



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: June 15, 2015
Jurisdiction: City of Medford
Local file no.: CP-15-022
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/11/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

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.: 002-15 {23630}

Received: 6/11/2015

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-15-022**

Date of adoption: 5/21/15

Date sent: 6/11/2015

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): 2/24/15

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): Aaron Harris, Planner II

Phone: 541.774.2380

E-mail: aaron.harris@cityofmedford.org

Street address: 200 South 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 change.	to SC	0.33 acres.	A goal exception was required for this change.
Change from change.	to	acres.	A goal exception was required for this change.
Change from change.	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): 37-1W-19DD/8400, 8500, 8600 - Entirely within UGB

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

ORDINANCE NO. 2015-50

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation on three 0.11-acre lots on East Jackson Street between Mae Street and Marie Street from low-density Urban Residential (UR) to Service Commercial (SC).

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 three 0.11-acre lots on East Jackson Street between Mae Street and Marie Street from low-density Urban Residential (UR) to Service Commercial (SC) is hereby approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law included in the Staff Report dated May 5, 2015, attached as Exhibit A and incorporated herein.

PASSED by the Council and signed by me in authentication of its passage this 21 day of May, 2015.

ATTEST: Blenda Wilson
City Recorder

[Signature]
Mayor
[Signature]
Mayor

APPROVED May 21, 2015.



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

FINAL REPORT

for a Class-B quasi-judicial decision: GLUP map amendment

PROJECT GLUP Amendment: UR to SC at the intersections of East Jackson Street and Mae Street and East Jackson Street and Marie Street

FILE NO. CP-15-022

TO City Council *for 05/21/2015 hearing*

FROM Planning Commission *via Aaron Harris, Long-Range Planning*

REVIEWER John Adam, Senior Planner

DATE May 5, 2015

BACKGROUND

Proposal

A General Land Use Plan Map amendment to reclassify three 0.11-acre lots located on East Jackson Street between Mae Street and Marie Street from urban residential (UR) to service commercial (SC). The GLUP map is a component of the City's Comprehensive Plan and is the basis for zoning district designations. The GLUP map covers the entire urban area, including property that has not yet been annexed to the City.

History

The amendment was initiated by the property owners. The Planning Commission held a hearing on 04/23/2015 and voted 7-2 to recommend adoption to the Council. The findings in support of this amendment are contained in Exhibit A at the end of this report.

Authority

This proposed plan authorization is a Class-B quasi-judicial amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.102-10.122, 10.165, and 10.185.

EXHIBIT A

ANALYSIS

1. Is this site appropriate for the proposed designation?

The applicants have not identified a specific development plan for this lot. The three 0.11-acre lots are the only properties that front E. Jackson Street in this vicinity that are still zoned as residential. The SC GLUP designation allows only the Service/Professional (C-S/P) zoning district.

Approving the change to this location means deeming acceptable all the outright permitted uses that are allowed under the C-S/P zoning designation that corresponds to it, including offices, medical facilities, service-oriented businesses, and residential development at 20–30 dwelling units per acre. The C-S/P zoning district is permitted adjacent to residential districts without qualification; the only mitigation perceived as necessary is a height restriction for development within 150 feet of a residential district (10.721) and buffering requirements for various types of development (10.790). There is, in other words, an inherent presumption of compatibility for the designation adjacent to UR land. There are also no significant facility impacts rising from the change.

The Planning Commission provided various opinions on the proposal at the April 23rd hearing. Chair McFadden stated that he supports the changing character of the neighborhood because it shows a progressive commercial area. Commissioner Schwimmer expressed his support because the amendment provides an opportunity to provide high-density affordable housing. Commissioner Mansfield opposed the amendment because he believes there are other areas in the City better suited for the proposed development.

2. How would this amendment affect the supply of Residential, Commercial, and Industrial lands?

The City has a documented need for hundreds of acres of both UR and SC categories for the 20-year planning period according to the housing and economic elements of the Comprehensive Plan. Even if the City were not pursuing an urban growth boundary amendment to address the need, the change of this small acreage does not significantly affect the supply of either category. Further, a change in designation from UR to SC does not prevent the property from being used for multifamily housing, as residential units meeting the density standard of the MFR-30 (Multiple-Family Residential – 30 units per acre) zoning district are allowed on commercially zoned properties. The proposed change would increase the use flexibility of the property.

The remaining question is whether it is a good idea to swap 0.33 acres of a deficient land category for another deficient land category. On the one hand, the UR deficiency is nearly three times greater than the SC deficiency. On the other hand, there are Comprehensive Plan policies that support an increase in mixed uses in order to provide variety and to bring goods and services into closer proximity to residences. The Planning Commission concludes that the proposed GLUP amendment is supportable.

3. How would this amendment affect public facilities?

Public Works stated that a traffic impact analysis is not required for the proposal (Exhibit D). The Medford Water Commission was notified but did not comment. The proposed change has no significant impacts to transportation, sanitary sewer, storm drainage systems, and water distribution.

4. Assessment of comments received.

Two neighbors spoke in opposition to the proposal (Exhibit F). They stated that the proposal will disrupt the residential character of the neighborhood and is unnecessary. The Planning Commission did not agree and reiterated the findings provided in the staff report noting policies that support mixing uses. Further, a change in designation from UR to SC does not prevent the property from being used for multifamily housing, as residential units meeting the density standard of the MFR-30 (Multiple-Family Residential – 30 units per acre) zoning district are allowed on commercially zoned properties.

RECOMMENDATION

The Planning Commission recommends adopting the proposed amendment based on the analyses, findings, and conclusions in the Final Report dated May 5, 2015, including Exhibits A through F.

EXHIBITS

- A Findings and Conclusions
- B Minutes, Planning Commission
- C Vicinity Map
- D Applicant's findings
- E Referral agency comments
- F Public comments

CITY COUNCIL AGENDA: May 21, 2015

Exhibit A

Findings and Conclusions

Comprehensive Plan—Review and Amendments section: Map designation amendments shall be based on [criteria 1–7, as follow]:

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

Findings

The Economic Element, adopted 12/4/2008, projects a 290-acre need for Service Commercial land over the 20-year planning period to be added by changes to existing designations (Policy 1-5 & Implementation 1-5(b)) and/or by adding land to the urban area. The City is pursuing both the options on its own, but that process is far from completion. The City also needs 826 acres of low-density urban residential (UR), a greater need than for SC. However, there are also policies and implementation strategies in the Economic, Housing, and Transportation Elements that support mixed uses.

Conclusions

Despite the greater need for UR, this proposal is not a large amount and it complies with policies supporting mixed-use development. The proposed change is consistent with pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of commercial land.

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

Findings

As noted under Criterion 1, the Economic Element projects a 290-acre need for Service Commercial. One component of that need is for “large” office sites, which are typically five acres in size (Economic Element, *Figure 28*, p. 47). Again, there is a larger housing need, but this is an opportunity to provide a greater mix of uses to an area mostly composed of low-density residential development.

Conclusions

The proposal responds to a demonstrated need for adequate employment opportunities and the desirability of mixing uses. The proposal is sustainable.

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

Findings

Transportation, water, and sewer utilities are available to the site and can handle the changes without upgrading the facilities.

Conclusions

Sufficient facilities exist to accommodate the proposed classification change.

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

Findings

The Service Commercial GLUP designation allows for high-density residential in addition to permitted commercial uses. A designation change would not eliminate possible residential use of the site.

Conclusions

A designation change would mean the land could be used for both service commercial and residential uses; it is a more efficient use of a buildable site within the current city limits.

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

Findings

Environmental. The lots are already inside the UGB, thus has already met the test concerning environmental impacts; change of designation does not affect suitability for urbanization.

Energy. No energy consequences are discernable.

Economic. The designation change would help address a deficit in employment land.

Social. The General Land Use Plan Element of the Comprehensive Plan states that the Service Commercial designation may be located adjacent to residential designations. Additional provision for compatibility is made through the use of buffering standards at time of development. For example, building height is limited to 35 feet within 150 feet

of residential GLUP designations, coverage by structures is limited to 40 percent of the lot, and retail uses are very limited.

Conclusions

Environmental. Since the property is not in a natural state and has long been identified for urban development, there will be no adverse environmental impacts.

Energy. There are no energy consequences.

Economic. By addressing an employment land deficit, there is an economic benefit.

Social. The SC designation is appropriately located adjacent to the UR designation.

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

Findings

Economic Element

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5-b. Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Conclusions

This change does supply a small amount of the projected need for Service Commercial land.

Criterion 7. All applicable Statewide Planning Goals

The following demonstrate conformity with the applicable Statewide Planning Goals.

Goal 1—Citizen Involvement

Findings

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. Goal 1 requires provision of the opportunity to review proposed amendments prior to a public hearing, and recommendations must be retained and receive a response from policy-makers.

The rationale used to reach land use decisions must be available in the written record. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes review of proposed Comprehensive Plan amendments by the Planning Commission and City Council. Affected agencies and departments are also invited to review and comment on such proposals, and hearing notices are mailed to nearby property owners, published in the local newspaper, and posted on the site. This process has been adhered to in this proposed amendment. The proposal was made available for review on the City of Medford website and at the Planning Department. It was considered by the Planning Commission and the City Council during televised public hearings.

Conclusions

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

Goal 2—Land Use Planning

Findings

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions

There is an adequate factual basis for the proposed designation change.

Goal 3—Agricultural Lands does not apply.

Goal 4—Forest Lands does not apply.

Goal 5—Natural Resources, Scenic & Historic Areas, and Open Spaces does not apply.

Goal 6—Air, Water, and Land Resources Quality

Findings

The allowable uses in the Service Commercial designation do not generally produce discharges that are notably different from allowed uses in the Urban Residential designation, with the exception that commercial uses are greater trip generators than low-density residential. There are no streams on the lot that would be impacted. The land in question is not classified a resource in terms of agriculture because it is classified urbanizable.

Conclusions

The proposed change will have no discernable effect on the production of pollutants. Though commercial land is a greater trip generator, there is no appreciable difference

between placing a commercial area in this location as opposed to another location in the City with respect to overall air quality. There are no water or land resource quality impacts.

Goal 7—Areas Subject to Natural Hazards does not apply.

Goal 8—Recreation Needs does not apply.

Goal 9—Economic Development

Findings

The first section of this Goal requires Comprehensive Plans to “3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.”

Conclusions

The proposed change will provide some new commercial land in the existing urban area.

Goal 10—Housing

Findings

The goal requires that “plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.” The proposed change would remove the potential for a definite number of low-density housing units and replace it with a potential for a greater number of high-density housing units.

Conclusions

Despite the loss of low-density potential, there is a benefit in retaining a housing potential on the property. It is change of type and density, but it does not exceed the identified need.

Goal 11—Public Facilities and Services

Findings

Refer to findings under Criterion 3, above.

Conclusions

Refer to conclusions under Criterion 3, above.

Goal 12—Transportation

Findings

The “Transportation Planning Rule” (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. The City has defined an adequate level of service (LOS) as “D” on an A–F scale. A traffic impact analysis form signed by a City of Medford traffic engineer states that a traffic impact analysis is not required with the GLUP change proposal.

Conclusions

The change will have minimal impact on facilities, and will not require upgrades to maintain adequate level of service.

Goal 13—Energy Conservation does not apply.

Goal 14—Urbanization does not apply.

Goals 15–19 do not apply to Medford.

Exhibit B

Minutes, Planning Commission, 4/23/2015

Excerpt

50. Public Hearings—New business

50.1. **CP-15-022** General Land-Use Plan (GLUP) Map amendment from Urban Residential (UR) to Service Commercial (SC) on 0.33 acres comprising three lots located on East Jackson Street between Mae Street and Marie Street (map/taxlot no. 37-1W-19DD/8400, 8500, 8600). Ryan Kantor, James & Eva Kell, and Michael Malepsy, Applicant.

Aaron Harris, Planner II, gave a staff report and reviewed the General Land-Use Plan amendment criteria.

Commissioner MacMillan asked if staff determined that no transportation, water, or sewer improvements were required based on the fact that Public Works and the Water Commission did not comment. Mr. Harris replied that when there are no comments it is safe to assume the infrastructure is sufficient.

Commissioner McKechnie asked if the zoning is changed to Service Commercial and a commercial use is put there does that require a buffer between that and the residential uses? Mr. Harris replied that it does. The buffer required will be 10 feet wide, vegetation of various sorts that grows to 20 feet high over a ten-year period, and a six-foot high concrete or masonry wall. That only applies to new development.

Commissioner Schwimmer asked how the request meets the public need criterion when the intent is unknown. Mr. Harris stated that the need for the City is determined by the Economic Element and the Housing Element of the Comprehensive Plan. The Housing Element calls for 826 acres of urban residential and 290 acres for office uses over the next 20 years. It is such a small area to be changed that relative to the scale of need it is inconsequential.

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

- a. Ryan Kantor, 1029 East Jackson Street, Medford, Oregon, 97504. Mr. Kantor stated that it is his property that is in question. The other two property owners have no desire to do anything with their property at this time. Mr. Kantor plans to do a full renovation of the building, turning it

into a small office. It will be attractive from the street instead of the dumpy looking house it is now.

Chair McFadden stated that he likes the changing of the neighborhood. It shows a progressive commercial area. Does Mr. Kantor find in his analysis the cost balances out for the developer? Mr. Kantor stated that if Chair McFadden is talking about the potential income of the property from residential versus commercial there is an advantage. One can get a better per-square-foot rate. That is one of the major thoroughfares that one would want attractive buildings to make the City look better and promote growth. It makes sense considering the entire street is pretty much all commercial.

- b. Cynthia Swaney, 320 Marie Street, Medford, Oregon, 97504. Ms. Swaney reported that the proposed amendment will significantly impact the neighborhood and those who live in it. She said her neighborhood is already bounded on three sides by commercially zoned lots. They need the freedom to improve their historical cottages and reap the benefits. She said the proposed change would not be compatible with the goals for the neighborhood or the goals of the Medford Comprehensive Plan.

Chair McFadden asked if new development along Jackson might provide the neighborhood in that it would provide a buffer against the traffic noise. Ms. Swaney said she is concerned that more traffic that will be cutting through to get to more commercial properties. She added that there are children that play in the streets especially in the evenings; it is an old-fashioned neighborhood.

- c. Dave Swaney, 320 Marie Street, Medford, Oregon, 97504. Mr. Swaney said he is against the change to the subject properties in the Laurelhurst subdivision. He gave two reasons: one, the proposal is not compatible with their historic neighborhood; two, it is a case of mistaken discrimination against Laurelhurst by the City. It is mistake because Laurelhurst has changed substantially for the better recently. Last year they had to endure months of upheaval during the paving of their alleys. The alley project has one positive outcome; it made the neighborhood aware of the need to protect their community from actions like the proposal tonight that work against it. They will be organizing a neighborhood association to work with the City and the media to increase awareness of threats like these to their hopes and dreams for historic Laurelhurst.

Mr. Kantor reported that the majority of commercial property is leased. He has approximately thirty properties across Medford that are leased because they are consistently maintained and attractive. The need is there. He does not think the community the Swanys live in behind the major thoroughfare of Jackson Street

will be impacted by traffic. There is no reason for traffic to go through those streets unless they are going to a residence.

Mr. Harris addressed the requirements for Goal 10, relating to housing. By making this map change the properties in question still retain the potential for providing housing. The proposed map designation allows for housing at MFR-30 density.

Vice Chair Miranda asked whether map change allows or requires MFR-30? Mr. Harris clarified that the change allows for MFR-30 density.

Commissioner McKechnie clarified that this is not a zone change not a General Land Use Plan map change. It just means that at some point the owners of the three properties can change from the current zoning to C-S/P. Mr. Harris replied that is correct.

Alex Georgevitch, Acting City Engineer, apologized that Public Works did not have a staff report in the agenda packet. The reason they had no comment is that there was not a trip generation rate increase over 250 trips; therefore, there are no definable impacts from the transportation side. He added sewer and storm drainage systems are adequate.

The public hearing was closed.

Motion: Based on the findings and conclusions that all the approval criteria are either met or are not applicable, the Planning Commission forwards a recommendation for approval of CP-15-022 to the City Council per the Staff Report dated April 13, 2015, including Exhibit A.

Moved by: Vice Chair Miranda Seconded by: Commissioner Pulver

Commissioner Schwimmer stated that this is a General Land Use Plan map change to the overall zone. It is important that the actual use of the properties will be utilized whether it is C-S/P or allow high density housing. The need for affordable housing in this community is a need that he always looks for. He supports the General Land Use Plan map change.

Commissioner Mansfield commented that he appreciates Commissioner Schwimmer's input. It is very helpful to him. If he understands Commissioner Schwimmer's comment that there is a need for more area for high-density residential, he accepts that. This is a tough one for Commissioner Mansfield. He is going to vote no because his belief is there are other areas that can perform this development.

Roll Call Vote: Motion passed, 7–2 with Commissioner Fincher and Commissioner Mansfield voting no.

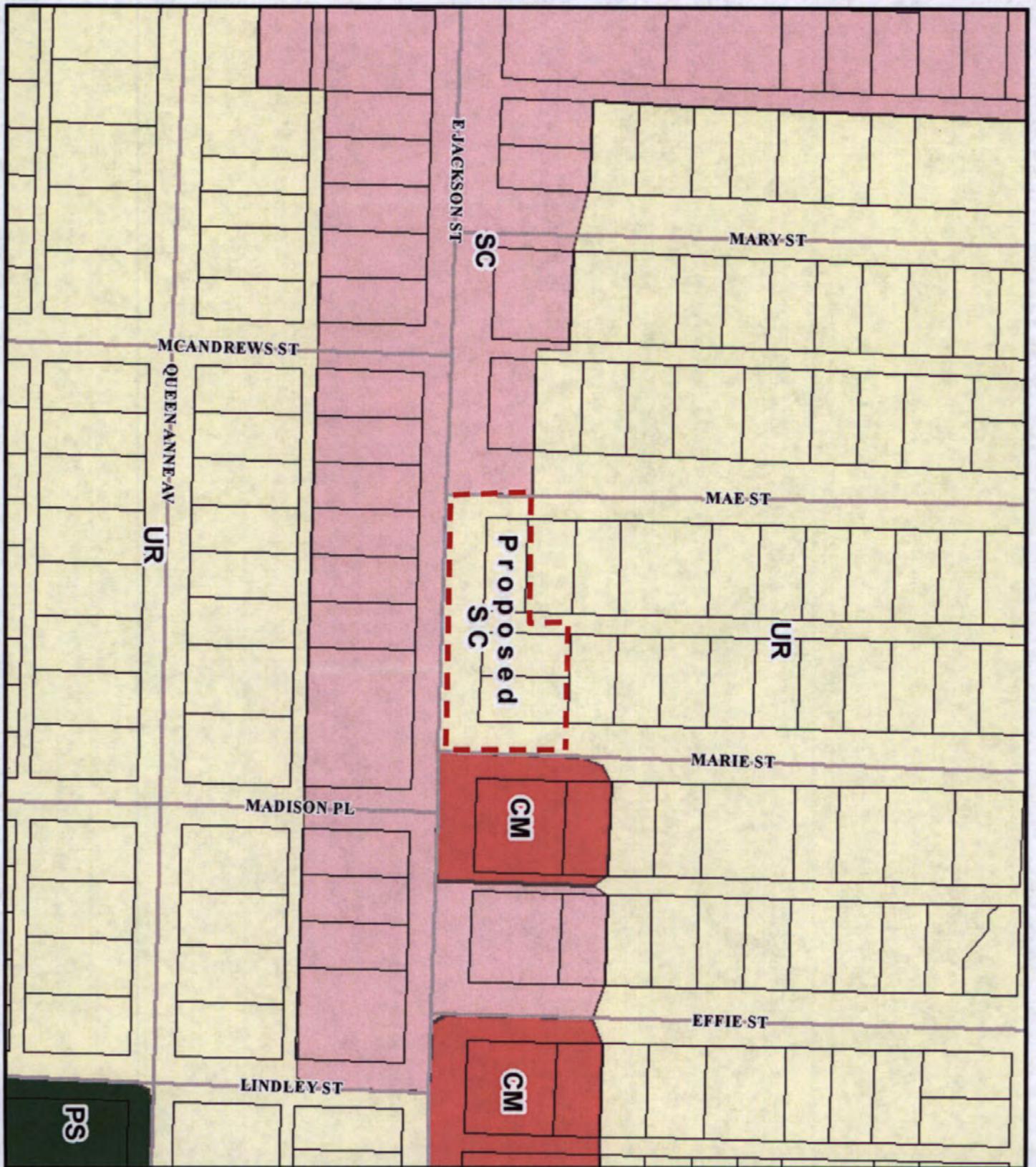


EXHIBIT C

Vicinity Map

Application Name/Description:

**E Jackson GLUP Map
Amendment**

Proposal:

**Three lot GLUP Map
Amendment: UR to SC**

File Numbers:

CP-15-022

Applicant:

**James & Eva Kell,
Michael Malepsy,
& Ryan Kantor**

Map/Taxlot:

371W19DD

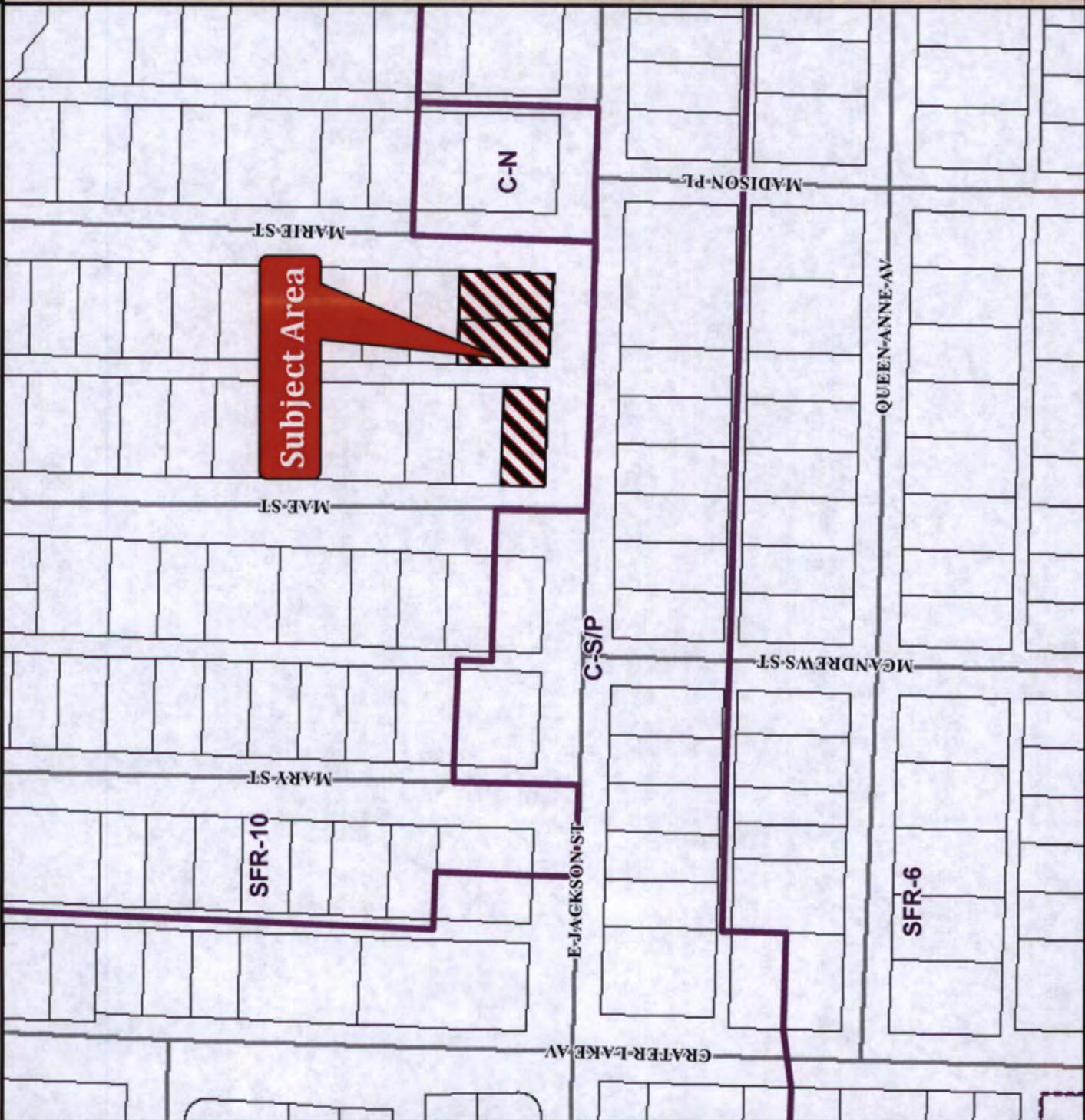
TL's 8400, 8500 & 8600

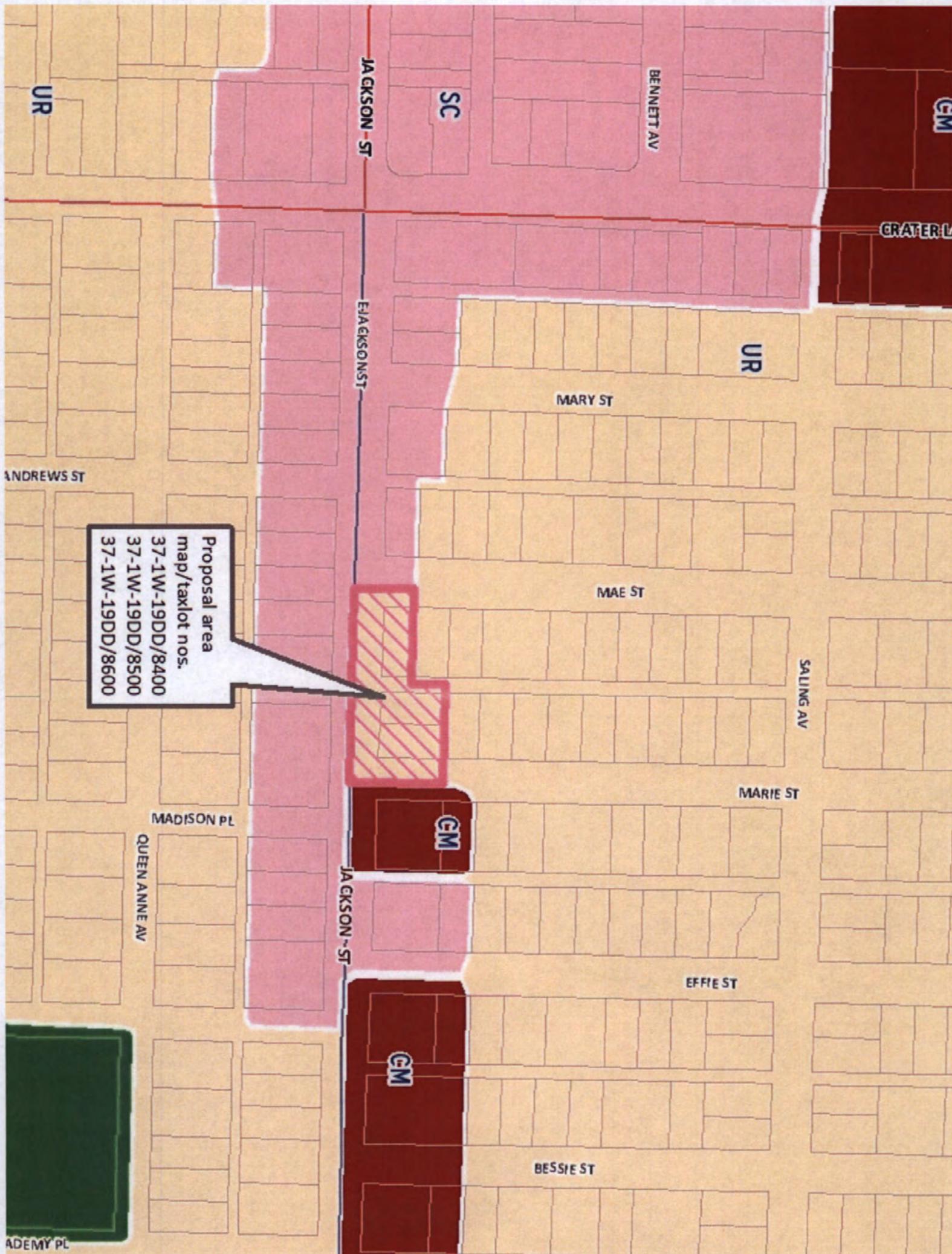
	Subject Area
	Medford Zoning
	UGB
	Tax Lots
	City Limits
	PUD

Area of Map



02/13/2015





Proposal area
map/taxlot nos.
37-1W-19DD/8400
37-1W-19DD/8500
37-1W-19DD/8600

UR

SC

BENNETT AV

GM

CRATER L

JACKSON ST

JACKSON ST

UR

MARY ST

ANDREWS ST

MAE ST

SALINE AV

MARIE ST

GM

MADISON PL

JACKSON ST

EFFIE ST

QUEEN ANNE AV

GM

BESSIE ST

ACADEMY PL

Exhibit D
Applicant's Findings

RECEIVED

FEB 12 2015

PLANNING DEPT.

Findings of Fact

Criterion 1

Since the designation of the subject property as SFR10 the city of Medford has adopted new components of the City of Medford Comprehensive Plan. The new plan elements contain updated goals and policies that are significant to this criterion and form a basis for this GLUP map amendment, specifically deficits of office development pattern lands in the Service Commercial designation. The proposed amendment will help alleviate that deficit.

Criterion 2

The change of designation from SFR10 to Service Commercial does not prevent the property from being used for multifamily housing, as residential units with a density that is equivalent to MFR30 zone are allowed on Commercial designated properties. Changing the zoning would increase the flexibility of the property and is consistent with this criterion.

Criterion 3

Sanitary sewer in the subject area has recently been upgraded, along with the paving of the alleys, and there are no identified deficiencies from development associated with this GLUP amendment.

Water is available in sufficient quantity and pressure to accommodate this change.

The storm drainage is adequate in this area and this change would have little or no effect.

Criterion 4

The evidence shows that the Economic Element reports shortages of land in the Service Commercial land category. Additionally, this criterion is the most compelling reason for this change. The three .11 acre lots are the only properties that front E. Jackson Street in this vicinity that are still zoned as residential. Both sides of E. Jackson Street in this area are zoned Service Commercial and this change would be consistent with the other properties and the orderly development of properties in the city. This amendment meets this criterion.

CITY OF MEDFORD
EXHIBIT # D
File # CP-15-022

Criterion 5

Environmental

Applicant is unaware and there is no knowledge of any environmental contamination on the property. The property is currently three residential properties. Any environmental consequences in connection with this change are the same and not unusual or significant.

Energy

There are no important energy consequences in connection to this property. However added Service Commercial in this close-in, arterial served property would reduce transportation to access similar properties further from the main population center.

Economic

There is a positive economic consequence in that this change helps reduce the shortfall of Service Commercial. It may be developed for more employment opportunities.

Criterion 6

This amendment is compatible with other elements of the comprehensive plan not intended to be amended. The proposed GLUP amendment will increase the efficient use of land within the city by converting land to needed Service Commercial. It also provides for the orderly development of the city with adjacent and already existing Service Commercial in this area. It therefore meets this criterion.

Criterion 7

The State of Oregon has found the city's comprehensive plan to be consistent with statewide planning goals. The minor nature of this change will not violate any of Oregon's applicable planning goals.

Exhibit E
Referral Agency Comments

GENERAL LAND USE PLAN MAP AMENDMENT APPLICATION

RECEIVED

TRAFFIC IMPACT ANALYSIS FORM

FEB 12 2015

PLANNING DEPT.

A. Form to be filled out and signed by a representative from the Public Works Department - Traffic Section prior to submittal of this General Land Use Map Amendment application.

Map and Tax Lot(s)	<u>371W19DD8600, 8500, 8400</u>		
Current GLUP Designation:	<u>UR (SFR-10)</u>	<u>0.33 x 10 x 10</u>	<u>33 trips</u>
Proposed GLUP Designation:	<u>SC (C-S/P)</u>	<u>0.33 x 500</u>	<u>165 trips</u>
	<u>0.33 acres</u>		<u>132 Trips</u>

B. Based upon the information submitted with this application:

- A Traffic Impact Analysis is not required
- A Traffic Impact Analysis is required and has been submitted to the Public Works - Traffic Section.
- Insufficient information to determine if TIA is required.

Peter T Mackprang
Printed Name

Peter T Mackprang
Signature

Assoc Traffic Engineer
Title

CITY OF MEDFORD
EXHIBIT # E
File # CP-15-022

Exhibit F

Public Comments

Speaking against the GLUP amendment re properties at E. Jackson and Mae and Marie Streets, 4/23/15.

Dave Swaney
320 Marie St.
Medford, OR 97504
541 690-1429

I thank God for the opportunity to speak before the commission tonight.

I am here to speak against this GLUP change to the subject properties in the Laurelhurst subdivision.

There are two reasons why I am opposed to it. The first is that the proposal is not compatible with our historic neighborhood.

Yes, we currently have commercial development infringing on it. But don't add to our problem by approving this requested change.

The second reason I am against it is that it is a case of *mistaken discrimination* against Laurelhurst by the city.

It is mistaken because Laurelhurst has changed substantially for the better recently.

As a direct result of mistaken discrimination, last year we had to endure months of upheaval during the paving of our alleys.

Why did the city choose Laurelhurst for this totally unnecessary project?

Why didn't it choose to pave the alleyways further up the hill?

I believe it chose Laurelhurst due to a case of mistaken discrimination.

The alley project had one positive outcome; it made us aware of the need to protect our community from actions like this one that work against it.

I am one of a growing number of home-owners who love living in Laurelhurst. And we are putting our energies into improving our properties.

CITY OF MEDFORD
EXHIBIT # F
File # CP-15-022

It's a charming area with

- a long history in Medford
- a multi-cultural environment
- children playing in the streets on warm evenings, and
- families spending weekends working together on their cottages

Young couples are buying their first homes here. Retirees like us are downsizing to the neighborhood's smaller homes.

You can see examples of some of these homes on Mae and Marie Streets – within two blocks of the property in question – in the handouts we provided.

Laurelhurst is already demonstrating that it can be a major success story for Medford. We hope that it will soon be considered another Queen Anne Avenue.

If this proposed GLUP amendment is changed, we plan to continue to fight it incompatibility and its mistaken discrimination against Laurelhurst.

We will be organizing a neighborhood association to work with the city and the media to increase awareness of threats like these to our hopes and dreams for historic Laurelhurst.

RECEIVED

APR 24 2015

PLANNING DEPT.

City of Medford Planning Commission Public Hearing
General Land Use Plan Amendment CP-15-022
April 23, 2015

My name is Cynthia Swaney and I live on Marie St. As stated in the Community Involvement Element of the City of Medford Comprehensive Plan, I'm here tonight to provide input and do my best to influence the decision before you: General Land Use Amendment CP-15-022.

One of the purposes of the comprehensive plan, as you know, is to create a balance of residential and commercial space so that the citizens of this city have a place to live as well as a place to shop, see their doctor, or get a haircut.

The applicant points to the Economic Element adopted by the Commission in 2008 which states the projected 20 year land use needs. It is evident, however, that since the downturn in 2008 these goals and needs have changed or at least postponed. From my research it would seem that we have a dearth of commercial properties available, and a shortage of living space. Rental vacancy rates are 1.9%, and although a vacancy rate for commercial was not available, all you have to do is walk around this town to know there are LOTS of vacancies. According to the Rogue Valley Assn of Realtors/So Oregon MLS website I calculated 138,487 sq ft to buy or lease within a short walking distance of the said property, and a high percentage of these on E. Jackson and E. Main. That doesn't include the Medford Center with new owners who will be actively promoting the empty space there, nor the recently vacated Health and Human Services building on E Main St.

The applicant states that the change of this small acreage does not significantly affect the supply of either category. That may be, but I am here to tell you that it will significantly impact the neighborhood and those of us who live in it. We are not just numbers in some 20 year plan, but people who have invested time, money, and heart to make a great place to live, to raise our kids, and grandkids.

When you look at the GLUP map, our small, humble neighborhood is already surrounded on 3 sides by commercially zoned lots. We don't need more doctors, lawyers, accountants, real estate or physical therapy offices, massage parlors, beauty salons, traffic and concrete. We don't need less parking spaces, and trees. We need the freedom to improve our historical cottages and reap the benefits. I believe this proposed change would not be compatible with these goals for our neighborhood or the goals of the Medford comprehensive plan.

Thank you.

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APR 23 2015
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Mae St. home 1



Mae St. home 2



Mae St. home 3



Mae St. home 5



Mae St. home 4



Mae St. home 6



Marie St. home 2



Marie St. home 1



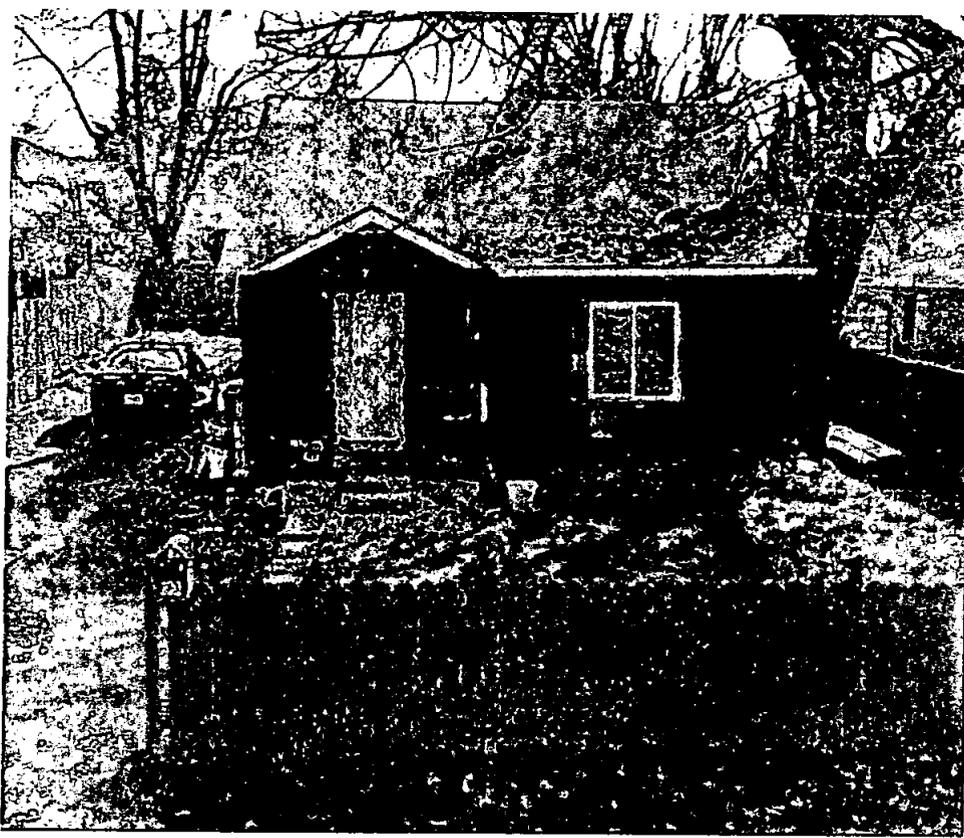
Marie St. home 3

Marie and Mae Streets homes being fixed up

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APR 23 2015

PLANNING DEPT.



Our house at 320 Marie St. before



Our house at 320 Marie St. after



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

FINAL REPORT

for a Class-B quasi-judicial decision: GLUP map amendment

PROJECT GLUP Amendment: UR to SC at the intersections of East Jackson Street and Mae Street and East Jackson Street and Marie Street

FILE NO. CP-15-022

TO City Council *for 05/21/2015 hearing*

FROM Planning Commission *via* Aaron Harris, Long-Range Planning

REVIEWER John Adam, Senior Planner

DATE May 5, 2015

BACKGROUND

Proposal

A General Land Use Plan Map amendment to reclassify three 0.11-acre lots located on East Jackson Street between Mae Street and Marie Street from urban residential (UR) to service commercial (SC). The GLUP map is a component of the City's Comprehensive Plan and is the basis for zoning district designations. The GLUP map covers the entire urban area, including property that has not yet been annexed to the City.

History

The amendment was initiated by the property owners. The Planning Commission held a hearing on 04/23/2015 and voted 7–2 to recommend adoption to the Council. The findings in support of this amendment are contained in Exhibit A at the end of this report.

Authority

This proposed plan authorization is a Class-B quasi-judicial amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.102–10.122, 10.165, and 10.185.

ANALYSIS

1. Is this site appropriate for the proposed designation?

The applicants have not identified a specific development plan for this lot. The three 0.11-acre lots are the only properties that front E. Jackson Street in this vicinity that are still zoned as residential. The SC GLUP designation allows only the Service/Professional (C-S/P) zoning district.

Approving the change to this location means deeming acceptable all the outright permitted uses that are allowed under the C-S/P zoning designation that corresponds to it, including offices, medical facilities, service-oriented businesses, and residential development at 20–30 dwelling units per acre. The C-S/P zoning district is permitted adjacent to residential districts without qualification; the only mitigation perceived as necessary is a height restriction for development within 150 feet of a residential district (10.721) and buffering requirements for various types of development (10.790). There is, in other words, an inherent presumption of compatibility for the designation adjacent to UR land. There are also no significant facility impacts rising from the change.

The Planning Commission provided various opinions on the proposal at the April 23rd hearing. Chair McFadden stated that he supports the changing character of the neighborhood because it shows a progressive commercial area. Commissioner Schwimmer expressed his support because the amendment provides an opportunity to provide high-density affordable housing. Commissioner Mansfield opposed the amendment because he believes there are other areas in the City better suited for the proposed development.

2. How would this amendment affect the supply of Residential, Commercial, and Industrial lands?

The City has a documented need for hundreds of acres of both UR and SC categories for the 20-year planning period according to the housing and economic elements of the Comprehensive Plan. Even if the City were not pursuing an urban growth boundary amendment to address the need, the change of this small acreage does not significantly affect the supply of either category. Further, a change in designation from UR to SC does not prevent the property from being used for multifamily housing, as residential units meeting the density standard of the MFR-30 (Multiple-Family Residential – 30 units per acre) zoning district are allowed on commercially zoned properties. The proposed change would increase the use flexibility of the property.

The remaining question is whether it is a good idea to swap 0.33 acres of a deficient land category for another deficient land category. On the one hand, the UR deficiency is nearly three times greater than the SC deficiency. On the other hand, there are Comprehensive Plan policies that support an increase in mixed uses in order to provide variety and to bring goods and services into closer proximity to residences. The Planning Commission concludes that the proposed GLUP amendment is supportable.

3. How would this amendment affect public facilities?

Public Works stated that a traffic impact analysis is not required for the proposal (Exhibit D). The Medford Water Commission was notified but did not comment. The proposed change has no significant impacts to transportation, sanitary sewer, storm drainage systems, and water distribution.

4. Assessment of comments received.

Two neighbors spoke in opposition to the proposal (Exhibit F). They stated that the proposal will disrupt the residential character of the neighborhood and is unnecessary. The Planning Commission did not agree and reiterated the findings provided in the staff report noting policies that support mixing uses. Further, a change in designation from UR to SC does not prevent the property from being used for multifamily housing, as residential units meeting the density standard of the MFR-30 (Multiple-Family Residential – 30 units per acre) zoning district are allowed on commercially zoned properties.

RECOMMENDATION

The Planning Commission recommends adopting the proposed amendment based on the analyses, findings, and conclusions in the Final Report dated May 5, 2015, including Exhibits A through F.

EXHIBITS

- A Findings and Conclusions
- B Minutes, Planning Commission
- C Vicinity Map
- D Applicant's findings
- E Referral agency comments
- F Public comments

CITY COUNCIL AGENDA: May 21, 2015

Exhibit A

Findings and Conclusions

Comprehensive Plan—Review and Amendments section: Map designation amendments shall be based on [criteria 1–7, as follow]:

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

Findings

The Economic Element, adopted 12/4/2008, projects a 290-acre need for Service Commercial land over the 20-year planning period to be added by changes to existing designations (Policy 1-5 & Implementation 1-5(b)) and/or by adding land to the urban area. The City is pursuing both the options on its own, but that process is far from completion. The City also needs 826 acres of low-density urban residential (UR), a greater need than for SC. However, there are also policies and implementation strategies in the Economic, Housing, and Transportation Elements that support mixed uses.

Conclusions

Despite the greater need for UR, this proposal is not a large amount and it complies with policies supporting mixed-use development. The proposed change is consistent with pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of commercial land.

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

Findings

As noted under Criterion 1, the Economic Element projects a 290-acre need for Service Commercial. One component of that need is for “large” office sites, which are typically five acres in size (Economic Element, *Figure 28*, p. 47). Again, there is a larger housing need, but this is an opportunity to provide a greater mix of uses to an area mostly composed of low-density residential development.

Conclusions

The proposal responds to a demonstrated need for adequate employment opportunities and the desirability of mixing uses. The proposal is sustainable.

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

Findings

Transportation, water, and sewer utilities are available to the site and can handle the changes without upgrading the facilities.

Conclusions

Sufficient facilities exist to accommodate the proposed classification change.

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

Findings

The Service Commercial GLUP designation allows for high-density residential in addition to permitted commercial uses. A designation change would not eliminate possible residential use of the site.

Conclusions

A designation change would mean the land could be used for both service commercial and residential uses; it is a more efficient use of a buildable site within the current city limits.

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

Findings

Environmental. The lots are already inside the UGB, thus has already met the test concerning environmental impacts; change of designation does not affect suitability for urbanization.

Energy. No energy consequences are discernable.

Economic. The designation change would help address a deficit in employment land.

Social. The General Land Use Plan Element of the Comprehensive Plan states that the Service Commercial designation may be located adjacent to residential designations. Additional provision for compatibility is made through the use of buffering standards at time of development. For example, building height is limited to 35 feet within 150 feet

of residential GLUP designations, coverage by structures is limited to 40 percent of the lot, and retail uses are very limited.

Conclusions

Environmental. Since the property is not in a natural state and has long been identified for urban development, there will be no adverse environmental impacts.

Energy. There are no energy consequences.

Economic. By addressing an employment land deficit, there is an economic benefit.

Social. The SC designation is appropriately located adjacent to the UR designation.

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

Findings

Economic Element

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5-b. Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Conclusions

This change does supply a small amount of the projected need for Service Commercial land.

Criterion 7. All applicable Statewide Planning Goals

The following demonstrate conformity with the applicable Statewide Planning Goals.

Goal 1—Citizen Involvement

Findings

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. Goal 1 requires provision of the opportunity to review proposed amendments prior to a public hearing, and recommendations must be retained and receive a response from policy-makers.

The rationale used to reach land use decisions must be available in the written record. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes review of proposed Comprehensive Plan amendments by the Planning Commission and City Council. Affected agencies and departments are also invited to review and comment on such proposals, and hearing notices are mailed to nearby property owners, published in the local newspaper, and posted on the site. This process has been adhered to in this proposed amendment. The proposal was made available for review on the City of Medford website and at the Planning Department. It was considered by the Planning Commission and the City Council during televised public hearings.

Conclusions

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

Goal 2—Land Use Planning

Findings

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions

There is an adequate factual basis for the proposed designation change.

Goal 3—Agricultural Lands does not apply.

Goal 4—Forest Lands does not apply.

Goal 5—Natural Resources, Scenic & Historic Areas, and Open Spaces does not apply.

Goal 6—Air, Water, and Land Resources Quality

Findings

The allowable uses in the Service Commercial designation do not generally produce discharges that are notably different from allowed uses in the Urban Residential designation, with the exception that commercial uses are greater trip generators than low-density residential. There are no streams on the lot that would be impacted. The land in question is not classified a resource in terms of agriculture because it is classified urbanizable.

Conclusions

The proposed change will have no discernable effect on the production of pollutants. Though commercial land is a greater trip generator, there is no appreciable difference

between placing a commercial area in this location as opposed to another location in the City with respect to overall air quality. There are no water or land resource quality impacts.

Goal 7—Areas Subject to Natural Hazards does not apply.

Goal 8—Recreation Needs does not apply.

Goal 9—Economic Development

Findings

The first section of this Goal requires Comprehensive Plans to “3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.”

Conclusions

The proposed change will provide some new commercial land in the existing urban area.

Goal 10—Housing

Findings

The goal requires that “plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.” The proposed change would remove the potential for a definite number of low-density housing units and replace it with a potential for a greater number of high-density housing units.

Conclusions

Despite the loss of low-density potential, there is a benefit in retaining a housing potential on the property. It is change of type and density, but it does not exceed the identified need.

Goal 11—Public Facilities and Services

Findings

Refer to findings under Criterion 3, above.

Conclusions

Refer to conclusions under Criterion 3, above.

Goal 12—Transportation

Findings

The “Transportation Planning Rule” (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. The City has defined an adequate level of service (LOS) as “D” on an A–F scale. A traffic impact analysis form signed by a City of Medford traffic engineer states that a traffic impact analysis is not required with the GLUP change proposal.

Conclusions

The change will have minimal impact on facilities, and will not require upgrades to maintain adequate level of service.

Goal 13—Energy Conservation does not apply.

Goal 14—Urbanization does not apply.

Goals 15–19 do not apply to Medford.

Exhibit B

Minutes, Planning Commission, 4/23/2015

Excerpt

50. Public Hearings—New business

50.1. **CP-15-022** General Land-Use Plan (GLUP) Map amendment from Urban Residential (UR) to Service Commercial (SC) on 0.33 acres comprising three lots located on East Jackson Street between Mae Street and Marie Street (map/taxlot no. 37-1W-19DD/8400, 8500, 8600). Ryan Kantor, James & Eva Kell, and Michael Malepsy, Applicant.

Aaron Harris, Planner II, gave a staff report and reviewed the General Land-Use Plan amendment criteria.

Commissioner MacMillan asked if staff determined that no transportation, water, or sewer improvements were required based on the fact that Public Works and the Water Commission did not comment. Mr. Harris replied that when there are no comments it is safe to assume the infrastructure is sufficient.

Commissioner McKechnie asked if the zoning is changed to Service Commercial and a commercial use is put there does that require a buffer between that and the residential uses? Mr. Harris replied that it does. The buffer required will be 10 feet wide, vegetation of various sorts that grows to 20 feet high over a ten-year period, and a six-foot high concrete or masonry wall. That only applies to new development.

Commissioner Schwimmer asked how the request meets the public need criterion when the intent is unknown. Mr. Harris stated that the need for the City is determined by the Economic Element and the Housing Element of the Comprehensive Plan. The Housing Element calls for 826 acres of urban residential and 290 acres for office uses over the next 20 years. It is such a small area to be changed that relative to the scale of need it is inconsequential.

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

- a. Ryan Kantor, 1029 East Jackson Street, Medford, Oregon, 97504. Mr. Kantor stated that it is his property that is in question. The other two property owners have no desire to do anything with their property at this time. Mr. Kantor plans to do a full renovation of the building, turning it

into a small office. It will be attractive from the street instead of the dumpy looking house it is now.

Chair McFadden stated that he likes the changing of the neighborhood. It shows a progressive commercial area. Does Mr. Kantor find in his analysis the cost balances out for the developer? Mr. Kantor stated that if Chair McFadden is talking about the potential income of the property from residential versus commercial there is an advantage. One can get a better per-square-foot rate. That is one of the major thoroughfares that one would want attractive buildings to make the City look better and promote growth. It makes sense considering the entire street is pretty much all commercial.

- b. Cynthia Swaney, 320 Marie Street, Medford, Oregon, 97504. Ms. Swaney reported that the proposed amendment will significantly impact the neighborhood and those who live in it. She said her neighborhood is already bounded on three sides by commercially zoned lots. They need the freedom to improve their historical cottages and reap the benefits. She said the proposed change would not be compatible with the goals for the neighborhood or the goals of the Medford Comprehensive Plan.

Chair McFadden asked if new development along Jackson might provide the neighborhood in that it would provide a buffer against the traffic noise. Ms. Swaney said she is concerned that more traffic that will be cutting through to get to more commercial properties. She added that there are children that play in the streets especially in the evenings; it is an old-fashioned neighborhood.

- c. Dave Swaney, 320 Marie Street, Medford, Oregon, 97504. Mr. Swaney said he is against the change to the subject properties in the Laurelhurst subdivision. He gave two reasons: one, the proposal is not compatible with their historic neighborhood; two, it is a case of mistaken discrimination against Laurelhurst by the City. It is mistake because Laurelhurst has changed substantially for the better recently. Last year they had to endure months of upheaval during the paving of their alleys. The alley project has one positive outcome; it made the neighborhood aware of the need to protect their community from actions like the proposal tonight that work against it. They will be organizing a neighborhood association to work with the City and the media to increase awareness of threats like these to their hopes and dreams for historic Laurelhurst.

Mr. Kantor reported that the majority of commercial property is leased. He has approximately thirty properties across Medford that are leased because they are consistently maintained and attractive. The need is there. He does not think the community the Swanys live in behind the major thoroughfare of Jackson Street

will be impacted by traffic. There is no reason for traffic to go through those streets unless they are going to a residence.

Mr. Harris addressed the requirements for Goal 10, relating to housing. By making this map change the properties in question still retain the potential for providing housing. The proposed map designation allows for housing at MFR-30 density.

Vice Chair Miranda asked whether map change allows or requires MFR-30? Mr. Harris clarified that the change allows for MFR-30 density.

Commissioner McKechnie clarified that this is not a zone change not a General Land Use Plan map change. It just means that at some point the owners of the three properties can change from the current zoning to C-S/P. Mr. Harris replied that is correct.

Alex Georgevitch, Acting City Engineer, apologized that Public Works did not have a staff report in the agenda packet. The reason they had no comment is that there was not a trip generation rate increase over 250 trips; therefore, there are no definable impacts from the transportation side. He added sewer and storm drainage systems are adequate.

The public hearing was closed.

Motion: Based on the findings and conclusions that all the approval criteria are either met or are not applicable, the Planning Commission forwards a recommendation for approval of CP-15-022 to the City Council per the Staff Report dated April 13, 2015, including Exhibit A.

Moved by: Vice Chair Miranda Seconded by: Commissioner Pulver

Commissioner Schwimmer stated that this is a General Land Use Plan map change to the overall zone. It is important that the actual use of the properties will be utilized whether it is C-S/P or allow high density housing. The need for affordable housing in this community is a need that he always looks for. He supports the General Land Use Plan map change.

Commissioner Mansfield commented that he appreciates Commissioner Schwimmer's input. It is very helpful to him. If he understands Commissioner Schwimmer's comment that there is a need for more area for high-density residential, he accepts that. This is a tough one for Commissioner Mansfield. He is going to vote no because his belief is there are other areas that can perform this development.

Roll Call Vote: Motion passed, 7–2 with Commissioner Fincher and Commissioner Mansfield voting no.

Exhibit C

Vicinity Map



Exhibit D

Applicant's Findings

Exhibit E

Referral Agency Comments

Exhibit F
Public Comments



Vicinity Map

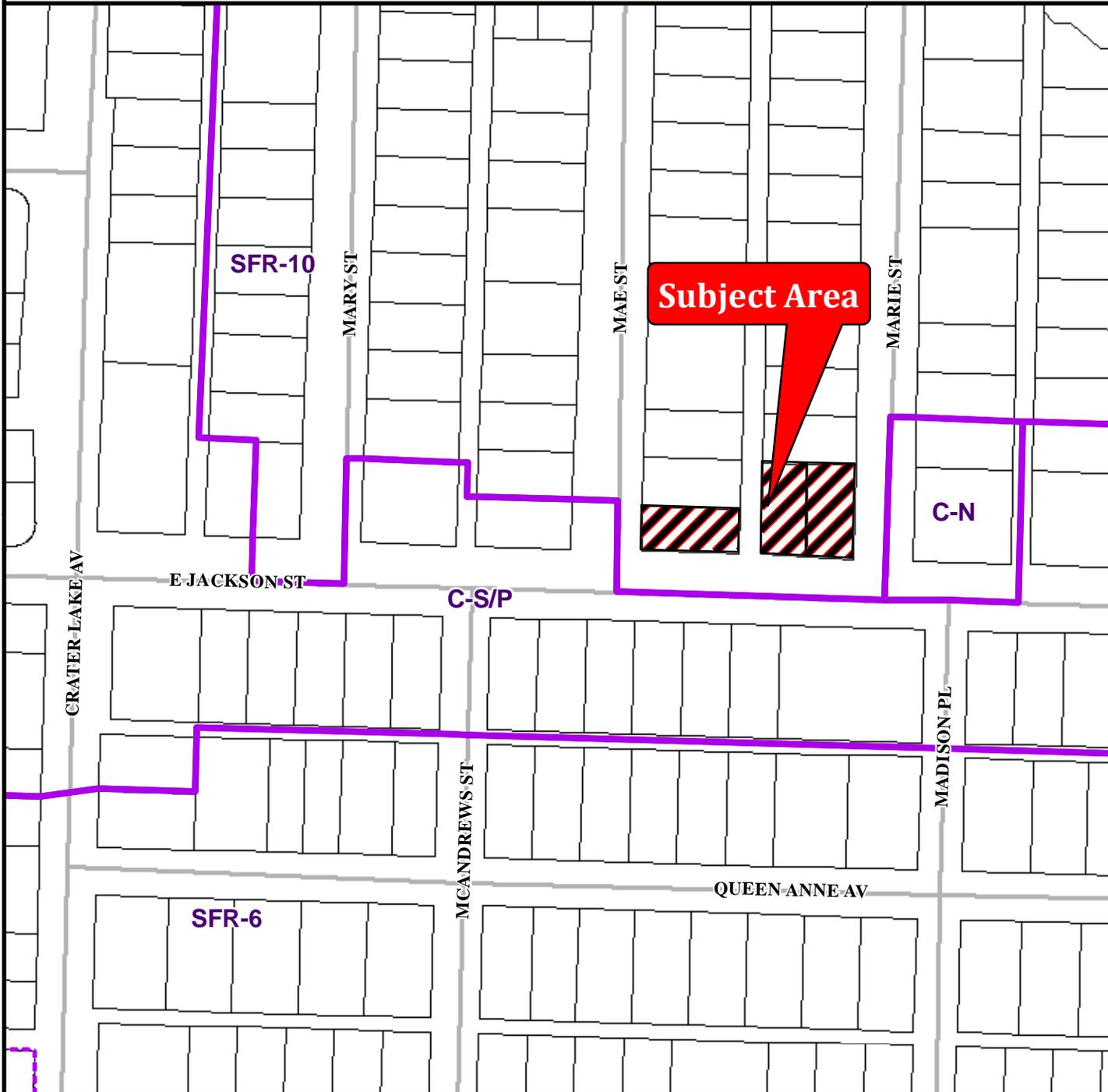
Application Name/Description:
**E Jackson GLUP Map
Amendment**

Proposal:
**Three lot GLUP Map
Amendment: UR to SC**

File Numbers:
CP-15-022

Applicant:
**James & Eva Kell,
Michael Malepsy,
& Ryan Kantor**

Map/Taxlot:
**371W19DD
TL's 8400, 8500 & 8600**



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

