



Planning Commission

Agenda

Study Session

September 14, 2015

Noon

**Lausmann Annex — Room 151-157
200 S. Ivy Street, Medford, Oregon**

Subjects:

1. **DCA-15-103. Housekeeping 2015.**



Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject Draft Development Code Amendments

File no. DCA-15-103

To Planning Commission *for September 14th study session*

From Carla Angeli Paladino, Planner IV *CA*

Date September 4, 2015

The Planning Department proposes six text amendments to Chapter 10 of the Land Development code. These are code sections Staff has identified that need clarification or revisions in order to more effectively administer the code provisions. The list below identifies the topic proposed to be amended and the code section(s) affected. Staff's draft language is attached.

There is interest from the development community regarding Item #3 below. A letter and proposed language was submitted by CSA Planning for consideration. Staff has two options in the draft for the Planning Commission's consideration. Two options are also proposed in the materials from CSA Planning. A copy of CSA's information is attached.

Topic	Related Code Section(s)
1. Clarify duplexes in the SFR-10 zoning district	§10.713
2. Update parking standards for attached dwelling units	§10.743 & §10.746
3. Amend calculation of required yard	§10.705 & §10.710
4. Provide provisions for lot legality	^{new} §10.094–§10.098
5. Amend development code amendment criteria	§10.184
6. Remove the definition of public and private garage	§10.012

Housekeeping Amendments 2015
Draft #2

1. Clarify if duplexes are allowed in SFR-10 zone regardless of density

10.713 Duplex Dwellings.

The following standards apply to the development of duplex dwellings within the various residential districts. See Article III, Sections 10.308 through 10.312 for detailed descriptions of each residential zoning district and density factors, and Section 10.314 for conditional, special, and permitted uses.

DUPLEX DWELLINGS						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
SPECIAL STANDARDS	A duplex SHALL be divided by a lot-line AND be on a corner lot.	A duplex SHALL be divided by a lot-line.	<p style="color: red; font-size: small;">A duplex is permitted on a lot of 6,000 sq. ft. or less ONLY if the duplex was legally existing or the application for development had been accepted prior to May 13, 2003.</p> <p style="color: blue; font-size: small;">A duplex need not be divided by a lot-line.</p> <p style="color: blue; font-size: small;">A duplex is permitted on a lot if it meets the density calculation</p>	A duplex is permitted on lots between 5,000 and 12,500 square feet in size.		
MINIMUM AND MAXIMUM DENSITY FACTOR RANGE (See 10.708)	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
LOT AREA RANGE (SQUARE FEET)	8,500 to 18,750 each half	6,000 to 12,500 each half	6,000* to 12,500*	5,000* to 12,500*		
MAXIMUM COVERAGE FACTOR (See 10.706)	40%					
MINIMUM INTERIOR LOT WIDTH	75 feet each half	60 feet each half	50 feet*			
MINIMUM CORNER LOT WIDTH	75 feet each half	60 feet each half	60 feet*			
MINIMUM LOT DEPTH	90 feet					
MINIMUM LOT FRONTAGE	15 feet each half		30 feet*			

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DUPLEX DWELLINGS

Two attached dwelling units on an individual lot or divided by a lot-line.

DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
MINIMUM FRONT YARD BUILDING SETBACK	20 feet EXCEPT 15 feet IF vehicular access to the garage is parallel to the street					
MINIMUM STREET SIDE YARD BUILDING SETBACK	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports					
MINIMUM SIDE YARD BUILDING SETBACK	4 feet PLUS ½ foot for each foot in building height over 15 feet					
MINIMUM REAR YARD BUILDING SETBACK	4 feet PLUS ½ foot for each foot in building height over 15 feet EXCEPT 10 feet IF the rear property line abuts a collector or arterial street					
MAXIMUM HEIGHT (See 10.705)	35 feet					
BUFFERYARD SETBACK	8 feet from bufferyard to any doors on a dwelling unit					
<p>Where the duplex is REQUIRED to be divided by a lot-line (SFR-4 and SFR-6), THEN the standards pertain to each half separately. For the other zoning districts, the * indicates standards that are divided in half IF the duplex is to be divided by a lot-line. Where the duplex is permitted without being divided by a lot-line, THEN two DETACHED dwelling units are permitted in lieu of the duplex.</p>						
<p><i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article 1, Section 10.012.</i></p>						

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2. Clarify attached units and related parking.

10.743 Off-Street Parking Standards.

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (outside of Downtown Parking District)**	All Other Zones	All Zones
<u>Residential Duplex</u>	<u>1 space per dwelling unit</u>	<u>2 spaces per dwelling unit</u>	<u>n/a</u>
<u>Residential Townhouse</u>	<u>1 space per dwelling unit</u>	<u>2 spaces per dwelling unit</u>	<u>n/a</u>

10.746 General Design Requirements for Parking.

(10) Parking, Required Yard. Parking and loading spaces and their maneuvering area shall not be located in a required yard, except as follows:

(a) In a SFR or MFR zone, parking lots with more than three (3) spaces that do not back directly into the street may encroach to within ten (1) feet of a street right-of-way.

(b) When creating a common driveway with an adjacent parcel.

(c) At a single-family residence in a SFR zone, paving may be located within a required side or rear yard.

(d) Paved driveways located in a required front yard, street side yard, or rear yard off of an alley may be counted toward the off-street parking requirement for the lot or parcel. The paved area shall meet the dimensional requirements for a parking space and shall not be located within a public right-of-way.

3. Amend calculation of required yard.

Option #1

10.705 Building Height.

A. **Calculation for determining Maximum Height.** Building height shall be determined by measuring the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs.

B. Calculation for determining Side & Rear Yard Building Setbacks. Building height shall be determined as noted in A above as measured from the side and rear walls of the building.

BC. Exemptions – Building height limitations shall not apply to:

(1) Chimneys, church spires, belfries, cupolas, flag poles, antennas, support structures and antennas for amateur radio operations (as per ORS 221.295), and other similar projections that are accessory to the permitted use.

(2) Wireless communication transmission towers, which are subject to the Special Use Standards contained in Section 10.824.

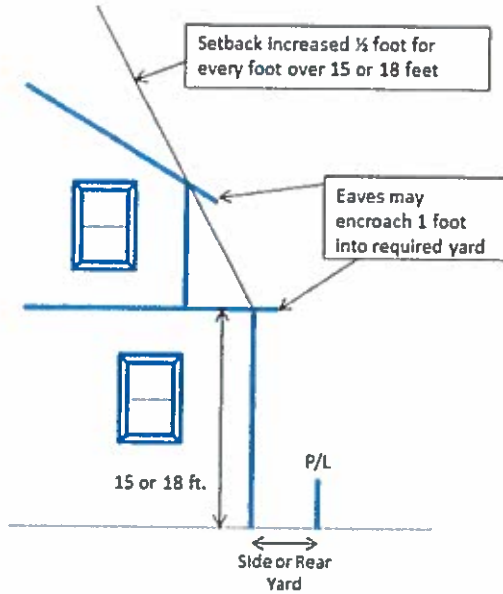
(3) Public utility service facilities, which are subject to the Special Use Standards contained in Section 10.830.

DETACHED SINGLE-FAMILY DWELLINGS					
One detached dwelling unit per lot.					
DEVELOPMENT STANDARDS	SFR-00	SFR-2	SFR-4	SFR-6	SFR-10
MINIMUM AND MAXIMUM DENSITY FACTOR RANGE (See 10.708)	NA	.8 to 2.0 dwelling units per gross acre	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre
LOT AREA RANGE (SQUARE FEET)	Land divisions not permitted in this zone	14,000 to 55,000	6,500 to 18,750	4,500 to 12,500	3,600 to 8,125
MAXIMUM COVERAGE FACTOR (See 10.706)	40%	35% of lot area	40% of lot area can exceed 40% when the building footprint is not more than 2,000 sq. ft.		
MINIMUM INTERIOR LOT WIDTH	NA	80 feet	60 feet	50 feet	40 feet
MINIMUM CORNER LOT WIDTH	NA	90 feet	70 feet	60 feet	50 feet
MINIMUM LOT DEPTH	NA	90 feet can count only half of an adjoining alley toward the lot depth			
MINIMUM LOT FRONTAGE	NA	30 feet EXCEPT Flag Lots which shall be 20 feet			
MINIMUM FRONT YARD BUILDING SETBACK	20 feet EXCEPT 15 feet IF vehicular access to the garage is parallel to the street				
MINIMUM STREET SIDE YARD BUILDING SETBACK	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports				
MINIMUM SIDE YARD BUILDING SETBACK (See 10.705 (B))	4 feet PLUS <u>plus</u> ½ foot for each foot in building height over 15 feet*			4 feet <u>plus ½ foot for each foot in building height over 18 feet*</u>	
MINIMUM REAR YARD BUILDING SETBACK (See 10.705 (B))	4 feet PLUS <u>plus</u> ½ foot for each foot in building height over 15 feet* EXCEPT 10 feet IF the rear property line abuts a collector or arterial street			4 feet <u>plus ½ foot for each foot in building height over 18 feet*</u> <u>EXCEPT 10 feet IF the rear property line abuts a collector or arterial street</u>	
MAXIMUM HEIGHT (See 10.705)	35 feet				
BUFFERYARD SETBACK	8 feet from bufferyard to any doors on a dwelling unit				

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DETACHED SINGLE-FAMILY DWELLINGS					
One detached dwelling unit per lot.					
DEVELOPMENT STANDARDS	SFR-00	SFR-2	SFR-4	SFR-6	SFR-10
A detached single-family dwelling as a stand alone use is permitted in the Multiple-Family Residential (MFR) zoning districts ONLY if the lot is nonconforming as to minimum lot area, width, or depth.					
<i>*See Concept Sketch: Side and Rear Yard Building Setback</i>					
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>					



Concept Sketch: Side & Rear Yard Building Setback

15 feet (Applicable in SFR-00, SFR-2, and SFR-4)

18 feet (Applicable in SFR-6 and SFR-10)

Option #2

DETACHED SINGLE-FAMILY DWELLINGS One detached dwelling unit per lot.					
DEVELOPMENT STANDARDS	SFR-00	SFR-2	SFR-4	SFR-6	SFR-10
MINIMUM AND MAXIMUM DENSITY FACTOR RANGE (See 10.708)	NA	.8 to 2.0 dwelling units per gross acre	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre
LOT AREA RANGE (SQUARE FEET)	Land divisions not permitted in this zone	14,000 to 55,000	6,500 to 18,750	4,500 to 12,500	3,600 to 8,125
MAXIMUM COVERAGE FACTOR (See 10.706)	40%	35% of lot area	40% of lot area can exceed 40% when the building footprint is not more than 2,000 sq. ft.		
MINIMUM INTERIOR LOT WIDTH	NA	80 feet	60 feet	50 feet	40 feet
MINIMUM CORNER LOT WIDTH	NA	90 feet	70 feet	60 feet	50 feet
MINIMUM LOT DEPTH	NA	90 feet can count only half of an adjoining alley toward the lot depth			
MINIMUM LOT FRONTAGE	NA	30 feet EXCEPT Flag Lots which shall be 20 feet			
MINIMUM FRONT YARD BUILDING SETBACK	20 feet EXCEPT 15 feet IF vehicular access to the garage is parallel to the street				
MINIMUM STREET SIDE YARD BUILDING SETBACK	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports				
MINIMUM SIDE YARD BUILDING SETBACK	<p style="color: red;">4 feet PLUS 1/4 foot for each foot in building height over 15 feet</p> <p style="color: blue;">One story: 4 feet Two stories: 6 feet Three stories: 8 feet</p>				
MINIMUM REAR YARD BUILDING SETBACK	<p style="color: red;">4 feet PLUS 1/4 foot for each foot in building height over 15 feet</p> <p style="color: blue;">One story: 4 feet Two stories: 6 feet Three stories: 8 feet</p> <p>EXCEPT 10 feet IF the rear property line abuts a collector or arterial street</p>				

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DETACHED SINGLE-FAMILY DWELLINGS					
One detached dwelling unit per lot.					
DEVELOPMENT STANDARDS	SFR-00	SFR-2	SFR-4	SFR-6	SFR-10
MAXIMUM HEIGHT (See 10.705)	35 feet				
BUFFERYARD SETBACK	8 feet from bufferyard to any doors on a dwelling unit				
A detached single-family dwelling as a stand alone use is permitted in the Multiple-Family Residential (MFR) zoning districts ONLY if the lot is nonconforming as to minimum lot area, width, or depth.					
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>					

For Reference: Section 10.012 (Definition of Story)

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

4. Lot legality

Lot Legality (10.094–10.098)

10.094 Lot of Record and Legal Lot Determination – Purpose and Intent.

The purpose of these sections are to establish criteria and a process for determining when a lot of record exists for the purposes of allowing a use or development on a non-conforming lot (e.g. substandard lot that does not meet current lot standards). The owner of the lot of record shall not be denied reasonable development on a lot of record. Where the underlying zone allows residential use, one single family dwelling per lot of record is deemed reasonable use, provided applicable building codes are met. The City may accept a legal lot determination as sufficient evidence of a hardship for approving an Exception under Article II.

10.095 Legal Lot Determination Criteria.

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.0101 to 92.190:

- A. The plot of land was lawfully created through a subdivision or partition plat in Jackson County prior to annexation to the City.
- B. The plot of land was created through a deed or land sales contract recorded with Jackson County prior to June 4, 1959, before the City adopted subdivision regulations; or
- C. The plot of land was created through a deed or land sales contract recorded with Jackson County prior to May 5, 1980, before the City adopted partition regulations; or

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D. The plot of land was created through a deed or land sales contract recorded with Jackson County prior to January 1, 2007, and the subject plot of land would have complied with the applicable planning, zoning, subdivision, or partition regulations in effect at the time it was created.

10.096 Legal Lot Determination Procedure.

The Planning Director or designated designee through a Class E procedure, shall process requests to validate a lot of record. It shall be the property owner's responsibility to demonstrate his or her plot of land meets the legal lot determination criteria in Section 10.095.

10.097 Lot Authorization.

Per ORS 92.196(5), a unit of land becomes a lawfully established parcel when the City validates the unit of land after the owner causes a partition plat to be recorded within 90 days after the date the City validates the unit of land.

In unusual circumstances the Planning Director or designee may authorize an unauthorized lot provided all of the following criteria are met:

1. Either the unauthorized lot was created prior to adoption of applicable subdivision and partitioning laws, or it was not created in conflict with applicable subdivision regulations.
2. No other procedure provided in this Code can be used to authorize the lot, such as partitioning.
3. No safety issues, public harm, or undue public burden would result from declaring a property a legal lot.
4. Potential negative impacts to the public are mitigated to the extent possible.

10.098 Unauthorized Lots.

The following are not considered discrete units of land for purposes of this Code.

- A. Any unit of land that was not created in compliance with all applicable planning, zoning, property line adjustment, partition, and subdivision regulations in effect at the time of its creation, or that was not duly recorded with the County.
- B. A unit of land resulting from a lien foreclosure or foreclosure of a recorded contract for a sale of real property.
- C. A cemetery lot.
- D. A public street, road, highway, square, right-of-way or open space.
- E. A private street or unit of land reserved as private open space.
- F. A unit of land adjusted in dimension through the sale, grant or other conveyance of the property for a public road, street, or highway that, as a result of said conveyance, does not meet the applicable lot dimension standards of this code.
- G. A unit of land created by the sale, grant, or other conveyance of property that was formerly a public road, street, highway, square, or other right-of-way, and did not meet the applicable lot standards in effect at the time of its creation.
- H. A unit of land that remained after the recording of a subdivision or condominium plat, and that was not included as a lot(s) in the subdivision or condominium, and that does not have

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all required public facilities as if it were a lot in a subdivision.

I. A unit of land that was previously required by the City or County to be consolidated with another unit of land, unless the City or County has approved the unit to be a discrete lot in accordance with the standards in effect at the time.

J. A unit of land created solely to establish a separate tax account.

5. Amend development code amendment criteria.

10.184 Class “A” Amendment Criteria.

(2) Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

- (a) Explanation of the public benefit of the amendment.
- (b) The justification for the amendment with respect to the following factors:
 - ~~(1) Conformity with applicable Statewide Planning Goals and Guidelines.~~
 - ~~(21) Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.~~
 - ~~(32) Comments from applicable referral agencies regarding applicable statutes or regulations.~~
 - ~~(43) Public comments.~~
 - ~~(54) Applicable governmental agreements.~~

6. Delete the definition of private garage.

Section 10.012

Garage. A building, or portion thereof, used or intended to be used for the parking and storage of motor vehicles.

~~**Garage, private.** A building or a portion of a building, not more than 1000 square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.~~

~~**Garage, public.** Any garage other than a private garage.~~



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Planning Dept.

May 18, 2015

MEDFORD MAYOR AND CITY COUNCIL
200 South Ivy Street
Room 240
Medford, OR 97501

Request for Initiation of Land Development Code Amendment

Dear Mayor and Council:

We represent Hayden Homes. During the City's recent review of a Hayden project, issues arose regarding how side yard setbacks are applied under provisions of the Medford Land Development Code (MLDC). There appears to be agreement among the Planning Commission, the Planning Department and Hayden that the existing Code language requires attention. The purpose of this letter is to ask the Council to initiate an amendment to the MLDC as detailed below.

Background

Side yard setbacks are governed by building height where taller dwellings in residential zones are required to have greater setbacks. The same is set forth in the table in MLDC 10.710 where the ordinance (with respect to Minimum Side Yard Building Setback) states:

"4 feet PLUS ½ foot for each foot in building height over 15 feet"

In a recent subdivision application, our client became aware of issues with the MLDC which govern dwelling setbacks in residential zones. As an interim remedy, Hayden applied for an Exception to the side yard setback to permit a reduced setback for homes with single-story third garages. The Planning Commission felt it was required to deny the Exception because it was unable to conclude that there were no circumstances particularly applied to that property. However, following passage of a motion to deny the Exception, Planning Commission Chair McFadden suggested a code amendment is the proper remedy. We also understand that the Planning Department has also found the existing Code language problematic in many ways.

Issue; Problem Statement

The purpose of a side yard setback that varies with the height of the house is to prevent two story (or more) houses in single family zones from being located very close to the side-yard property line. Such a setback condition would cause the two-story house to dominate the neighboring property in the way of light and massing. The purpose of the code section is good. The problem with the MLDC code section on this issue is due to the building height measurement being based upon the **overall height** of the structure. The high point of the structure may be far removed from the side-yard line to which the side-yard setback applies. This requires a much greater setback than is needed to accomplish its purpose.

In the situation confronted by Hayden Homes, they have several two-story house designs that can accommodate a third single-story garage. The side-yard setback requirement for the garage is governed by the **overall** height of the house not the height of the garage. This triggers setbacks of ~7.5 feet (separation of ~15 feet). Without the third garage, the separation between two of the two-story houses would be approximately 15 feet (7.5 yard setback). If the third car garage is added, the two-story component of the houses must then be separated by almost ~40 feet (equivalent to a ~20 feet setback for the two-story portion of the structure) so that the garages



can be separated by fifteen feet (~7.5 setback). The attached graphics shows examples that help explain the implications of this problem and how resulting side yard setbacks (based upon the MLDC as written) produce illogical results.

From a Citywide perspective, the code reduces the intensity of development that is likely to occur in the SFR-6 while simultaneously making it less desirable. In the case of the garages, the code discourages people from a desirable covered parking design solution. The alternative solution is to pave a pad for an uncovered parking bay. This is less desirable for the neighbor for whom the side-yard setback regulation is intended to protect.

In SFR-10 zones, which would be considered a medium density zone in most cities, the setback discourages two story construction because the lots are simply too narrow to accommodate such a wide setback. Single-story construction in an SFR-10 zone results in very little usable yard area for anything less than very small houses. Better to have two-story houses with functional and useable backyards and narrow side yards than minimally usable yards at all.

Solution; Proposed Code Amendment

There are several potential code language remedies to this issue. Two examples are as follows:

1. Amend MLDC 10.705 (Building Height) as follows:

A. **Calculation.** Building height shall be determined by measuring the vertical distance from the average contact ground level ~~at the front wall of the building~~ to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. *For the purpose of establishing side yard setbacks, the building height measurement shall be taken at the wall of the building closest to each side property line.*

and Amend the Table in MLDC 10.710 as follows:

Detached Single-Family Dwelling One detached dwelling unit per lot.					
DEVELOPMENT STANDARDS	SFR-00	SFR-2	SFR-4	SFR-6	SFR-10
MINIMUM SIDE YARD BUILDING SETBACK	4 feet PLUS 1/2 foot for each foot in building height over 15 feet			4 feet plus 1/4 foot for each foot in building height that is over 15 feet in height	

2. Amend the Table in MLDC 10.710 as follows:

Detached Single-Family Dwelling One detached dwelling unit per lot.					
DEVELOPMENT STANDARDS	SFR-00	SFR-2	SFR-4	SFR-6	SFR-10
MINIMUM SIDE YARD BUILDING SETBACK	4 feet PLUS 1/2 foot for each foot in building height over 15 feet			4 feet plus 1/2 foot for each foot in building height over 15 feet; only that portion of the building located within 10 feet of the applicable side-yard setback is calculated for building height under this section.	4 feet



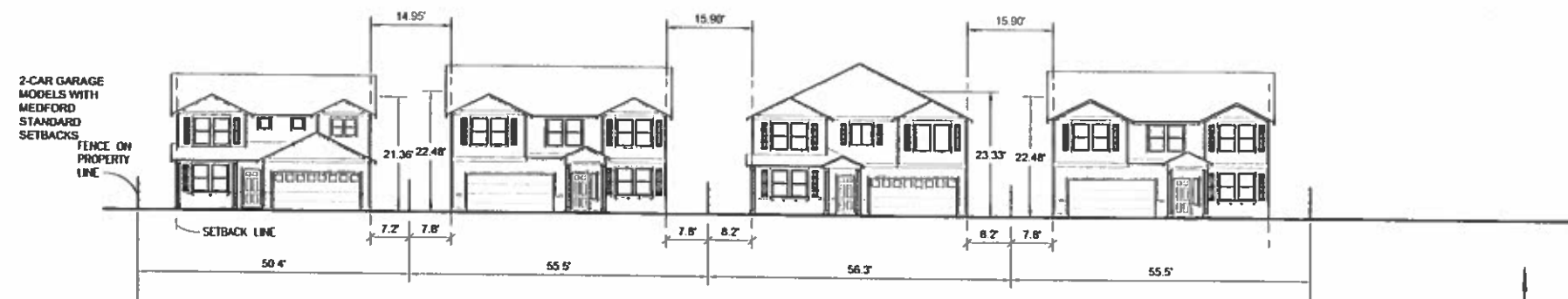
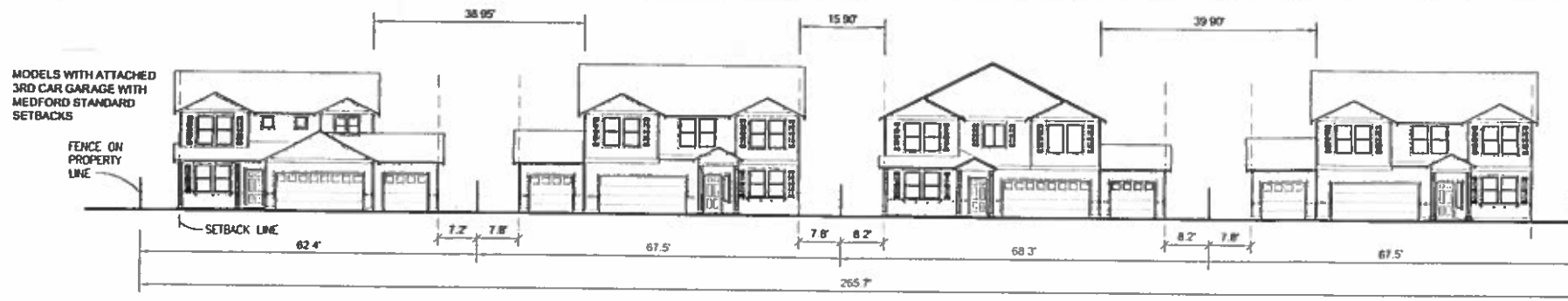
If the City Council agrees that it would be beneficial to the City of Medford to review and amend the Minimum Side Yard Building Setback portion of MLDC 10.710 or the Table therein, we respectfully request that the Council initiate the amendment on its own motion.

Very truly yours,

CSA Planning, Ltd.

Jay Harland
Principal

cc. Hayden Homes



1 3-CAR GARAGE STREET ELEVATION SETBACK COMPARISON
 SCALE: 1:20



DATE: 3/19/2015
 DRAWN BY: JL/BT
 CHECKED BY: JH

MODELS WITH ATTACHED
3RD CAR GARAGE WITH
MEDFORD STANDARD
SETBACKS



MODELS WITH ATTACHED
3RD CAR GARAGE WITH
PROPOSED ALTERNATE
SETBACKS



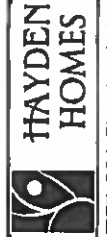
2-CAR GARAGE
MODELS WITH
MEDFORD
STANDARD
SETBACKS



1

3-CAR GARAGE STREET ELEVATION SETBACK COMPARISON

SCALE: 1:20



CSA Planning, Ltd
10000 16th Ave S.E.
Bellevue, WA 98006

STREET ELEVATION EXAMPLES 1

IDIVISION
#FORD, OR

DATE: 3/19/2015

DRAWN BY: JL/BT

CHECKED BY: JI

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