



# 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](http://www.oregon.gov/LCD)



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

Date: December 16, 2015

Jurisdiction: City of Medford

Local file no.: ZC-15-126

DLCD file no.: 018-15

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 63 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](mailto:plan.amendments@state.or.us)



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

FOR DLCD USE

File No.: 018-15 {24077}

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-15-126**

Date of adoption: 12/10/15

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): 10/9/15

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](mailto:aaron.harris@cityofmedford.org)

Street address: 200 S. Ivy

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	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
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-4	to C-C	Acres: 3 acres
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 371W20AB3500/1380 Springbrook Road

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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.

Signed Final Order and Commission Report

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-15-126 APPLICATION )  
FOR A ZONE CHANGE SUBMITTED BY ) ORDER  
THOMAS FOX PROPERTIES LLC )

ORDER granting approval of a request for a zone change from SFR-4 (Single Family Residential, four dwelling units per acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-4 (Single Family Residential, four dwelling units per acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated December 10, 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 1W 20AB Tax Lot 3500

is hereby changed from SFR-4 (Single Family Residential, four dwelling units per acre) to C-C (Community Commercial) on a 2.5 acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road.

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*

## PLANNING COMMISSION REPORT

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

PROJECT Thomas Fox Properties, LLC Zone Change  
Applicant: Bret Fox and John Batzer

FILE NO. ZC-15-126

DATE December 10, 2015

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### BACKGROUND

#### Proposal

Consideration of a request for a change of zone from SFR-4 (Single Family Residential, four dwelling units per lot) to C-C (Community Commercial) on a 2.5 net acre parcel located at the northeast corner of East McAndrews Road and Springbrook Road.

#### Subject Site Characteristics

Zoning	SFR-4	Single-Family Residential – 4 dwelling units per gross acre
GLUP	CM	Commercial
Use	Existing single family home	

#### Surrounding Site Characteristics

North	SFR-4	Single family homes
South	C-S/P	Vacant
East	SFR-4	Single family homes
West	SFR-4	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:

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- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule. Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.
- \*\*\*
- (c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:
- \*\*\*
- (ii) The overall area of the C-C zoning district shall be over three (3) acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.
- \*\*\*
- (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

### Background

On December 4, 2014, the City Council adopted Ordinance 2015-154 changing the General Land Use Plan (GLUP) designation of lots within the Urban Growth Boundary in order to increase development capacity. The GLUP designation for the subject property was changed at that time from Urban Residential (UR) to Commercial (CM).

### Agency Comments

#### *Public Works Department*

The Public Works staff report states that the downstream sanitary sewer system currently has a number of capacity constraints. As a condition of approval, the applicant shall either only develop so the total sewer flows do not exceed the current zoning limitation of 12 units or the Developer shall make improvements to the downstream sanitary sewer system to alleviate the existing capacity constraints (Exhibit F). The project agent has submitted an email stating that the applicant agrees to restrict the sanitary sewer flows to the current limit. A condition has been included to accept the stipulation (Exhibit C).

**Decision:** The applicant requested and the Planning Commission approved a revised condition of approval to remove explicit language that holds the Developer accountable for downstream sanitary sewer improvements. The Commission amended the Public Works Department Staff Report to reflect the change. The language is noted in the Conditions of Approval, Exhibit A-1.

A Traffic Impact Analysis was required as part of the subject application by the Public Works Department. The study shows that no existing intersections will be significantly impacted by the potential trip generation of the site with the proposed zone change. As a condition of approval, a left turn lane and a right turn lane shall be required at the Springbrook site access driveway at the time of development (Exhibit F).

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

#### *Medford Water Commission*

Water facilities have adequate capacity to serve the subject property (Exhibit H).



*Medford Irrigation District*

The property has a total of one acre under Irrigation. The owner needs to contact the Irrigation District to transfer water rights off prior to dividing the lot into parcels (Exhibit I).

No other issues were identified by staff.

**FINDINGS AND CONCLUSIONS**

With the applicant's stipulation regarding sanitary sewer (Exhibit C), the conclusion can be made that all of the criteria for a conditional zone change have been met.

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

**ACTION TAKEN**

Adopted the findings as recommended by staff and adopted the Final Order for approval of ZC-15-126 per the Planning Commission report dated December 10, 2015, including Exhibits A through J.

**EXHIBITS**

- A-1 Conditions of Approval
- B Applicant's Findings of Fact received October 8, 2015
- C Development Stipulations email, received November 25, 2015
- D GLUP Map with subject site highlighted received September 3, 2015
- E Zoning Map with subject site highlighted received September 3, 2015
- F Public Works Department Staff Report received November 11, 2015
- G Medford Fire Department Land Development Report received November 5, 2015
- H Medford Water Commission memo received November 11, 2015
- I Medford Irrigation District memo received November 3, 2015
- J ODOT memo received November 6, 2015  
Vicinity Map

**MEDFORD PLANNING COMMISSION**



David McFadden, Chair

**PLANNING COMMISSION AGENDA:**

**DECEMBER 10, 2015**