



MEDFORD PLANNING

Date of Notice: September 22, 2022

File No.: ZC-22-268
Contact: Dustin Severs

NOTICE OF PUBLIC HEARING – PLANNING COMMISSION

Hearing Date: Thursday – October 13, 2022
Hearing Time: 5:30 pm
Hearing Location: Medford City Council Chambers
City Hall, 411 W 8th Street, Third Floor

This notice is to inform you of an upcoming opportunity to participate in a public hearing before the Medford Planning Commission.

What is being considered: Consideration of a request for a change of zone of a single parcel totaling approximately 1.3 acres (1.7 gross acres) located at the northeast corner of Stewart Avenue and Lozier Lane (Address: 1135 Lozier Lane). The request is to change the zoning from SFR-4 (Single-Family Residential, four dwelling per gross acre) to C-N (Neighborhood Commercial) (372W35AA TL 2200).

How do I obtain additional information? You may visit the Planning Department on the second floor of the Lausmann Annex, 200 S. Ivy Street, between the hours of 8 a.m. and 5 p.m. weekdays to review the application, all documents and evidence submitted, and the criteria relating to this proposal. The agenda and the staff report for this project will be available seven days prior to the public hearing, and can also be viewed on the City web site (www.medfordoregon.gov). Copies may be obtained at the Planning Department at reasonable cost.

Who do I contact? Questions can be directed to the contact listed above at 541-774-2380, or by visiting the Planning Department in person.

How do I participate? The Planning Commission encourages written comments. Public comments will be accepted via first class mail or email until 12:00 noon on Thursday, October 13, 2022. Please email comments or public hearing testimony pertaining to this agenda item to dustin.severs@cityofmedford.org. Be sure to include your name, address and phone number. All comments pertaining to this item, received by 12:00 noon, will be provided to the Planning Commission at the meeting.

If you would like to watch the meeting but not attend in person, the meetings are televised live on the RVTV Civic – Jackson County & Medford Government Access Channel (antenna channel 14, cable channel 181) and live streamed on the city website. To access the live

stream, go to www.medfordoregon.gov and click on the *Meetings* tab in the middle of the page. Click on the meeting you're interested in and scroll to *Related Information* at the bottom of the page. Click on the *Watch Live and Recorded Meetings* link.

What happens at a Public Hearing? At the public hearing, the Chair will open the hearing and invite all interested parties to direct their testimony and evidence toward the regulations found in the Medford Land Development Code, specifically the criteria that apply to this project. The applicable criteria are included with this notice. You are invited to speak at the hearing stating why you favor or oppose this proposal. You may also write a letter to the Commission prior to the hearing that can be submitted as a part of the public record. You must provide oral or written testimony to have standing; standing gives you the legal ability to appeal a decision that is made by the Commission on this project. Oregon Revised Statutes state that failure to raise an issue in a hearing, either in person or by letter, or failure to provide statements or evidence sufficient to afford the Commission an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

If you would like to testify but are unable to attend in person or submit written comments, you may participate by telephone. Please contact the Planning Department at 541-774-2380 at least three business days in advance of the hearing to make arrangements.

Please be aware that communications made through Email and Messaging systems shall in no way be deemed to constitute legal notice to the City of Medford or any of its agencies, officers, employees, agents, or representatives, with respect to any existing or potential claim or cause of action against the City or any of its agencies, officers, employees, agents, or representatives, where notice to the City is required by any federal, state or local laws, rules, or regulations.

Respectfully,



Matt Brinkley, AICP CFM
Planning Director

tlr/Attachments (criteria and maps)

10.204 Zone Change.

(2) *Zone Change Approval Criteria.* The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (a) through (c) below:

(a) 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.

(b) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (b)(i), (b)(ii), (b)(iii), or (b)(iv). 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.

(i) For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:

(A) if at least 70% of the area proposed to be re-zoned exceeds a slope of 15%,

(B) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

(ii) For zone changes to SFR-10 one of the following conditions must exist:

(A) At least one parcel that abuts the subject property is zoned SFR-10; or

(B) The area to be re-zoned is three acres or larger; or

(C) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least three acres.

(iii) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

(A) The overall area of the C-N zoning district shall be three acres or less in size and within, or abutting on at least one boundary, with residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district.

(B) The overall area of the C-C zoning district shall be over three 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.

(C) The overall area of the C-R zoning district shall be over three acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (b)(v) below.

(D) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential or I-H zones, unless the applicant can show it would be suitable pursuant to (b)(v) below.

(iv) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:

(A) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (b)(v) below.

(B) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (b)(v) below.

(C) The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to (b)(v) below.

(v) For purposes of (b)(iii) and (b)(iv) above, a zone change may be found to be suitable where compliance is demonstrated with one or more of the following criteria:

(A) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one zone;

(B) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (b)(iii) or (b)(iv) above;

(C) At least 50% of the subject property's boundaries abut properties that contain one or more existing use(s) which are permitted or conditional use(s) in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing use(s); or

(D) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Subsection (b) (v), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least 60 feet in width.

(vi) For zone changes to apply or to remove an overlay zone (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).

(c) 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 (iii) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

(i) 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.

(ii) Adequate streets and street capacity must be provided in accordance with Oregon Administrative Rule 660-012-0060, commonly referred to as the Transportation Planning Rule (TPR); approval under subsection (9) of the TPR is not allowed. The Public Works Department may require that planned improvements be constructed prior to issuance of building permits for reasons of public safety and, when possible, shall base findings for the required improvements on the safety review required by the Transportation Impact Analysis (TIA), see Section 10.461(5)(r). When a roadway's Average Daily Trip (ADT) values are shown to exceed the street functional classification as identified in the TSP, per Section 10.461 Transportation Impact Analysis (TIA), a Comprehensive Plan Amendment may be required.

(iii) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the Jackson County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

(A) Restricted Zoning is a restriction of uses by type or intensity. 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 that do not meet minimum density standards;

(B) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;

(C) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools, mandatory car-sharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.

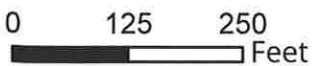


Project Name:




Jaspreet Singh 1135 Lozier Lane

Map/Taxlot:

372W35AA TL 2200



Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts

Date: 8/23/2022

