

### Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518



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



December 16, 2015 Date:

City of Medford Jurisdiction:

Local file no.: ZC-15-117

DLCD file no.: 019-15

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 less than 35 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

#### **DLCD FORM 2**



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

**FOR DLCD USE** 

File No.: 019-15 {24088}

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-15-117** 

Date of adoption: Dec. 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 1was submitted): Oct. 15, 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): Sarah Sousa

Phone: 541.774.2380 E-mail: sarah.sousa@cityofmedford.org
Street address: 200 S. Ivy Street City: Medford Zip: 97501-

#### PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

#### For a change to comprehensive plan text:

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

#### For a change to a comprehensive plan map:

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

to

to

change.

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

change.

Change from change.

Change from

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

acres.

acres.

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

A goal exception was required for this

A goal exception was required for this

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-10 to C-S/P Acres: 0.33
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): 371W19DD 8400,8500,&8600 (300 Mae St, 1027 & 1029 E. Jackson

List affected state or federal agencies, local governments and special districts: none

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.

# STATE OF DREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE 2C-15-117 APPLICATION	1
FOR A ZONE CHANGE SUBMITTED BY KANTOR/MALEPSY/KELL	ORDER

ORDER granting approval of a request for changing the zoning from SFR-10 (Single Family Residential — 10 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson Street.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson Street; 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 1W 19DD Tax Lot 8400 37 1W 19DD Tax Lot 8500 37 1W 19DD Tax Lot 8600

is hereby changed from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson Street.

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

Kantor / Malepsy / Kell Zone Change

Applicants: Ryan Kantor, Mike Malepsy, and James Kell

FILE NO

ZC-15-117

TO

Planning Commission

for November 12, 2015 hearing

FROM

Sarah Sousa, Planner IV

REVIEWER

Kelly Akin, Principal Planner 🖊

DATE

November 5, 2015

#### BACKGROUND

#### Proposal.

Request for a zone change from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to C-5/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson Street

#### Subject Site Characteristics

Zoning

SFR-10

GLUP

SC (Service Commercial)

Use

Vacant

#### Surrounding Site Characteristics

North

SFR-10

Single family homes

South

C-5/P

Commercial uses

East

C-N

Neighborhood Commercial zone district, commercial uses

West

C-S/P

Commercial uses

#### Related Projects

CP-15-022 General Land Use Plan Map Amendment

#### 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-ofway 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

#### <u>Background</u>

On May 21, 2015, the City Council adopted an ordinance changing the General Land Use Plan designation of the subject properties from Urban Residential (UR) to Service Commercial (SC). The property owners now seek to change the zoning on the same three properties from the current residential zone to a commercial zone.

#### Transportation System Plan

As part of the approval, a demonstration must be made that the change of zone is consistent with the Transportation System Plan (TSP). The TSP requires all modes of transportation be considered, including rapid transit, air, water, rail, highway, bicycle and pedestrian. A review of the subject properties determines the Rogue Valley International Medford Airport is located less than 3 miles to the north. Water and rail transportation is not available in Medford. Interstate 5 is approximately a half a mile to the west of the subject properties. All three properties have frontage upon East Jackson Street, designated as a Major Collector Street in the TSP.

#### General Land Use Plan Designation

The General Land Use Plan designation for the subject property is Service Commercial. The Comprehensive Plan specifies that the proposed Service Commercial and Professional Office zoning is an appropriate zone under that designation.

#### Agency Comments

#### Public Works Department

The Public Works Staff Report addresses sanitary sewer capacity, storm drainage facilities, and the transportation system (Exhibit B). The report states there are down gradient sanitary sewer capacity issues for this site but the proposed change in zoning will reduce the potential future sanitary sewer flow from the subject properties. With regard to storm drainage, the site lies within the Bear Creek East Drainage Basin. The subject properties will be required to provide stormwater quality and detention at the time of development. Last, a Traffic Impact Analysis was not required as part of the subject application and the Public Works Department is not recommending conditions of approval pertaining to streets or street capacity.

#### Medford Water Commission

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

#### Summary

Staff has reviewed the zone change request and finds that it meets the approval criteria in Medford Land Development Code Section 10.227. The proposal is consistent with the Transportation System Plan (TSP) and the GLUP designation. In regards to facility adequacy, the agency reports in Exhibits B & D demonstrate that Category A Urban Facilities are available or can and will be made available to serve the site.

#### FINDINGS AND CONCLUSIONS

Staff has reviewed the Applicant's Findings (Exhibit A) and recommends the Commission adopt the findings as presented.

#### RECOMMENDED ACTION

Adopt the Applicant's Findings and direct staff to prepare a Final Order for approval of ZC-15-117 per the staff report dated November 5, 2015, including Exhibits A through G.

#### EXHIBITS

- A Applicant's Findings of Fact received August 27, 2015
- B Public Works Department Staff Report received October 21, 2015
- C Medford Fire Department Report received October 21, 2015
- D Medford Water Commission memo received October 22, 2015
- E Email from the Oregon Department of Transportation received October 14, 2015
- F General Land Use Map
- G Jackson County Assessor's Map received August 27, 2015 Vicinity map

#### PLANNING COMMISSION AGENDA:

NOVEMBER 12, 2015

## Findings of Fact

# AUG ' 7 2015 LANNING DEPT

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### From Approval Criteria 10.227

1) Each of the three properties that are a part of this proposal are .11 acre in size for a total acreage the proposed zone change is only .33 acre. In June of 2015 these properties were designated SC on the GLUP map, ordinance Cp-15-022. Therefore the property is consistent with the GLUP designation.

Due to the small amount of property involved and the commercial uses already in the area no traffic impact analysis was required. East Jackson, to the south, is designated as an arterial. Mae and Marie Streets, to the west and east, are normal residential streets. There is a new paved alley between Mae and Marie, which may be accessed by two of the three properties, and a new sewer line. The trip difference between the current SFR10 zoning and the proposed CSP zone is negligible. Again the lack of need for a traffic impact analysis supports this change and that it is consistent with the TSP.

Approval criteria (!) a-d do not apply to CSP zone.

- (1) e (i) The subject property has been sited on the GLUP map with a GLUP Map designation of SC.
- (iii) The properties are located with CSP zones to the south along E. Jackson, to the west across from Mae Street, and to the east across from Marie Street. These are the only properties on East Jackson in this area that are not commercially zoned.
- 2) a Applicant has been informed that storm drainage, sanitary sewer, and water facilities are adequate in the area for the minor change of usage of this proposal. The high CSP use already in the area also supports the change.
- b Streets that serve the properties are adequate and no additional improvements are needed and no traffic impact analysis was required.

CITY OF MEDFORD EXHIBIT #\_\_A File #\_\_ZC-15-117



CITY OF MEDFORD

RECEIVED OCT 2 1 2015 PLANNING DEPT

L.D. Meeting Date: 10 14 2015

File Number: ZC-15-117

### PUBLIC WORKS DEPARTMENT STAFF REPORT Kantor Zone Change

Project:

Request for a zone change from SFR-10 (Single Family Residential = 10 dwelling units per gross acre) to C-SIP (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson Street; Ryan Kantor, Mike Malepsy, James Kell, Applicants (Ryan Kantor, Agent). Sarah Sousa, Planner.

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 East Jackson Street and in the alley adjacent to the parcels. It is not clear where the existing buildings on this site are connected. There are down gradient sanitary sewer capacity issues for this site. However, the proposed change in zoning will reduce the potential future sanitary sewer flow from this site. Therefore, the zone change is acceptable.

#### II. Storm Drainage Facilities

This site lies within the Bear Creek East Drainage Basin. The City of Medford does not have existing storm drain facilities in the immediate area other than the existing curb and gutter

P \Staff Reports CP, DCA, & ZC\ZC only\ZC-15-117 E. Jackson St - kantor\ZC-15-117 Staff Report doex

Page 1

system. This site would be able to connect to these facilities at the time of development. 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



### Medi ord Fire Departme t

200 S. Ivy Street, Room #180

Medford, OR 97501

Phone: 774-2300; Fex: 541-774-2514;

E mail www.Fire@ci.medford.or.us

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OCT 21 2015

PLANNING DEPT.

### LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 10/21/2015

From: Fire Marshal Kleinberg

Report Prepared: 10/16/2015

File #: ZC -15 - 117

#### Site Name/Description:

Request for a zone change from SFR-10 (Single Family Residential - 10 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street and 1029 E. Jackson Street; Ryan Kantor, Mike Malepsy, James Kell, Applicants (Ryan Kantor, Agent). Sarah Sousa Planner

#### DESCRIPTION OF CORRECTIONS

REFERENCE

Approved as Submitted

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 Dregon 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 #\_\_ C File # ZC-15-117



# BOARD OF WATER COMMISSIONERS Staff Memo

RECEIVED

TO:

Planning Department, City of Medford

OCT 22 2015

FROM:

Rodney Grehn P.E., Water Commission Staff Engineer

PLANNING DEP

SUBJECT:

ZC-15-117

PARCEL ID:

371W19DD TL's 8400, 8500 & 8600

PROJECT:

Request for a zone change from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson Street; Ryen Kantor, Mike Malepsy, James Kell, Applicants (Ryan Kantor, Agent).

Sarah Sousa, Planner.

DATE:

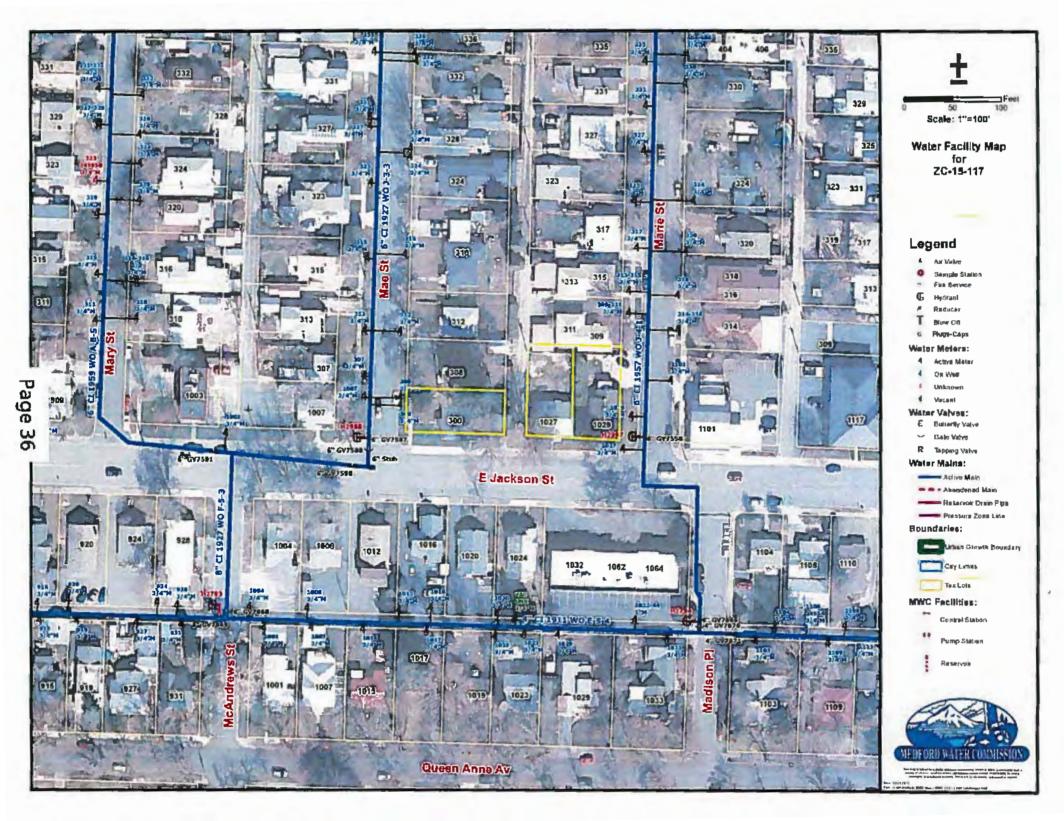
October 21, 2015

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

#### COMMENTS

- 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."
- 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.
- Off-site water facility construction may be required depending on future land development review.
- 5. On-site water facility construction is not required
- 6. MWC-metered water service does exist to these properties. There are three (3) ¼-inch water meters; one water meter serves each tax lot.
- Access to MWC water lines for connection is available. There is a 6-inch water line in both Mae Street and Marie Street.

CITY OF MEDFORD EXHIBIT # D File # ZC-15-117



#### Sarah K. Sousa

From:

MOREHOUSE Donald < Donald.MOREHOUSE@odot.state.or.us>

Sent:

Wednesday, October 14, 2015 2:39 PM

To: Subject: Sarah K. Sousa ZC-15-117

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OCT 14 2015

Sarah,

PLANNING DEPT.

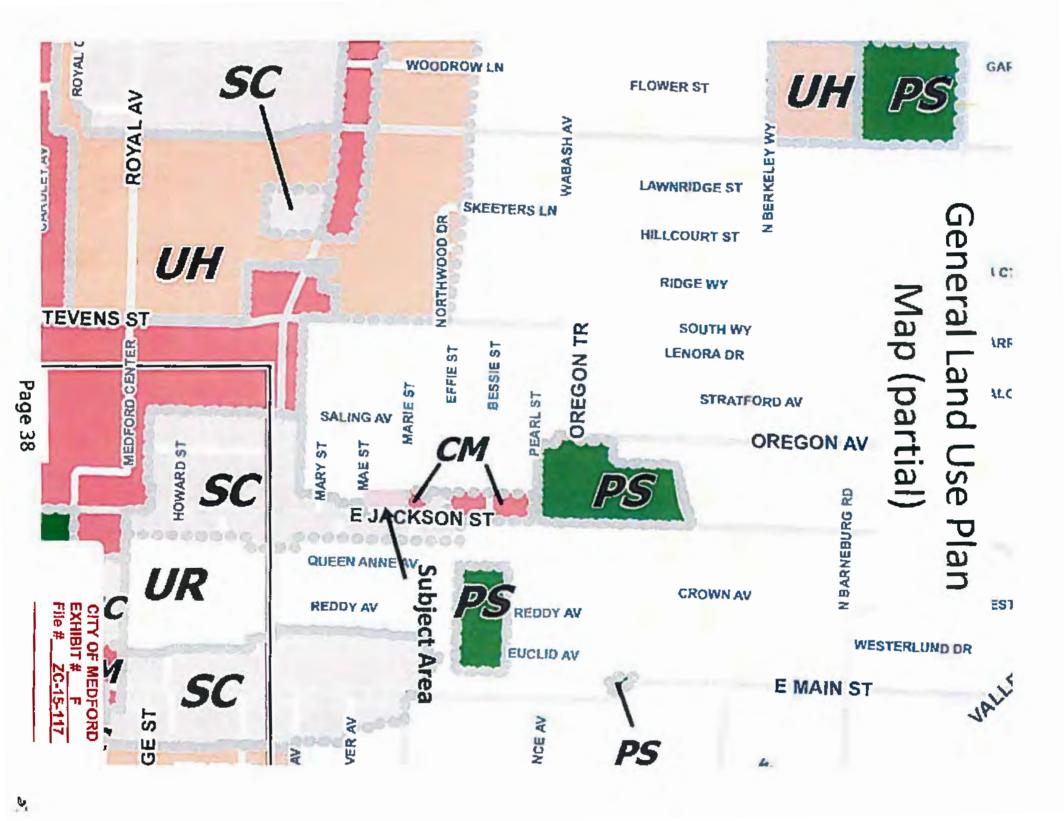
Thank you for sending agency notice of a request for a zone change from SFR-10 (Single Family Residential – 10 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on three lots on East Jackson Street between Mae Street and Marie Street with addresses of 300 Mae Street, 1027 E. Jackson Street, and 1029 E. Jackson Street. 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.

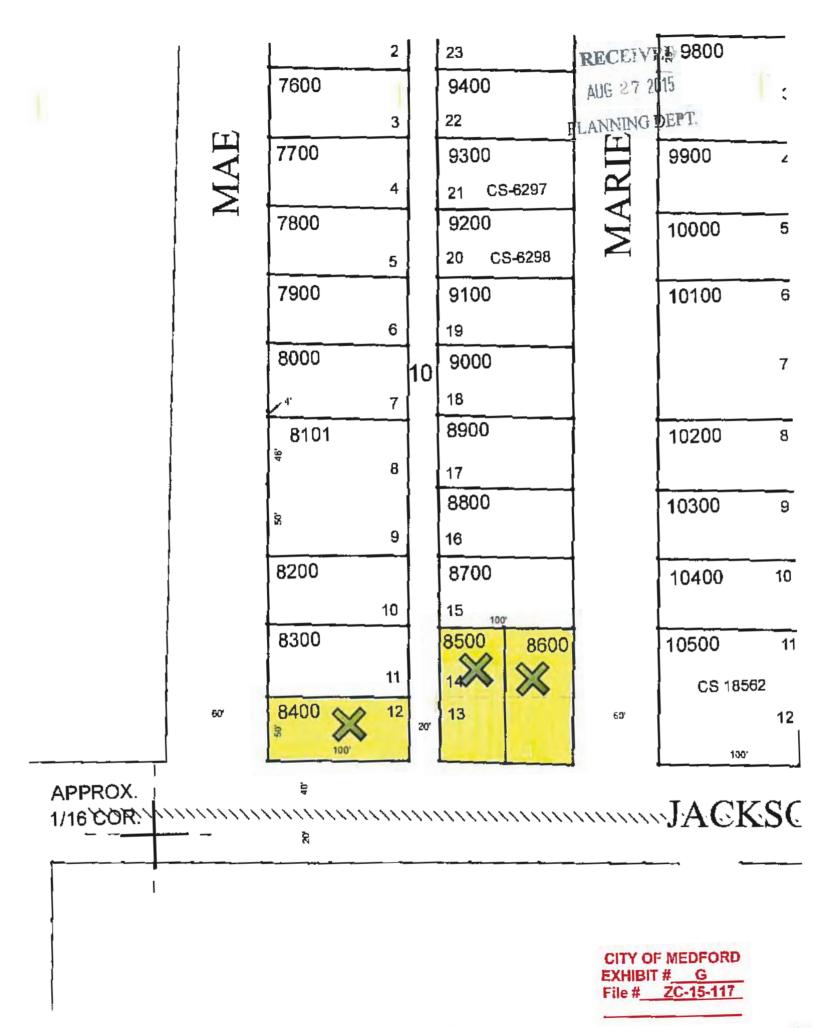
Don Morehouse Senior Transportation Planner ODOT Region 3, District 8 (Rogue Valley Tech Center)

Ph: (541) 774-6399 Fax: (541) 774-6349

Donald.Morehouse@odot.state.or.us

CITY OF MEDFORD EXHIBIT # E File # ZC-15-117







City of Medford

# Planning Department

Vicinity Map ZC-15-117

File Number:

