includes a review of the placement of the urban growth boundary to some other placement to possibly include this school site within the urban growth boundary; is that what staff is heading towards? Mr. McGeough stated that is a possibility. The corrective measures established in the Regional Plan indicate that if a certain piece of property of a certain size is brought in another piece of property of the same size needs to be removed from the urban reserve area.

Commissioner McFadden asked what does staff interpret as the level of commitment made by the City to those people already accepted in the Regional Plan for future inclusion into the City of Medford? Mr. McGeough reported that he was not involved in the Regional Problem Solving process but he believes the commitment is high. It was a substantial process. There was a lot of public input from the community as a whole in all jurisdictions. Ms. Cooper urged the Commission to remember what they are focusing on tonight. It is amending the Comprehensive Plan by adopting the School District's Plan. State law mandates that the City adopt their Plan and incorporate it by reference. That does not mean that the Planning Commission cannot add a narrative the Comprehensive Plan, which is what this is. Ms. Cooper cautioned the Commission not to get too far into the Regional Plan process. That is in the future. Commissioner McFadden asked that if that happens in the future, will the City be open to legal action based on withdrawal of properties from the Regional Plan areas that have now been accepted? Ms. Cooper replied that it could lead the City to exposure; it is too early to tell. She is not sure that can be used to make a decision tonight. The Commission can put language into the City of Medford's Comprehensive Plan but the City has to adopt by reference the School District's Plan with

their desired location whether the City agrees with them or not. Commissioner Mansfield asked if he understood Ms. Cooper to say that ORS 195.110 requires the City to accept the School District's Plan? He does not agree with that. Ms. Cooper stated that ORS 195.110 does state that and it also states that it should be prepared in consultation between the City and the School District and the word "cooperation" is also used in the statute. The City does need to adopt the School District's Plan. Commissioner Mansfield stated that to say that the City is required to do so gives the School District veto power which makes the whole process meaningless. He respectfully disagrees with Ms. Cooper's conclusion.

The public hearing was opened and the following testimony was given.

- a. Thad Pauck, 201 West Main Street, Suite 5, Medford, Oregon, 97501. Mr. Pauck stated that he is the attorney for the Medford School District. He is present to submit a written objection to Conclusion number ten and to also read a brief statement into the record. The summary of the requirements and the effects of ORS 195.110 included in the staff report accurately outline the procedures for the adoption of a Schools Facilities Plan. The District has complied with those procedures and the School Board adopted its Plan in June 2012 after more than four years of study, work and consultation with City Planning staff. Upon adoption of the Facilities Plan, ORS 195.110 (2)(a) requires that the City of Medford include it as an element of its Comprehensive Plan. This is also the conclusion reached in the staff report. Although the District has no objection to the City including its Facility Plan within the portion of the existing Public Facilities Element concerning all schools within the City's jurisdiction and although the District has no objection to the City adopting other concurrent updates to that element unrelated to the District's adopted Facility Plan, the inclusion of the District's Plan as part of the Medford Comprehensive Plan is the primary and only required change to the Comprehensive Plan before the Planning Commission this evening. The District has reviewed the proposed amendment to the Public Facilities Element which can be found beginning at page 97 of the agenda packet. The only significant objection the District has concerns Conclusion 10 which can be found on page 112. The District's objections are specifically outlined in the letter that he just handed to the Planning Commissioners in which he hereby requests be placed into the record. Contrary to the staff's conclusion on page 94 of the agenda packet proposed Conclusion 10 does not provide vital information needed to be consistent with the other elements of the Comprehensive Plan. Instead, proposed Conclusion 10 is a speculative statement that impermissibly attempts to predispose findings and conclusions of law for a possible future land use application that is not now before the City without knowing with certainty what future facts and approval criteria may be in affect or even whether such an application will actually be tendered. At this time, Site 5, like many of the District's existing school properties is located within the District's service boundary but outside of the City of Medford's municipal and urban growth boundaries. It is, in other words outside of the City of Medford's jurisdiction. Oregon statute requires the City of Medford to include the District's entire Facility Plan as an element of the City's Comprehensive Plan not withstanding that many of the District's existing and desired sites are located outside and sometimes well beyond the City's jurisdiction. Adoption of the District's Plan simply recognizes that the District has identified its facilities, student population growth projection and its particular needs over time including potential sites that are desirable to the District which are the criteria the District is required to address under ORS 195.110. It does not mean that the City approves or disapproves of those sites. Nothing in the statute requires the City to concur with the District on what is a desired site and nothing says that by adopting the District's Plan that the City gives approval to any such site. The City will retain its discretion in the future when and if an appropriate land use proceeding is initiated to review the facts, circumstances and other evidence presented at that time and make a

determination as to whether all required criteria for inclusion within the urban growth boundary have been satisfied. Adherence to those criteria is already built into the statute. ORS 195.110(6) provides that actions to add sites designated for school facilities to an urban growth boundary shall be done pursuant to applicable law. Further, Conclusion 11 also adequately addresses these concerns in a factual way and serves the same purpose as Conclusion 10 without the inappropriateness and recognizes that significant hurdles must be overcome before Site 5 can permissibly be brought within the urban growth boundary. However, adopting the proposed Conclusion 10 as part of the Comprehensive Plan is not within the City's authority under the applicable statute for inclusion of the District's Facility Plan as a Comprehensive Plan Element. Further, that Site 5 is desired by the District rather than by the City is not a conclusion. It is simply a fact and that fact does not in any way affect any other element, policy or goal of the Medford Comprehensive Plan. Accordingly, for those reasons and those reasons set forth in the letter the District respectfully requests Conclusion 10 be stricken from the Public Facilities Element to be adopted by the City.

- b. Greg Holmes, P. O. Box 2447, Grants Pass, Oregon, 97528. Mr. Holmes reported that he is the Regional Representative for 1000 Friends of Oregon. There is a letter in the agenda packet beginning on page 339 from Mr. Holmes. He wanted to make himself available to answer any questions that the letter might have brought to the Commissioners and to make a couple statements about some material that he has seen since he wrote the letter. 1000 Friends of Oregon does not have any objections to anything that is in the District Plan other than the conclusion regarding the Hull Road site. Their concerns are that no area within the urban reserve area was looked at during this process. There are at least three urban reserve areas that are in whole or in part within the District's preferred area that was outlined on the map the Commission saw earlier. Those areas would absolutely have to be looked at before this area could be brought into the urban growth boundary. As discussed earlier an equal amount of land would have to be taken out of the urban reserves per the Regional Problem Solving agreement should this area be brought in. Mr. Holmes quickly addressed the District's letter that begins on page 332 of the agenda packet. At multiple points in that letter it says something to the effect that the City is required to cooperate with the District and goes on to say in some particular way. ORS 195.110 does say that cooperation is required but it says cooperation is required between the City, County and District. That cooperation goes two ways. So far that does not appear to be what is being asked for here. It is perfectly appropriate for the City to be cautious about that and make sure that cooperation does happen in this process. The statute is clear that it does require the City to adopt a Plan that is brought to them by the District. It does not say the City has to agree with what is in that Plan. In fact, case law is very clear in that it says a city can reach different conclusions than the District's Plan even if the City participated in the District's processes that lead to those conclusions. Ms. Cooper has properly advised the Commission that they can put language in the City of Medford's Comprehensive Plan which indicates they have reached different conclusions. That letter was also very troubling when it states that ORS 195.110 requires that if this is the District's preferred site, that the City must include it in the urban growth boundary. It clearly states that requirement would mean that the City would not have to comply with all the Regional Plan requirements because the State statute requires that the City brings a school site into the urban growth boundary. That is factually incorrect. As the Commission just heard from the District's attorney the process requires that, should the City bring the land into the urban growth boundary as some point that it will comply with all applicable laws. That includes all the other State statutes, State Administrative Rules and the City and County ordinances including the Regional Plan. It is appropriate for the City to include language that is in Conclusion 10 in Medford's Comprehensive Plan if for no other reason than the City does not want to have someone come back and wave something in their face saying the City agreed to this early

and now you must do this. There should be no question that that cannot happen. It is appropriate and prudent that the City make clear that the Commission does not or cannot agree that this site is preferred or desirable at this point. It may not be desirable when you look at the City's needs which the District must also cooperate to see are met. For those reasons what is in the letter is that the 1000 Friends of Oregon concur with the staff recommendation. That language is appropriate for the City to make clear that more work needs to be done and that a different kind of cooperation needs to happen as this goes forward before any site can be determined to be appropriate or desirable. 1000 Friends of Oregon recommends that the Commission make a recommendation to City Council to adopt with staff's language.

- c. Megan LaNier, Richard Stevens & Associates, Inc., P. O. Box 4368, Medford, Oregon, 97501. Ms. LaNier stated that she is representing a group of citizens that are located in one of the current urban reserves, MD-7 mid as it has been referred to in the past and also MD-7s that are both located along South Stage Road and Kings Highway. One of their concerns is that the District's Plan is outdated in their opinion. The District's Plan was adopted in 2012. Since then the Regional Problem Solving agreement has been adopted and the urban reserves. They are concerned that by adopting a Plan that has not considered these urban reserves carefully it may get push back at a future date if adopting a site located outside one of the urban reserves. She is not sure if it is something the City can ask for the School District to provide an updated Plan with the new policy that has been implemented with the Regional Problem Solving agreement and also the Regional Plan Element that is already in the Medford Comprehensive Plan. The other concern they have is whether or not the target areas, do not show the future growth areas along South Stage Road. There is an enormous amount of land that is proposed to be included along South Stage Road towards Highway 99. There is also MD-8 which is also located along South Stage Road. It appears to them that the future growth is going to be concentrated more in that area not so much west of the City of Medford as the desired site indicates. The last question that she would like to raise comes down to an interpretation in the Statute. She does understand the School District's comments regarding ORS 195.110 (5)(a)(b), which does require that they identify desirable school sites. It also goes into talking about how they need to meet those facility needs and establish criteria that would allow them to determine if some of these lands within the City limits are appropriate for future schools. Ms. LaNier agrees that the District has demonstrated that there are not really any appropriate areas within the current urban growth boundary. Subsection 5(b) describes that the District has to include an analysis of the land required for the ten year period covered by the Plan that is suitable as permitted for conditional use for school facilities inside the urban growth boundary. Subsection 6 requires that if there are not any lands within the current urban growth boundary then the District can look outside the current urban growth boundary. The question that Ms. LaNier has is do they have to have a site specific location outside the urban growth boundary at this time? They understand why they have to identify their desired sites within the current urban growth boundary. They have planned that out. They have discussed why they cannot meet their needs. They have identified one site outside of the current urban growth boundary which is not in an urban reserve. Ms. LaNier questions whether or not it is possible for them to eliminate that one specific site outside the current urban growth boundary so that way it can be left in a position where there are no specific sites outside the current urban growth boundary, strictly that they are going to need land form outside the urban growth boundary, and preferably look at priority lands which would be the urban reserves. The majority property owners that she represents in MD-7, Naumes Inc., Oregon State University, Ayala Properties LLC, and Rania Sawabini, have all agreed to donate 20 acres of land to the Medford School District 549C and are wanting to open the lines of communication for them to consider this urban reserve area for inclusion

into their desired locations. Ms. LaNier reported that she had submitted a letter into the record that outlines her group's concerns.

Vice Chair Tull asked whether the parties that Ms. LaNier represents communicated their willingness to donate land to the School District? Ms. LaNier replied that they have attempted to. They just met on Monday to discuss the situation. The group under different property ownerships had discussed with the School District donating land in 2010. There were preliminary designs that were created and then some of the property owners at the time pulled out and the conceptual plan died. Since then they have new property owners and they are willing to do this. They have attempted to contact the School District but they have not received a return call at this time.

The public hearing was closed.

Vice Chair Tull stated that essentially as he understands it the School District has brought forth its Plan. The City has an obligation to include that Plan within the Medford Comprehensive Plan and therefore can include the Planning Commission's best judgment regarding the School District's Plan and its place within the planning of the City of Medford.

Commissioner McFadden suggested making a motion to open the discussion to discuss within.

Motion: Based on the findings and conclusions that all of the approval criteria are either met or are not applicable, forward a favorable recommendation to the City Council for adoption of CP-13-061, per the Staff Report dated December 5, 2013, including Exhibits A through J and the letter submitted by the School District's attorney as Exhibit K.

Moved by: Commissioner McFadden Seconded by: Commissioner Christie

Commissioner Miranda stated that, in order to solidify this in his mind, this is that the Planning Commission is approving the adoption of policies and procedures. This does not say that the Planning Commission is approving the site being proposed. It is approving the text and information to be put in the Medford Comprehensive Plan. Is that correct? Vice Chair Tull replied including the District's Plan into the Medford Comprehensive Plan is meeting an obligation established by State law. Commissioner Miranda asked that does not mean that the Planning Commission is approving the site that is being recommended? Ms. Cooper replied that is correct.

Commissioner Schwimmer stated that when the Planning Commission began looking at this in study sessions the Commission kept getting caught up in looking at the urban growth boundary and the site proposed by the City. He immediately went to the statute and Commissioner Mansfield has brought up the issue of ORS 195.110 and whether the City is obligated in what the Commission is doing tonight. Tonight the Planning Commission is being asked to adopt the long range facilities plan the District has brought forward. That is all the Planning Commission is being asked to do tonight. In doing that, going back to what the statute states and it clearly states that the City or County containing a large school district shall include as an element in its Comprehensive Plan a school facilities plan prepared by the district in consultation with the affected city or county. Personally he is not happy with the level of cooperation that has taken place between the City and their attempts to work with the School District. There are elements to the statute itself that talk and go to that level of cooperation. The fact remains that the City has worked and cooperated with the School District in meeting the other elements of the statute. The Planning Commission

is satisfied that they have met that burden of the remaining provisions of the statute in reaching that, with the condition the Commission placed on it. The Commission felt that adopting, in the beginning, the Hull Road location put too many parameters on the Plan. He feels that it is the City's duty at this time to adopt the Plan because the statute requires it. It is not saying they agree with the Plan. The City is legally required to adopt the Plan and then the remaining provisions lay out how the sites will be approved down the line.

Commissioner Fincher pointed out that his biggest concern has been the lack of consideration by the School District in working with the Planning Commission. The fact is had they worked with the Planning Commission this would be an easy decision. It has been more or less they have said "it is our way, you have to do it, the law requires it, it is our Plan so you must endorse it". In no way is that cooperation. He does not see that as working together. He sees it more as a dictatorship for the Commission to endorse and sign off on their agreement. He is very disappointed with the process the Commission has gone through.

Commissioner Mansfield stated that the Commission may be playing with words but words are what they deal with. Seems to him the Commission is being asked to approve something that they do not approve. He does not believe the statute requires the Commission to approve something they do not approve.

Vice Chair Tull asked if it would help to say that the statute requires the City to include in the Medford Comprehensive Plan the Plan that the School District is presently working with. It is not the City's Plan it is theirs. The state says that it needs to be placed within the Medford Comprehensive Plan. Staff has done a good job in bringing it to the Commission saying the City does not concur with this Plan for the various reasons that have been stated. It could well be the School District two years from now will come to the Commission with a different plan. The Commission's role at this point is not to approve it but rather amend the Medford Comprehensive Plan so that it includes the Plan from the School District.

Commissioner Mansfield stated that he has no problem with just acknowledging that they have presented it to the Commission. He has a problem with approving it because the Commission does not approve it. There is nothing about the school site that the District has proposed that he agrees with. He fairly believes that some of the rest of the Commission believes so also.

Commissioner Christie replied that in his heart he is with Commissioner Mansfield totally. In his mind he is with Commissioner Schwimmer that they have no choice. The City has to include the School District's Plan into the Medford Comprehensive Plan. It is just that simple.

Vice Chair Tull asked whether the Commission is constrained as to the language the Commission can put into the Medford Comprehensive Plan once their Plan has been included as required.

Commissioner Miranda commented that he would further state Conclusion 10 needs to be included. He does not believe it should be stricken from the proposal. He believes it has merit and it needs to be included as written.

Commissioner Schwimmer stated that in his previous comments his recommendation was as staff has presented with that condition in place. That is an accurate reflection of the Planning Commission's conclusions that they came to as presented with staff. He does not

agree with the District's attorney's representations that condition should not exist. He believes that is a fair representation of the statute of what the Planning Commission is being asked to do and is a better representation of the statutory authority in the authority that the Commission was given to implement the Plan as they see fit.

The Commissioners took a 5 minute recess.

Vice Chair Tull stated that the Commission was in the midst of discussion of the staff recommendation that the Planning Commission forward a favorable recommendation to the City Council regarding the inclusion of the School District's Plan in the Medford Comprehensive Plan. Vice Chair Tull has passed out some wordage that he would propose that the Planning Commission add to Section 10. The School District's attorney has asked the Planning Commission to strike Conclusion 10 of staff's recommendation and report. He thinks it is essential that it be there. He appreciates staff stating right out that the City of Medford does not concur with this Plan and it provides a rationale for that based primarily on the fact that the Planning Commission is concerned about the urban growth boundary, urban reserve, the commitments that have been made and all the steps that would have to be taken if the School District moved to implement its plan regarding this particular site outside the City limits. The Commission has heard Vice Chair Tull speak at their study sessions about another aspect of this and that is what he has tried to capture in the words before the Commission. The City of Medford has over the last decade or so carefully deliberated about its plans for growth and where it ought to grow and what lands that it must have in order to be a bigger city over the next several decades, which lands are important and which are not. Through lengthy deliberations by the Planning Commission and the City Council we have come to a position as a city, that got pretty well codified in the Regional Problem Solving process, that we do not intend to extend the City out beyond the west urban growth boundary into EFU land recognizing the land between the west boundary and Jacksonville is not all of one quality but it is and historically has been some of the best agricultural land in the state. The City of Medford does not intend to grow into that land. It seems to him that decision by the City through the Commissions and City Council deliberations and numerous public hearings needs to be reflected in item number ten as a part of the Commission's reasons for saying they do not concur that the School District's Plan as presented to the Commission now is the City's plan.

Friendly Amendment made by Vice Chair Tull: To incorporate the below wording into item number ten on page 82 of staff's proposal. The language he is proposing would come immediately after the first paragraph in Section 10 which begins with the statement that "The City of Medford does not concur..." His language suggests: "In addition, any consideration of the District's proposal to bring its preferred site into the City's urban growth boundary runs directly counter to the City's long established plan for its growth. After lengthy deliberations and public hearings by both the Planning Commission and the City Council the City decided that it would not plan to expand into the EFU land to the west of its current urban growth boundary. For the City, this decision is fundamental to its compliance with the State planning goals that seek to deter the expansion of urban development into immediately adjacent agricultural land." Vice Chair Tull requested concurrence that the Commissioner's add that to Commissioner McFadden's motion.

Commissioner McFadden stated that as the maker of the motion he has no objections.

Commissioner Fincher stated that he actually likes that wording a lot better because one of his biggest concerns was that some time down the road, ten years from now, when none of the Commissioners are on the Planning Commission, they could not come back and

somehow twist this as an endorsement of that location. In order for him to vote yes on this, it has to be black and white that by no stretch of the imagination does the Planning Commission endorse the School District's Plan as far as the location. He understands the requirement to have this as part of Medford's Comprehensive Plan is why they have been unable to disagree and they have been able to force it upon the Planning Commission. He wants it to be definitely clear that at some point in the future should this issue come up where the Commission stood prior to adopting this.

Vice Chair Tull reported that what Commissioner Mansfield and Commissioner Fincher were referring to is on the fifth line of Section 9, page 81 of the agenda packet, after the word "City" remove the word "concur" and insert "understands but does not concur..."

Vice Chair Tull reflected the consensus within the Commission of disappointment that their best efforts to understand what the District's Plan means and where it has come from, how, and so on, have not lead to the sort of consultation that they were ready for. The Commission actually asked staff to invite the School District's Board Members and/or staff to come and talk with the Commission about it so that they may understand fully what they intended and they might understand fully the sort of reservations that the Commission had and see how they can reach this point of sending something on to City Council that was mutually agreeable rather than contentious as he feels this is right now. That consultation at the Commission's level of discussion and decision did not happen. He understands that staff spent a lot of time with District staff and he very much appreciates the professional leadership provided by the City's staff on behalf of the City. The Planning Commission has a deciding responsibility and the City Council has delegated that to the Commission. When the Commission sends a recommendation on to the City Council it is with the expectation that they will receive it as a very careful decision on the Commission's part. He thinks the School District needed to talk with the Planning Commission as well as with staff and that has not happened.

Recording Secretary, Terri Rozzana, asked Commissioner McFadden that in his motion he had included the letter from Mr. Pauck. Did he also include the letter from Ms. LaNier into the record? Commissioner McFadden replied that he did not as an oversight because it was not in front of him and he had not listed it as such. He assumed it was already in the agenda packet which evidently it was not. That would be the next alphabetical letter which would be fine as well as Vice Chair Tull's amendment. Vice Chair Tull reported that he would like to have his wording incorporated into the body of the document. Commissioner McFadden replied that is fine with him too.

Roll Call Vote: Motion passed, 7-0.

- 50.3 CP-13-118 Consideration of a Class 'B' Minor Comprehensive Plan amendment to amend the General Land Use Plan (GLUP) map from Urban Residential (UR) to Commercial (CM) for two properties totaling 6.5 acres located on the east side of Oak Grove Road approximately 500 feet south of the intersection of West Main Street and Oak Grove Road. This application is filed in conjunction with ZC-13-117, a Major Zoning Map Amendment to re-zone over 150 properties in the City limits with County zoning to City zoning. (City of Medford, Applicant).

Carla Paladino, Planner III, summarized the proposal and stated that the criteria are noted on the slide of her presentation and which staff had detailed in the staff report. Ms. Paladino gave a staff report.

The public hearing was opened and the following testimony was given.

- a. Todd Rosboro, 339 Oak Grove, Medford, Oregon, 97501. Mr. Rosboro stated that he is confused because he has been at that address for thirty-three years and he always assumed it was zoned commercial. It was County when he moved into his place. He is not on City water, he has a well. He does not mind it being commercial. There is a residence up front that is a rental. He wants to make sure that can stay there. As long as he can keep operating the property the way they have been. Vice Chair Tull stated that his understanding of the staff report is that none of which Mr. Rosboro has counted on is changed. The property will have City zoning which means it can be considered in the overall planning for the whole area. There is no need for Mr. Rosboro to come to the City for any change of zoning in order to continue his business. Mr. Rosboro replied that he did not understand how it became residential when it has always been commercial. It was County Commercial. Ms. Paladino stated that the zoning map shows the property as County Suburban Residential. The plan is that it would be changed to a General Land Use Plan map designation of Commercial and in the next application staff will request that it be changed from the SR-2.5 to Heavy Commercial.

The public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are met, forward a favorable recommendation for adoption of CP-13-118 to the City Council per the staff report dated December 4, 2013, including Exhibits A through E.

Moved by: Commissioner McFadden Seconded by: Commissioner Miranda

Roll Call Vote: Motion passed, 7-0.

- 50.4 **ZC-13-117** Consideration of a proposed Class 'A' Major Legislative Amendment to the City of *Medford Zoning Map* changing the zoning of over 150 properties from County zoning to City zoning. The properties are located in the city limits of Medford in the West Main Street area generally west of Jeanette Avenue, between Stonefield Way on the north and Meadows Lane on the south. The existing County zoning includes the following types: Suburban Residential 2.5 acre minimum (SR 2.5); General Commercial (GC), and Neighborhood Commercial (NC). The properties will be converted to one of the following City zoning designations: Single Family Residential – one dwelling unit per existing lot (SFR-00), Heavy Commercial (C-H), Community Commercial (C-C), or Neighborhood Commercial (C-N). (City of Medford, Applicant).

Carla Paladino, Planner III, distributed two letters to the Commissioners to be entered into the record as Exhibit J. Ms. Paladino gave an overview and background of the project, reported that the applicable criteria have been satisfied, stated benefits to the project, goals of the re-zone and recommended changes.

Commissioner Schwimmer asked if Mr. Longan's property is currently more closely related to Heavy Commercial or Community Commercial? Mr. Longan wants a use for his future storage facility. He cannot under what is being proposed but he can under his current zoning. Ms. Paladino reported that he can do it under the General Commercial or under the Heavy Commercial.

Vice Chair Tull asked that staff does not have a recommendation regarding the Longan property? Ms. Paladino replied that staff does not have a strong recommendation.

The public hearing was opened and the following testimony was given.

- a. Jay Harland, CSA Planning, Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Harland stated that he was present tonight on behalf of Southern Oregon Management, Inc. the owners of the property and also the Bazter Group. He appreciates staff's recommendation on the Heavy Commercial on the two properties they own. He added an additional element which is they own the property immediately to the north and they have an approved project on that property. They went through Site Plan and Architectural Commission review and a partition to the north. The City's Public Works Department wanted a street in that location and there have been challenges getting road connectivity in that area. It affected their site plan in terms of what they were able to do. It took quite a while to negotiate something that was workable. The property owners made an effort to work with the City and they ended up with a Disposition and Development Agreement. That agreement did not only include the properties being divided it included Tax Lot 2700 which is the property immediately to the south. They encumbered property through the Disposition and Development Agreement that the current construction operation is located upon. It stated that at some future time when that may redevelop they would provide the street as part of any project. It is a concern his client has that they would get a zoning that would prevent them from doing something like a small addition to their steel shop or whatever for the existing contracting business. That is an additional element and the reason why they would appreciate having consideration for that agreement and getting the C-H zoning.

Vice Chair Tull asked that essentially Mr. Harland is satisfied with the recommendation that staff brings to the Commission? Mr. Harland replied yes. Mr. Harland submitted a copy of the Disposition and Development Agreement into the record.

- b. Gary Zoll, 2764 West Main, Medford, Oregon, 97501. Mr. Zoll stated that he owns Tax Lot 900 which is adjacent to Oak Grove School on West Main Street. There is an existing residence on that property and he wants to make sure that can be maintained. Mr. Zoll asked what effect is this going to have if any on their property value and property tax liability? Is this just an alignment of name change between county zoning and city zoning and the actual use of the property? He is General Commercial now. A portion of his property, the front is under city zoning and the back is under county zoning. It is a bit confusing. Vice Chair Tull stated that they want to fix that confusion. Hopefully, this makes it easier for Mr. Zoll to plan for use of the property effectively. Ms. Paladino reported that existing residences can remain. Staff did speak with the County Assessor regarding what is going to happen to people's property value and she read the email response back: "Regardless of what the City changes their zoning to, their assessed value will not increase. Now their real market value may increase and that is the value they could possibly sell it for but not until they use that land with the new intended zoning will their tax assessment be changed."

The public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are met, forward a favorable recommendation for adoption of ZC-13-117 to the City Council per the staff report dated November 27, 2013, including Exhibits A through J, and Commission recommendation regarding the property owner requests to go from GC to C-H along Ross Lane and West McAndrews.

Moved by: Commissioner McFadden

Seconded by: Commissioner Miranda

Roll Call Vote: Motion passed, 7-0.

60. Report of the Site Plan and Architectural Commission.

60.1 Commissioner Miranda reported that the Site Plan and Architectural Commission's one item on the agenda was withdrawn. It was regarding the carport structure for First Baptist Church and Grace Christian School.

70. Report of the Joint Transportation Subcommittee. None.

80. Report of the Planning Department.

80.1 Kelly Akin, Principal Planner stated that at the November 21, 2013, City Council meeting they approved the Commissions residency requirement amendment. They approved those that reside in the urban growth boundary can serve on the Site Plan and Architectural Commission, Planning Commission and Landmarks and Historic Preservation Commission but are limited to two. City Council revised the Planning Department's fee schedule.

Last week, City Council adopted the electronic sign code amendment for the CS-P zone that the Planning Commission has forwarded a favorable recommendation.

Next week, City Council will be hearing two appeals on Planning Commission decisions. One was the Planned Unit Development for Vista Pointe and the other was the Planned Unit Development for Spring Meadows.

The next Planning Commission study session scheduled for Monday, December 23, 2013, has been cancelled due to no business scheduled.

Ms. Akin apologized for the Planning Commission public hearing scheduled for Thursday, December 26, 2013. She thanked the Commissioners who will be able to attend that meeting. Staff tried really hard not to schedule business for that day but was unsuccessful. There is no business scheduled for Thursday, January 9, 2014, so staff will recommend that the Commission adopt the Final Order for the one business item on Thursday, December 26, 2013.

The Internal Study Areas hearings will begin on Thursday, January, 23, 2014. She assumes it will be a lengthy meeting for the Commission. There are also three quasi-judicial hearings scheduled for Thursday, January 23, 2014. Also, tentatively scheduled for Thursday, January 23, 2014, at noon is the joint study session with the Planning Commission and City Council.

January 24, 2014 is the annual Boards and Commissions Luncheon. Ms. Akin requested the Commissioners to wait for approximately five minutes after tonight's meeting is adjourned, she needs to take a couple of photographs of the Commissioners.

90. Messages and Papers from Chair of Planning Commission. None.

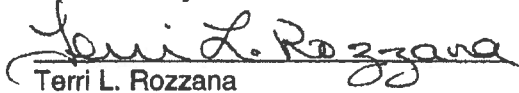
100. Remarks from the City Attorney. None.

110. Propositions and Remarks from the Commission. None.

120. Adjournment.

The meeting was adjourned at 8:03 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:



Terri L. Rozzana
Recording Secretary



Robert Tull
Planning Commission Vice Chair

Approved: December 26, 2013