



ZONE CHANGE APPLICATION – Type III or IV

1. APPLICANT INFORMATION (If a corporation, list all principals)

Name _____

Address _____ City _____

State _____ Zip Code _____

Email _____

Telephone (Business): _____ (Residence) _____

2. AGENT INFORMATION (Owner's consent required)

Name _____

Address _____ City _____

State _____ Zip Code _____

Email _____

Telephone (Business): _____ (Residence) _____

3. OWNER/CONTRACT PURCHASER OF RECORD

Name _____

Address _____ City _____

State _____ Zip Code _____

Email _____

Telephone (Business): _____ (Residence) _____

ZONE CHANGE APPLICATION – Type III or IV

4. PROJECT DESCRIPTION

Existing Zoning District: _____ Proposed Zoning District: _____

General Land Use Plan Map Designation: _____ Acreage: _____

Map #: _____ Tax Lot(s): _____

Address: _____

Map #: _____ Tax Lot #(s): _____

Southeast Plan Map Designation (if applicable): _____

List any land use application file numbers (including pre-applications) associated with this subject property:

5. REQUIRED SUBMITTALS

- Application Form (signed)
- Legal Description of area to be rezoned
- Assessor's Map with site indicated
- Typed Mailing Labels
 - o For all property owners within 200-feet of subject site
- Findings of Fact (addressing criteria of §10.204(B))
- Completed Traffic Impact Analysis Form
- Written Consent of Owner (if applicable)
- Signed statement regarding posting of Public Hearing Signs
- Fees:
 - o \$2,800
 - o Fees are due at time of project submittal.
 - o Checks shall be made payable to *City of Medford*.

6. I HEREBY STATE THAT THE FACTS RELATED IN THE ABOVE APPLICATION AND THE PLANS AND DOCUMENTS SUBMITTED HERewith ARE COMPLETE, TRUE, CORRECT, AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature _____ Applicant Agent Owner

If any wetlands exist on the site, it is the applicant's responsibility to apply for a permit to the Division of State Lands and Army Corps of Engineers before any site work begins.

ZONE CHANGE APPLICATION – Type III or IV

WHAT IS A ZONE CHANGE

With a zone change, the zoning designation on the City Zoning Map is changed from one zone to another. Each zoning designation allows certain activities to occur, while not allowing others. Each zone is also governed by specific regulations pertaining to the manner in which activities are conducted and their physical layout. These regulations include such things as lot dimensions, maximum building height, and the maximum number of dwelling units per acre. A zone change is usually sought for the purpose of expanding or intensifying the activities allowed in a particular place.

Zone changes are usually initiated by the application of property owners. An applicant may choose to hire a private land use planner to represent them as an agent in the filing of the application, and in taking care of many of the details before and after the public hearing.

The zone change is approved by the Planning Commission, whose decision is based upon specific criteria. From the time of filing an application and paying an application fee, which is currently \$2,800, a zone change can be expected to be approved within eight weeks.

Upon submittal of the application, the Planning Department studies the zone change proposal and then prepares a Staff Report with a recommendation to the Planning Commission for approval or denial. The report is available to the public seven days prior to the public hearing. The Planning Commission must base their decision upon the criteria found in Section 10.204(B) of the Land Development Code.

The Planning Department can provide you with a copy of the Comprehensive Plan's Goals and Policies and an indication of which urban services and facilities must be available.

An important part of the zone change application that will be reviewed by the Planning Commission is the proposed **findings**. Findings are a written statement by the applicant which (1) identify the above applicable criteria, (2) describe the impact of the change in zone, including all facts which support the zone change, and (3) analyze and explain how the facts show that the requested zone change meets both of the criteria above.

The Planning Commission, at the public hearing, reviews the proposed findings, the Staff Report and its recommendation, and hears evidence from the applicant, or the applicant's representative, and anyone wishing to speak for or against the project. The Planning Commission then votes to approve the application, based on the applicant's findings, or to deny it based upon their own set of findings.

If the findings are not adequately written, any of the following may occur:

- Rejection of the application by the Planning Department.
- Disapproval of the project by the Planning Commission or City Council because it is not adequately demonstrated that the facts relied upon lead to the conclusion that the project meets the criteria.
- Reversal of an approval on appeal.

ZONE CHANGE APPLICATION – Type III or IV

APPROVAL CRITERIA, §10.204 (B)

The Planning Commission shall approve a quasi-judicial, minor 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.
- (2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(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.
 - (a) For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:
 - (i) if at least 70% of the area proposed to be re-zoned exceeds a slope of 15%,
 - (ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.
 - (b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist:
 - (i) At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or
 - (ii) The area to be re-zoned is five acres or larger; or
 - (iii) 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 five acres.
 - (c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:
 - (i) 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.
 - (ii) 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.
 - (iii) 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 (2)(e) below.

ZONE CHANGE APPLICATION – Type III or IV

- (iv) 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 (2)(e) below.
 - (d) For zone changes to any industrial zoning district, the following criteria shall be met for the applicable zoning sought:
 - (i) 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 (2)(e) below.
 - (ii) 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 (2)(e) below.
 - (iii) 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 (2)(e) below.
 - (e) For purposes of (2)(c) and (2)(d) above, a zone change may be found to be suitable where compliance is demonstrated with one or more of the following criteria:
 - (i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one zone;
 - (ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (2)(c) or (2)(d) above;
 - (iii) 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
 - (iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Subsection (2) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least 60 feet in width.
 - (f) 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).
- (3) 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 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

ZONE CHANGE APPLICATION – Type III or IV

- (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 land use, 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. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. 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.

ZONE CHANGE APPLICATION – Type III or IV

- (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 Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the 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:
 - (i) 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;
 - (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.

ZONE CHANGE APPLICATION – Type III or IV

WRITTEN CONSENT OF OWNER

I, _____, the property owner of Tax Lot _____ on Jackson County Assessor Map _____, hereby consent to the filing of an application for _____ on said property, and will allow _____ to represent me before the City of Medford Approving Authority. I also give permission to City of Medford staff to post a public notice of this proposed land use action on the tax lot noted above.

Signed: _____

Dated: _____

ZONE CHANGE APPLICATION – Type III or IV

Public Hearings Signs, Section 10.124 (B)

Public hearing signs shall be posted on the project site for any proposed Type II, III, or IV (minor) land use actions according to the following:

- (1) Contents of sign. Public Hearing signs shall include a description of the proposed land use action, the date of the public hearing, and the City of Medford file number for the proposed land use action.
- (2) Location and number of signs. A posted notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600 feet long, a notice sign is required for each 600 feet, or fraction thereof. Notice signs must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notice signs may not be posted in a public right-of-way, unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Section 10.735, Clear View of Intersecting Streets.
- (3) Sign posting schedule. The required sign(s) shall be posted as specified in Table 10.124-1. Posted signs shall be removed within 10 days following the final decision.
- (4) Consequences of failing to post the property as required. Failure to post the signs as required by this section is a violation of the Medford Municipal Code.

For the applicant's convenience, the Planning Department will provide the signs at the Land Development Committee Meeting. Should this meeting not be scheduled 21 days prior to the hearing, it is the applicant's responsibility to contact the Planning Department to pick up the sign(s).

ZONE CHANGE APPLICATION – Type III or IV

PUBLIC HEARING SIGNS

I, _____, the property owner (or authorized agent) of Tax Lot _____ on Jackson County Assessor Map _____, have read Medford *Land Development Code* Section 10.124 which specifies the posting requirements for the tax lot(s) noted above, agree to post the property according to those requirements, and understand the consequences for not doing so.

Signed: _____

Dated: _____

	PUBLIC NOTICE OF PROPOSED LAND USE ACTION
Proposed Land Use Action:	
Public Hearing Date: File No.:	
	For more information: Contact the City of Medford Planning Department at 774-2380

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TRAFFIC IMPACT ANALYSIS FORM

A. This section to be filled out by the applicant.

Map and Tax Lot(s): _____

Acreage: _____

Current Zoning District: _____

Proposed Zoning District: _____

B. This section shall be filled out and signed by a representative from the Public Works Department – Traffic Section **prior** to submittal of this **Zone Change** application.

Based upon the information above:

- A Traffic Impact Analysis is not required.
- A Traffic Impact Analysis is required.
- Insufficient information to determine if Traffic Impact Analysis is required.

Printed Name

Signature

Title

C. If Traffic Impact Analysis is required, two (2) copies shall be submitted to the Public Works Department – Traffic Section prior to or upon submittal of this **Zone Change** application, and this section shall be filled out and signed by a representative from the Traffic Section.

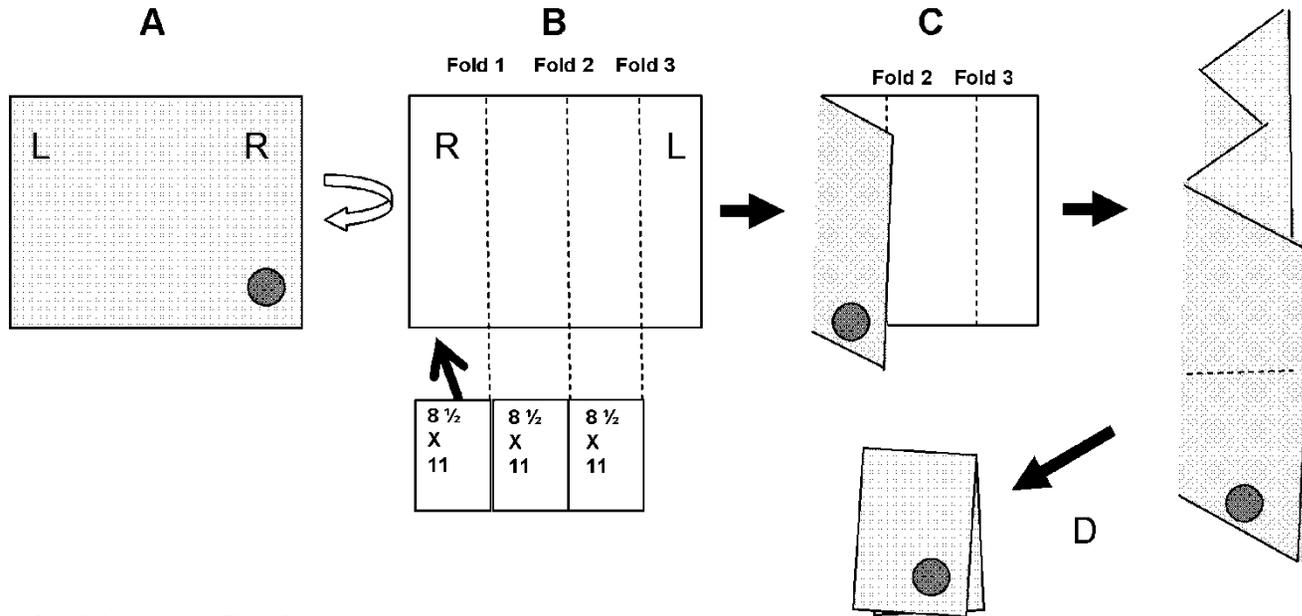
- A Traffic Impact Analysis is required and has been submitted to the Public Works – Traffic Section.

Printed Name

Signature

Title

PLAN FOLDING INSTRUCTIONS



- A. Lie map flat facing up.
- B. Flip the map over (the top right corner is now the top left corner). Using the width of an 8 1/2 x 11 piece of paper as a guide, start with the left side of the map and fold the map over as wide as the guide (8 1/2 inches).
- C. Repeat folding, no wider than the first fold (8 1/2 inches), and continue in an accordion style until you no longer have any folds left to make.
- D. Fold the accordion map in half by folding the top edge behind the bottom edge so that the lower right corner of the map ends up on top.