



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



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

Date: December 18, 2015

Jurisdiction: City of Medford

Local file no.: ZC 15-119

DLCD file no.: 017-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/15/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 56 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.:	017-15 {24035}
Received: 12/15/2015	

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.: **ZC-15-119**

Date of adoption: 12/10/2015 Date sent: 12/15/2015

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): 09/18/2015

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): Tracy Carter, Planner II

Phone: 541-774-2380

E-mail: tracy.carter@cityofmedford.org

Street address: 200 S Ivy Street

City: Medford

Zip: 97501-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

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

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

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

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

For a change to a zoning map:

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

Change from SFR-6	to MFR-20	Acres: 1.12
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address): 233 & 237 Berrydale Ave - 372W13CB TL's 2408 & 2500

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

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

BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE ZC-15-119 APPLICATION)
FOR A ZONE CHANGE SUBMITTED BY MICHAEL AND CAROLYN MABRY) **ORDER**

ORDER granting approval of a request for changing the zoning from SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Staff Report dated November 5, 2015, and the Findings contained therein – Exhibit "A," and Legal Description – Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 2W 13CB Tax Lot 2408
37 2W 13CB Tax Lot 2500

is hereby changed from SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue.

Accepted and approved this 10th day of December, 2015.

CITY OF MEDFORD PLANNING COMMISSION



Planning Commission Chair

ATTEST:



Planning Department Representative



Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a Type-C quasi-judicial decision: Zone Change

PROJECT Mabry Zone Change
Applicant: Michael/Carolyn Mabry

FILE NO. ZC-15-119

TO Planning Commission *for November 12, 2015 hearing*

FROM Tracy Carter, Planner II

REVIEWER Kelly Akin, Principal Planner *ka*

DATE November 5, 2015

BACKGROUND

Proposal

Consideration of a request for a change of zone from SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres located on the north side of Berrydale Avenue approximately 300-feet from Howard Avenue.

Subject Site Characteristics

Zoning SFR-6
GLUP UH (Urban High Density Residential)
Use Existing single family homes

Surrounding Site Characteristics

North	SFR-6	Single family homes
South	SFR-6	Single family homes
	MFR-20	Multi-Family Residential
East	SFR-6	Single family homes
	MFR-20	Manufactured homes
West	SFR-6	Single family homes

Applicable Criteria

ZONE CHANGE APPROVAL CRITERIA – MEDFORD LAND DEVELOPMENT CODE SECTION 10.227

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

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

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

- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the *Comprehensive Plan* "Public Facilities Element."
 - (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated development, the Planning Commission

may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:

- (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
- (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
 - (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,

- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

ISSUES AND ANALYSIS

Project Summary

The subject property consists of two parcels totaling approximately 1.12 acres located just north of Berrydale Avenue and east of Howard Avenue. The site is partially developed with two single family homes.

The applicant has submitted Findings of Fact (Exhibit B) concluding that the proposed MFR-20 zoning is an allowable zone within the Urban High Density (UH) GLUP designation. Urban services and facilities are available to serve the subject property, with the exception of sanitary sewer. The applicant has stipulated to develop no more than the equivalent of seven single family residential units as a condition of approval until the downstream sanitary sewer system is improved with sufficient capacity to serve the potential future development, whether by a developer or the City of Medford. The Public Works Staff Report (Exhibit C) is discussed below.

Traffic Impact Analysis

The Public Works Staff Report (Exhibit C) states that a Traffic Impact Analysis was not required as part of the subject application due to the low number of trip generation.

Urban Services and Facilities

The subject property lies within the City of Medford Sewer Service area. The proposed zone change has the potential to increase flows to the sanitary sewer system significantly. The downstream sanitary sewer system currently has a number of capacity constraints. The Public Works Report recommends that the applicant stipulate to only develop an equivalent of seven single family residential units in order to not exceed the current zoning limitations, or that the Developer make improvements to the downstream sanitary sewer system to alleviate the capacity constraints, or that the Commission deny the request (Exhibit C).

Storm drain facilities are available to serve the subject site (Exhibit C).

Water facilities have adequate capacity to serve the subject property at the proposed density, according to the Medford Water Commission (Exhibit E).

With the exception of sanitary sewer facilities, the conclusion can be made that all of the zone change criteria have been met. The Commission may apply a condition of

approval limiting the number of units that may be constructed until adequate capacity becomes available.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit B) and recommends the Commission adopt the findings as presented.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of ZC-15-119 per the staff report dated November 5, 2015, including Exhibits A through G.

EXHIBITS

- A Conditions of Approval dated November 5, 2015
- B Applicant's Revised Findings of Fact received October 29, 2015
- C Public Works Department Staff Report received October 14, 2015
- D Medford Fire Department Report received October 14, 2015
- E Medford Water Commission Staff Memo received October 21, 2015
- F Oregon Department of Transportation email received October 15, 2015
- G Memo from Building Department received October 9, 2015
Vicinity map

PLANNING COMMISSION AGENDA:

NOVEMBER 12, 2015

EXHIBIT A

Mabry Zone Change
ZC-15-119
Conditions of Approval
November 5, 2015

DISCRETIONARY CONDITIONS

1. Accept the applicant's stipulation to develop no more than the equivalent of seven single family residential units until the downstream sanitary sewer is improved with sufficient capacity to serve the potential future development.

CODE REQUIRED CONDITIONS

2. Within 30-days of the approval of the Final Order, the applicant shall produce a restrictive covenant, in a form acceptable to the City Attorney, and record such covenant for each of the subject properties stipulating to only develop an equivalent of seven single family residential units until the downstream sanitary sewer system is improved with sufficient capacity to serve the potential future development.
3. Comply with the Public Works Report received October 14, 2015 (Exhibit C).

CITY OF MEDFORD
EXHIBIT # A
File # ZC-15-119

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

IN THE MATTER OF AN APPLICATION FOR)
A CHANGE OF ZONING DESIGNATION ON)
A 1.12-ACRE TRACT OF LAND, LOCATED)
ON THE NORTH SIDE OF BERRYDALE)
AVENUE, EAST OF HOWARD AVENUE;)
MICHAEL & CAROLYN MABRY,)
APPLICANTS; RICHARD STEVENS &)
ASSOCIATES, INC., AGENT)

RECEIVED
OCT 25 2015
PLANNING DEPT.

FINDINGS OF FACT

I. BACKGROUND INFORMATION:

APPLICANTS: Michael & Carolyn Mabry
233 Berrydale Ave.
Medford, OR 97501

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

APPLICATION: A request for a zone change from Single Family Residential (SFR-6) to Multiple Family Residential (MFR-20), consistent with the Comprehensive Plan designation for the site, which is Urban High Density Residential. The subject tract, described as T.37S-R.2W-S.13CB, Tax Lots 2408 & 2500, is 1.18 gross acres (1.12 net acres). The subject tract is located on the north side of Berrydale Avenue, east of Howard Avenue, in the City of Medford, Oregon. The abutting lands are used for residential purposes, and are zoned SFR-6 & MFR-20. The area to be rezoned is adjacent to properties that have been developed to the extent that water, sewer, street improvements and other public facilities have been extended into the area.

CITY OF MEDFORD
EXHIBIT # B
FILE # 20-15-119

II. APPLICABLE CRITERIA:

Section 10.226, Application Form: *A zone change application shall contain the following items:*

- 1) *Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.*

Discussion:

A vicinity map can be found in Exhibit A.

- 2) *Assessor's map with proposed zone change area identified.*

Discussion:

An assessor's map can be found in Exhibit A.

- 3) *Legal description of area to be changed. Legal description shall be prepared by a licensed surveyor or title company.*

Discussion:

The legal description of both properties can be found in Exhibit B.

- 4) *Property owner's names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.*

Discussion:

The mailing labels can be found in Exhibit B.

- 5) *Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.227, Zone Change Criteria.*

Discussion:

Section 10.227 is addressed below within these findings.



Conclusion:

The City of Medford concludes that the applicant has submitted the required information, and has addressed Section 10.227, in compliance with Section 10.226 MLDC.

FINDING:

The City of Medford finds that the applicant has submitted the required information, consistent with Section 10.226.

Section 10.227, Zone Change Criteria: *The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:*

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

Discussion:

A review of the General Land Use Plan Map indicates that the subject tract is designated on the General Land Use Plan Map as 'Urban High Density Residential' (UH). The proposed zoning district for the subject tract is MFR-20. The map designations contained in the General Land Use Plan Element of the Comprehensive Plan indicates that MFR-20 is a permitted zoning district within the UH designation, consistent with the provisions of Section 10.306 of the Medford Land Development Code. Due to the proposed zoning, Sections (1)(a-d) are not applicable.

Conclusion:

The City of Medford concludes that the proposed zone is consistent with the General Land Use Plan Map designation, and Sections (1)(a-d) are not applicable.

CONSISTENCY WITH OAR 660, DIVISION 12, TRANSPORTATION:

The adopted Medford Transportation Plan (TSP) addresses Chapter 660, Division 12 of the Oregon Administrative Rules which provides for implementation of the Statewide Transportation Goal (Goal 12), Transportation Planning Rule (TPR). It is also designed



to explain how local governments and state agencies are responsible for transportation planning to address all modes of travel including vehicles, transit, bicycles and pedestrians. The TSP envisions development of local plans that will provide changes in land use patterns and transportation systems that make it more convenient for people to walk, bicycle, use transit, and drive less.

The TSP identifies both existing and future needs, and includes improvements to meet those needs. In order to achieve those needs, the TSP has established the City's goals, policies, and implementation measures in order for the City to develop and maintain its transportation system for both the short and long term needs.

More specifically, there are provisions within Chapter 660 that apply to the Comprehensive Plan and land use regulation amendments. These provisions are contained in OAR 660-012-0060, which states:

- 1) *If an amendment to a functional plan, an acknowledged comprehensive plan or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
 - a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan).*
 - b) *Change standards implementing a functional classification system, or*
 - c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of the evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*



The current zoning of the subject tract is SFR-6, and the gross acreage is 1.18 acres; therefore, a maximum of 7 single family dwelling units (du) is allowed (1.18 acres x 6 du/acre = 7.08, or 7 du when rounded down to the nearest whole number). Per the 9th Edition ITE Manual, the current ADTs for a single family dwelling are 9.52, and the current ADTs for an apartment are 6.63. Therefore, the ADTs for the current zoning of the subject tract are calculated to be 66.64 ADTs (7 du x 9.52 ADT/du). Upon rezoning the property to MFR-20, the maximum density allowed will be 23 dwelling units (1.18 acres x 20 du/acre = 23.6, or 23 du when rounded down to the nearest whole number). The potential ADTs for the proposed change of zoning are calculated to be 152.49 ADTs (23 du x 6.63 ADT/du). Therefore, the ADTs will increase by 85.85 (152.49 ADTs - 66.64 ADTs = 85.85 additional ADTs), which will NOT significantly affect an existing or planned transportation facility. This is further supported on Page 10 of the application form by City of Medford's Associate Traffic Engineer identifying the proposed zone change as NOT requiring a Traffic Impact Analysis.

Conclusion:

The City of Medford concludes that the proposed zone change is consistent with the TSP and Oregon Transportation Planning Rule and will not significantly affect an existing or planned transportation facility.

FINDING:

The City of Medford finds that the proposed zone change is consistent with the General Land Use Plan Map, the TSP and Oregon Transportation Planning Rule and will not significantly affect an existing or planned transportation facility. This application is in compliance with Section 10.227(1) MLDC.

- 2) *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.*

Discussion:

The Medford Comprehensive Plan, Public Facilities Element, provides the list of Category "A" services and facilities to be considered, which are water service, sanitary sewer, storm drainage, and streets.

Water Service: Water service is provided by the Medford Water Commission, which is currently serving the subject tract and the urban uses in the vicinity. There is an existing



6-inch main line located along Berrydale Avenue. Extension and development of a looped water system within the subject tract is the responsibility of the property owner/developer. Adequate service lines are available to serve the subject tract upon further urban development.

Water capacity of the Medford Water Commission system is currently serving a population of approximately 130,000 persons, with a design capacity of the water treatment plant to serve approximately 185,000 persons. Adequate water capacity exists to serve the subject tract, as seen in the October 21, 2015 Staff Memo from Medford Water Commission (Exhibit B).

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

Sanitary Sewer: Sanitary sewer service is provided by the City of Medford. There is currently an 8-inch line along Berrydale Avenue that serves residences in the vicinity. This collection line is available to be extended to serve the future development of the subject tract. Additional sewer service connection will be extended to the subject tract by the owner/developer consistent with existing regulations.

The Public Works Department's Staff Report (Exhibit B) states that there is not currently enough capacity in the downstream sanitary sewer system to serve all of the potential units. However, there is currently sufficient capacity to allow for an equivalent of 7 SFR units. Therefore, the applicants agree to develop no more than the equivalent of 7 SFR units as a condition of approval until the downstream sanitary sewer system is improved with sufficient capacity to serve the potential future development, whether by a developer or the City of Medford.

Sewage treatment is provided by the Regional Water Reclamation Facility (RWRF). The treatment capacity of the plant is approximately 20 mgd with a peak wet weather flow of 60 mgd. The treatment plant has capacity to serve the expected population in the region for the foreseeable future.

Development of the subject tract requires system development charges which are dedicated to the maintenance of main lines along with the expansion of the regional plant. This assures that the future sewage transmission lines and treatment at the plant remains available.

Storm Drainage: The subject tract lies within the Elk Creek Basin. Currently, there are existing ditches and culverts providing storm drainage for the area. The construction drawings that will be prepared for the development of this property will provide the engineering of the storm sewer system in accordance with the City of Medford.

Streets: Berrydale Avenue, a local street, is identified as currently having 900 ADTs, and presently has ample capacity to accommodate the projected vehicle trips from the



development of the site. The future construction of dwelling units will be charged a system development fee for the improvements of arterial and collector streets.

The current zoning of the subject tract is SFR-6, and the gross acreage is 1.18 acres; therefore, a maximum of 7 single family dwelling units (du) is allowed ($1.18 \text{ acres} \times 6 \text{ du/acre} = 7.08$, or 7 du when rounded down to the nearest whole number). Per the 9th Edition ITE Manual, the current ADTs for a single family dwelling are 9.52, and the current ADTs for an apartment are 6.63. Therefore, the ADTs for the current zoning of the subject tract are calculated to be 66.64 ADTs ($7 \text{ du} \times 9.52 \text{ ADT/du}$). Upon rezoning the property to MFR-20, the maximum density allowed will be 23 dwelling units ($1.18 \text{ acres} \times 20 \text{ du/acre} = 23.6$, or 23 du when rounded down to the nearest whole number). The potential ADTs for the proposed change of zoning are calculated to be 152.49 ADTs ($23 \text{ du} \times 6.63 \text{ ADT/du}$). Therefore, the ADTs will increase by 85.85 ($152.49 \text{ ADTs} - 66.64 \text{ ADTs} = 85.85 \text{ additional ADTs}$), which is NOT a significant amount to trigger a Traffic Impact Analysis. This is further supported on Page 10 of the application form by City of Medford's Associate Traffic Engineer identifying the proposed zone change as NOT requiring a Traffic Impact Analysis.

CONCLUSION:

Based upon the information contained herein, the City of Medford concludes that there are adequate public facilities to supply potable water to the future development of the subject tract. Sanitary sewer service is available to the site and capacity is currently sufficient to accommodate for an equivalent of 7 SFR units. The applicants agree as a condition of approval to develop no more than the equivalent of 7 SFR units until the downstream sewer capacity is improved. Storm drainage will be engineered and designed in accordance with the requirements of the City of Medford upon development of the subject tract. Based on the potential additional ADTs being less than 250, a Traffic Impact Analysis is not required for the proposed change of zoning adjacent to Berrydale Avenue, and sufficient capacity exists.

FINDING:

The City of Medford finds that there are adequate Category "A" public facilities available and with exception to the downstream sanitary sewer, sufficient capacity exists to extend these facilities to serve the proposed zoning of MFR-20 and future development of the subject tract. Sufficient capacity of the downstream sewer system currently exists to serve the equivalent of 7 SFR units; therefore, the applicants agree as a condition of approval to develop no more than the equivalent of 7 SFR units until the downstream sewer capacity is improved. This application is in compliance with Section 10.227(2) MLDC.



III. SUMMARY AND CONCLUSIONS:

In order for an amendment to the Medford Zoning Map to be approved, the Planning Commission must find that the applicant has made the requisite findings for a change of zoning. A review of the application, Findings of Fact, and supporting documentation attached demonstrates that this application complies with the applicable standards of the Land Development Code, and is consistent with the GLUP map, Medford TSP, and Oregon Transportation Planning Rule.

The applicant respectfully requests that the City of Medford designate the subject tract, identified as T.37S-R.2W-S.13CB, Tax Lots 2408 and 2500 as MFR-20 on the Official Zoning Map for the City of Medford, Oregon.

Respectfully Submitted,



RICHARD STEVENS & ASSOCIATES, INC.





Continuous Improvement Customer Service

RECEIVED
OCT 14 2015
PLANNING DEPT.

CITY OF MEDFORD

L.D. Meeting Date: 10/14/2015
File Number: ZC-15-119

PUBLIC WORKS DEPARTMENT STAFF REPORT Mabry Zone Change

Project: Consideration of a request for a change of zone from SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue.

Applicant: Michael & Carolyn Mabry, Applicants (Richard Stevens & Associates, Inc., Agent)

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the Category 'A' urban services and facilities under its jurisdiction meet those requirements. The Category urban services and facilities the Public Works Department manages are sanitary sewers within the City's sewer service boundaries, storm drains, and the transportation system.

I. Sanitary Sewer Facilities

This site lies within the City of Medford Sewer Service area. There is an existing 8 inch sanitary sewer in Berrydale Avenue and Howard Avenue. It is not clear where the existing buildings on this site are connected. **The existing zoning is SFR-6, which would allow approximately 7 units. The proposed zoning to MFR-20 would allow approximately 22 units and has the potential to increase flows to the sanitary sewer system significantly. The downstream sanitary sewer system currently has a number of capacity constraints, and based on this information the Public Works Department recommends this zone change be denied, or the applicant stipulate to only develop an equivalent of 7 SFR units so the total sewer flows do**

not exceed current zoning limitations, or the Developer make improvements to the downstream sanitary sewer system to alleviate the capacity constraints.

II. Storm Drainage Facilities

This site lies within the Little Elk Creek Drainage Basin. The City of Medford has existing storm drain facilities in Berrydale Avenue (ditch), Howard Avenue (pipe) and DeBarr Avenue (pipe). This site would be able to connect to these facilities at the time of development. Some locations will require easements. This site will be required to provide stormwater quality and detention at time of development.

III. Transportation System

No traffic impact analysis (TIA) will be required for this zone change. The proposed application doesn't meet the requirements for a TIA, per MMC 10.461 (3).

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

At the time of future land division or development permit, Public Works may require additional right-of-way and public utility easement (PUE) dedications and will condition the developer to improve their street frontage to the City's current standards. Improvements shall include paving, drainage, and curb, gutter, street lighting, sidewalk, and planter strips.

Prepared by: Doug Burroughs



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

RECEIVED
OCT 14 2015
PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: City of Medford Public Works

LD Meeting Date: 10/14/2015

From: Fire Marshal Kleinberg

Report Prepared: 10/05/2015

File #: ZC - 15 - 119

Site Name/Description:

Consideration of a request for a change of zone from SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue; Michael & Carolyn Mabry, Applicants (Richard Stevens & Associates, Inc., Agent). Tracy Carter, 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.

CITY OF MEDFORD
EXHIBIT # D
File # ZC-15-119



BOARD OF WATER COMMISSIONERS

Staff Memo

RECEIVED

OCT 21 2015

PLANNING DEPT.

TO: Planning Department, City of Medford

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

SUBJECT: ZC-15-119

PARCEL ID: 372W13CB TL's 2408& 2500

PROJECT: Consideration of a request for a change of zone from SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue; Michael & Carolyn Mabry, Applicants (Richard Stevens & Associates, Inc., Agent). Tracy Carter, Planner.

DATE: October 21, 2015

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

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC metered water service does exist to this property. There is two (2) ¾-inch water meters that serves these two parcels located at 233/235 & 237 Berrydale Avenue.
7. Access to MWC water lines for connection is available. There is a 6-inch water line in Berrydale Avenue.

CITY OF MEDFORD
EXHIBIT # E
File # ZC-15-119

Tracy R. Carter

From: MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>
Sent: Tuesday, October 13, 2015 4:04 PM
To: Tracy R. Carter
Subject: ZC-15-119

RECEIVED

OCT 13 2015

PLANNING DEPT.

Tracy,

Thank you for sending agency notice of a consideration of a request for a change of zone from SFR-6 (Single Family Residential, six dwelling units per gross acre) to MFR-20 (Multiple-Family Residential, 20 dwelling units per gross acre) on approximately 1.12 acres generally located at the northeast corner of the intersection of Howard Avenue and Berrydale Avenue. 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

CITY OF MEDFORD
EXHIBIT # F
File # 2C-15-119

Tracy R. Carter

From: Chad E. Wiltrout
Sent: Friday, October 09, 2015 4:13 PM
To: Tracy R. Carter
Subject: LDC memo

RECEIVED
OCT 09 2015
PLANNING DEPT.

Hi Tracy,

There are no comments for the zone change (ZC-15-119) for the LDC meeting on 10/14/15.

Thanks,

Chad Wiltrout

Assistant Building Safety Director

Building Division

P- 541-774-2363

F- 541-618-1707

Chad.wiltrout@cityofmedford.org

CITY OF MEDFORD
EXHIBIT # G
File # ZC-15-119



City of Medford
Planning Department





Vicinity
 Map

File Number:
ZC-15-119



Project Name:
**Mabry Zone Change
 (SFR-6 to MFR-20)**

Map/Taxlot:
372W13CB TL's 2408 & 2500

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  PUD



09/01/2015

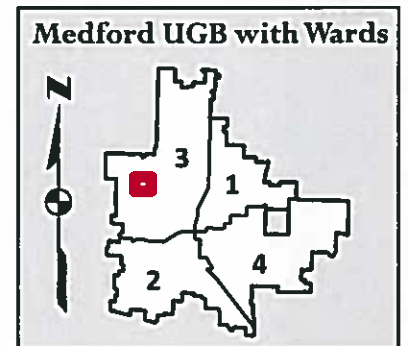


Exhibit "B"

470315039448

RECORDING REQUESTED BY:
Ticor Title Company of Oregon
3539 Heathrow Way Suite 100
Medford, OR 97504

TICOR TITLE

GRANTOR:
Jimmy Earley, Bill Earley, Karla Earley and
Lonnie Earley, as tenants in common
706 Sivley Street
Peculiar, MO 64078

GRANTEE:
Michael E. Mabry and Carolyn M. Mabry,
Trustees of the Michael E. Mabry and Carolyn M.
Mabry Trust dated June 29, 2011
233 Berrydale Avenue
Medford, OR 97501

SEND TAX STATEMENTS TO:
Michael E. Mabry and Carolyn M. Mabry,
Trustees of the Michael E. Mabry and Carolyn M.
Mabry Trust dated June 29, 2011
233 Berrydale Avenue
Medford, OR 97501

AFTER RECORDING RETURN TO:
Michael E. Mabry and Carolyn M.
Mabry Trustees of the Michael E. Mabry and
Carolyn M. Mabry Trust dated June 29, 2011
233 Berrydale Avenue
Medford, OR 97501

Escrow No: 470315039448-TTJA02
372W13CB 2500 / 10491035
237 Berrydale Avenue
Medford, OR 97501

Jackson County Official Records 2015-017275
R-WD
SIn=12 BARROWCK 06/08/2015 10:30:20 AM
\$20.00 \$11.00 \$10.00 \$8.00 \$20.00 \$69.00
I, Christine Walker, County Clerk for Jackson County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.
Christine Walker - County Clerk

RECEIVED

AUG 27 2015

PLANNING DEPT.

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**This Deed Executed in Counterparts
WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)**

Jimmy Earley, Bill Earley, Karla Earley and Lonnie Earley, as tenants in common, Grantor, conveys and warrants to Michael E. Mabry and Carolyn M. Mabry, Trustees of the Michael E. Mabry and Carolyn M. Mabry Trust dated June 29, 2011

Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Commencing at the Northeast corner of Donation Land Claim No. 88 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence East 2.72 chains to the West line of Donation Land Claim No. 60, said Township and Range; thence North 1007.34 feet; thence West 510.0 feet to a point in the center of the County Road, for the true point of beginning; thence North 290.4 feet; thence West 75.0 feet; thence South 290.4 feet; thence East 75.0 feet to the true point of beginning, being a part of lot 22, Howard Park, (Unrecorded)

The true consideration for this conveyance is \$65,600.00.

ENCUMBRANCES: Easements, conditions, covenants and restrictions of record

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS

470315039448-TTJA02
Deed (Warranty - Statutory (Individual or Corporation))

CITY OF MEDFORD

EXHIBIT #

File # 20-15-119

17

AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated May 27, 2015; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Jimmy Earley
Jimmy Earley

Bill Earley

Karia Earley

Lonnie Earley

State of Missouri

COUNTY of Cass

This instrument was acknowledged before me on May 28, 2015

by Jimmy Earley

Suzanne Hancock
SUZANETTE HANCOCK Notary Public - State of Missouri
My commission expires: Oct 2018



State of Washington

COUNTY of _____

This instrument was acknowledged before me on _____, 2015

by Bill Earley

_____, Notary Public - State of Washington
My commission expires: _____

AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated May 27, 2015; if a corporate grantor, it has caused its name to be signed by order of its board of directors

Jimmeey Earley

Billy Earley
Bill Earley

Karla Earley
Karla Earley

Lonnie Earley
Lonnie Earley

State of Missouri

COUNTY of _____

This instrument was acknowledged before me on _____, 2015

by Jimmeey Earley

_____, Notary Public - State of Missouri

My commission expires: _____

State of Washington

COUNTY of Spokane

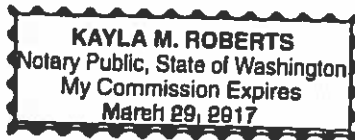
This instrument was acknowledged before me on June 3rd, 2015

by Bill Earley

Kayla M. Roberts

Kayla M. Roberts, Notary Public - State of Washington

My commission expires: March 29, 2017



State of Washington

COUNTY of Spokane

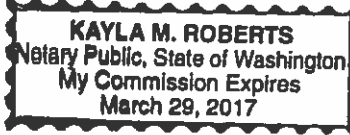
This instrument was acknowledged before me on June 3rd, 2015

by Karla Earley

Kayla M. Roberts

Kayla M. Roberts, Notary Public - State of Washington

My commission expires: March 29, 2017
State of Washington



COUNTY of Spokane

This instrument was acknowledged before me on June 3rd, 2015

by Lonnie Earley

Kayla M. Roberts

Kayla M. Roberts, Notary Public - State of Washington

My commission expires: March 29, 2017

