

CITY COUNCIL AGENDA



MEDFORD
OREGON

August 15, 2019

6:00 P.M.

Medford City Hall, Council Chambers

411 W. 8th Street, Medford, Oregon

10. Roll Call

20. Recognitions, Community Group Reports

20.1 Employee Recognitions

- a. Employee Anniversaries
- b. Employee of the Quarter

20.2 Community Group Reports

- a. Quarterly Travel Medford Update – Eli Matthews
- b. Quarterly Economic Development Update – Colleen Padilla
- c. Quarterly Report from Alba Sister City Committee – Robin Snider

30. Oral Requests and Communications from the Audience

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

40. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 4 minutes. PLEASE SIGN IN.

40.1 COUNCIL BILL 2019-90

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of 1.34 acres located east of Crater Lake Avenue and north of Forest Hills Drive, Urban High Density Residential (UH) to General Industrial (GI). (GLUP-19-001)

40.2 COUNCIL BILL 2019-91

AN ORDINANCE amending sections 10.033, 10.108, 10.124, 10.185, 10.188, 10.190, 10.194, 10.204, 10.309, 10.310, 10.314, 10.705, 10.708, 10.712, 10.713, 10.714, 10.716A, 10.717, 10.721, 10.747, 10.749, 10.750, 10.752, 10.821, 10.823, 10.824, 10.837, and 10.933 of the Medford Municipal Code to make housekeeping corrections and minor changes. (DCA 19-001)

50. Approval or Correction of the Minutes of the August 1, 2019 Regular Meeting

60. Consent Calendar

60.1 **COUNCIL BILL 2019-92**

A RESOLUTION establishing a public hearing date for the vacation of excess right-of-way for the Larson Creek Trail on a parcel located at 816 Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (SV-19-046).

60.2 **COUNCIL BILL 2019-93**

AN ORDINANCE authorizing a contract with Univar Solutions for supply and delivery of sodium hypochlorite and sodium bisulfite, in the amount of \$193,200.00, for use at the Regional Water Reclamation Facility.

70. Items Removed from Consent Calendar

80. Ordinances and Resolutions

80.1 **COUNCIL BILL 2019-94**

A RESOLUTION granting an appeal and reversing the Site Plan and Architectural Commission's decision to deny. (AC-19-028)

80.2 **COUNCIL BILL 2019-95**

AN ORDINANCE authorizing execution of a Jurisdictional Exchange Agreement in the amount of \$300,000 between the City of Medford and Jackson County to provide roadway maintenance and improvements on 17 roadway sections.

90. Council Business

90.1 **Proclamations issued: None.**

90.2 **Committee Reports and Communications**

100. City Manager and Staff Reports

110. Adjournment



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Public Hearings
MEETING DATE: August 15, 2019

COUNCIL BILL 2019-90

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of 1.34 acres located east of Crater Lake Avenue and north of Forest Hills Drive, Urban High Density Residential (UH) to General Industrial (GI).

SUMMARY AND BACKGROUND

City Council is requested to consider a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI). (GLUP-19-001)

On July 11, 2019, the Planning Commission forwarded a favorable recommendation to City Council after a public hearing.

PREVIOUS COUNCIL ACTIONS

On October 5, 2006, the City Council adopted Council Bill 2006-227 approving a minor amendment to the GLUP map changing the designation from General Industrial to Urban High Density Residential.

ANALYSIS

The subject site is located adjacent to the south of the Rogue Valley Transportation District (RVTD) headquarters and was acquired by RVTD in 2018. In 2006, the property owner requested, and the Council approved, a GLUP map designation change from General Industrial (GI) to Urban High Density Residential (UH). The applicant is now requesting to change the designation back to GI.

Review of the proposed GLUP map designation change can be found to meet the applicable criteria for a Comprehensive Plan Amendment as found in the *Review and Amendments* chapter of the Comprehensive Plan, as the proposed change: 1) is consistent with the pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of employment lands; 2) responds to a demonstrated need for adequate employment opportunities; 3) can be found to have sufficient facilities to accommodate the proposed classification change; 4) will result in no discernable environment, energy or social consequences from the proposed change of designation; and 5) meets the applicable statewide planning goals as described in the Council Staff Report.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.



COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Decline to approve the ordinance as presented and direct staff regarding further action.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to adopt the ordinance authorizing the minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI).

EXHIBITS

Ordinance

Council Report, including Exhibits A-L

Vicinity Map

ORDINANCE NO. 2019-90

AN ORDINANCE approving a minor amendment to the General Land Use Plan (GLUP) Map of the *Medford Comprehensive Plan* by changing the land use designation of 1.34 acres located east of Crater Lake Avenue and north of Forest Hills Drive, Urban High Density Residential (UH) to General Industrial (GI).

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a minor amendment to the GLUP Map of the *Medford Comprehensive Plan* changing the land use designation of 1.34 acres located east of Crater Lake Avenue and north of Forest Hills Drive, Urban High Density Residential (UH) to General Industrial (GI), is hereby approved.

Section 2. The approval is based upon the Findings of Fact and Conclusions of Law included in the Planning Commission Report dated August 1, 2019.

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor

COUNCIL REPORT

for a Type-VI quasi-judicial decision: Minor Comprehensive Plan Amendment

Project Rogue Valley Transportation District GLUP Change
Applicant: Rogue Valley Transportation District; Agent: CSA Planning Ltd.

File no. GLUP-19-001

To Mayor & City Council *for August 15, 2019, hearing*

From Dustin Severs, Planner III

Reviewer Kelly Evans, Assistant Planning Director

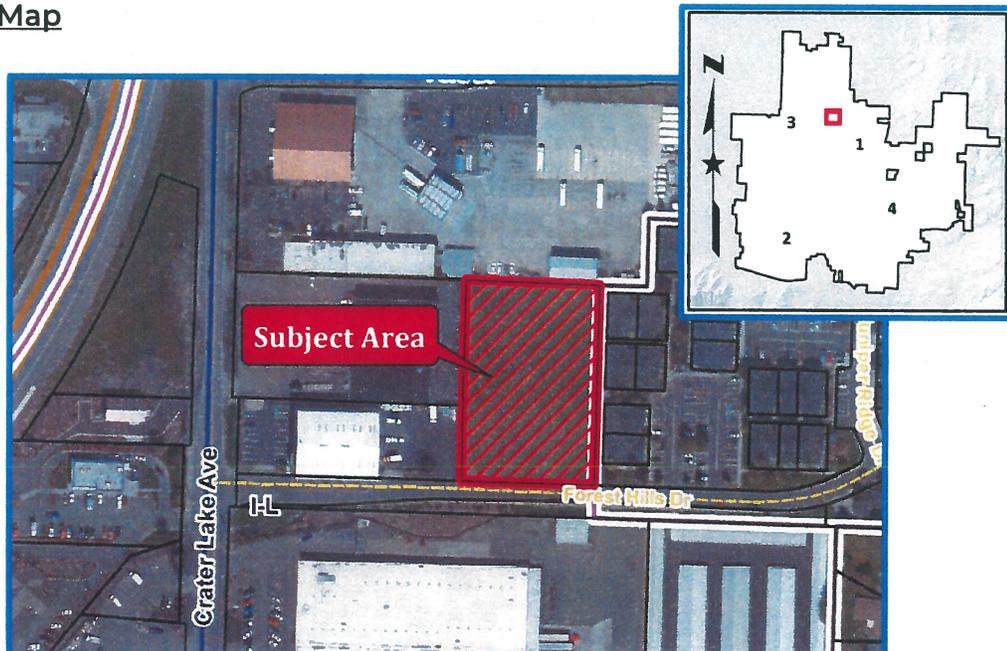
Date August 1, 2019

BACKGROUND

Proposal

Request for a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI) (371W08CC TL 800).

Vicinity Map



Subject Site Characteristics

Zoning	I-L	Light Industrial
GLUP	UH	Urban High Density Residential
Overlay(s)	AC	Airport Area of Concern
Use	Vacant land owned by RVTD	

Surrounding Site Characteristics

<i>North</i>	Zone:	I-L
	Use:	RVTD headquarters
<i>South</i>	Zone:	I-L
	Use:	Coca-Cola warehouse and distribution facility
<i>East</i>	Zone:	MFR-20 (Multiple Family Residential, 20 dwelling units per gross acre)
	Use:	Multi-family residential
<i>West</i>	Zone:	I-L
	Use:	Industrial buildings

Related Projects

CP-06-102 GLUP change from GI (General Industrial) to UH (Urban High Density Residential)

Applicable Criteria

Minor Comprehensive Plan Amendment

For the applicable criteria, the Medford Municipal Code Section 10.184(1) redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

- 1. A significant change in one or more Goal, Policy, or Implementation Strategy.*
- 2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
- 3. The orderly and economic provision of key public facilities.*
- 4. Maximum efficiency of land uses within the current urbanizable area.*
- 5. Environmental, energy, economic, and social consequences.*
- 6. Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

7. *All applicable Statewide Planning Goals.*

Authority

The Planning Commission is authorized to act as an advisory agency for Type-IV quasi-judicial Comprehensive Plan Amendments, forwarding a recommendation to City Council for proposed amendments to the Comprehensive Plan under Medford Municipal Code Sections 10.102-122, 10.165, and 10.185. City Council has final decision making authority for Type-IV procedures.

ISSUES AND ANALYSIS

Project Summary

The subject site consists of a single 1.34 acre parcel owned by Rogue Valley Transportation District (RVTD), and is currently undeveloped. Forest Hills Road fronts the site along its southerly boundary, and will serve as access for any future development of the site. Forest Hills Road is a private street serving the Mountain Gate Village residential development to the east, and the subject site has a perpetual non-exclusive easement for ingress, egress and public utilities and services over Forest Hills Road.



In 2006, the subject property was approved for a Minor Comprehensive Plan Amendment to change the GLUP map designation from GI to UH; however, a subsequent zone change to residential was never requested to match the site's newly-acquired residential GLUP designation. With the subject request, the applicant is requesting the GLUP map designation be restored back to its previous GI plan map designation.

The site abuts the RVTD headquarters along its northerly boundary, and the subject request is being made in order to facilitate the expansion of the RVTD headquarters facility.

Traffic Analysis

MLDC 10.461(3) requires a Traffic Impact Analysis (TIA) to be conducted to evaluate development impacts to the transportation system if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or the Public Works Department has concerns due to operations or accident history.

Per the staff report submitted by Public Works (Exhibit I), it was determined that a TIA will not be required for the subject request.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits I - K), it can be found that adequate facilities are available or can and will be made available to serve the future development of the site.

Other Agency Comments

None.

Committee Comments

No comments were received from a committee, such as BPAC.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Comprehensive Plan Amendment

- 1. A significant change in one or more Goal, Policy, or Implementation Strategy.*

Findings

The subject property is zoned Light Industrial (IL). Prior to a General Land Use Plan (GLUP) amendment to Urban High Density Residential (UH) in 2006, the parcel had a General Industrial (GI) GLUP designation that corresponds to the existing IL zoning district. The property at that time was under different ownership and the 2006 staff report cited a need for more higher density residential in order to better balance a housing mix of 2/3 single family and 1/3 multiple-family dwelling units. It also cited a 2002 economic report that identified an increase in General Industrial land from the preceding decade.

Since 2006, as outlined in the current applicant's findings, the City underwent an extensive analysis to determine the City's land needs over the next 20 years resulting

in updates to a number of Comprehensive Plan elements including Population, Housing, Economy, Buildable Lands Inventory, and the adoption of a Regional Plan. This evaluation recalibrated the City's land needs; however, the numbers projected for each of the various land uses are estimates and are not intended to be precise mathematical determinations (as allowed in OAR 660-024-0040(1)), providing for changes over time and as different needs arise.

Policy 1-5 of the *Economic Opportunities Goals and Policies* section of the *Economic Element* of the Comprehensive Plan states, "The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in the City of Medford and the region," and implementation strategy 1-5(b) reads, "Reduce projected deficits in employment lands by changing GLUP map designations within the existing Urban Growth Boundary." Although the deficits for General Industrial and Heavy Industrial GLUP designations were equalized as part of the Urban Growth Boundary expansion, it is important to maintain appropriate levels over time so that an imbalance does not occur in the future.

The proposal will help restore the previous General Industrial GLUP designation which exists on three sides of the property and allow for expansion of the RVTD facilities. The change is supported by the goals and policies of the Economic Element, specifically Policies 1-3 (which supports expansion and retention of existing businesses) and 1-5 (as noted above).

Conclusions

The proposed change is consistent with pertinent Comprehensive Plan goals, policies and implementation strategies that seek to actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford, as the proposed change will increase the amount of employment lands within the City.

- 2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

Findings

The proposed change from a residential designation to an Industrial designation will increase the amount of employment lands within the City.

Conclusions

The proposed change responds to a demonstrated need for adequate employment opportunities.

3. The orderly and economic provision of key public facilities.

Findings

Per the agency comments submitted to staff, it can be found that adequate facilities are available or can and will be made available to serve the future development of the site.

Conclusions

Sufficient facilities exist or can and will be made available to accommodate the proposed classification change.

4. Maximum efficiency of land uses within the current urbanizable area.

Findings

The subject site is currently encompassed by GI designated land along its northerly, westerly and southerly boundaries, while its easterly boundary abuts UH property, which currently contains a residential development. The change of the site's GLUP designation in 2006 from GI to UH encroached within a previously contiguous block of industrial lands.

Conclusions

As the majority of the subject site is bordered by GI designated land, the more efficient pattern of development would be to restore the previously contiguous block of GI land.

5. Environmental, energy, economic, and social consequences.

Findings

Environmental: The subject area is already within the UGB, and thus has already met tests concerning environmental impacts; a change of designation does not affect suitability for urbanization.

Energy: A designation change to GI would not pose any discernable energy consequences, as the site is located within the UGB, and thus has already met tests concerning environmental impacts; change of designation does not affect suitability for urbanization.

Economic: The proposed change from a residential designation to an Industrial designation will increase the amount of employment lands within the City, thereby responding to a demonstrated need for adequate employment opportunities.

Social: The proposed change from a residential designation to an Industrial designation will increase the amount of employment lands within the City, thereby responding to a demonstrated need for adequate employment opportunities.

Conclusions

Environmental: No discernable environmental consequences would result with the proposed change of designation.

Energy: No discernable energy consequences would result with the proposed change of designation.

Economic: The proposed change from a residential designation to an Industrial designation responds to a demonstrated need for adequate employment opportunities, by increasing the amount of employment lands within the City.

Social: The proposed change from a residential designation to an Industrial designation responds to a demonstrated need for adequate employment opportunities, by increasing the amount of employment lands within the City.

6. Compatibility of the proposed change with other elements of the City Comprehensive Plan.

Findings

Economic Element

Policy 1-5: The City of Medford shall assure that adequate commercial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5(b): Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Conclusions

The proposed change from a residential designation to an Industrial designation will increase the amount of employment lands within the City, thereby responding to a demonstrated need for adequate employment opportunities.

7. Applicable Statewide Planning Goals.

Goal 1 – Citizen Involvement

Findings

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes public review of proposed Comprehensive Plan amendments by the Planning Commission and City Council.

Conclusions

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

Goal 2 – Land Use Planning

Findings

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions

There is an adequate factual basis for the proposed designation change.

Goal 3 – Agricultural Lands

Not Applicable.

Goal 4 – Forest Lands

Not Applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Not Applicable.

Goal 6 – Air, Water and Land Resources Quality

Findings

The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusion

There are no water or land resource quality impacts.

Goal 7 – Areas Subject to Natural Hazards

Not Applicable.

Goal 8 – Recreation

Not Applicable.

Goal 9 – Economic Development

Findings

Goal 9 outlines that Comprehensive Plans shall *“provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.”*

Conclusion

The proposed change will provide additional industrial land in the existing urban area.

Goal 10 – Housing

Findings

Goal 10 requires that *“plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.”*

The proposed designation change will reduce the amount of land available for potential housing in the City, resulting in the loss of 1.34 net acres of UH land.

Conclusion

The City of Medford last adopted its Comprehensive Plan Housing Element in 2010. This document, which has a 20-year planning horizon, did identify needed housing by category pursuant to ORS 197.296(3)(b), as well as estimated land needed for residential development within its three residential General Land Use Plan map (or GLUP) designations. The proposed designation change will reduce the amount of land available for potential housing in the City, resulting in the loss of 1.34 net acres of UH land. However, the proposed comprehensive plan amendment is nominal relative to the total area designated by the comprehensive plan for residential development, as well as the total areas designated by the comprehensive plan for each residential GLUP designation. Such a minor change to the comprehensive plan designation for the subject property does not warrant extensive Goal 10 analysis, as a change at such a small scale does not appreciably affect the City's overall inventory of residential land and its capacity to accommodate residential development at various levels of household income and development densities.

Further, it can be found that the loss of 1.34 acres of residential land will be effectively balanced by the benefit of providing additional land available for employment opportunities within the City.

Goal 11 – Public Facilities and Services

Findings

Refer to findings under Criterion 3 above.

Conclusion

Refer to conclusions under Criterion 3 above.

Goal 12 – Transportation

Findings

The *Transportation Planning Rule* (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs.

Conclusion

MLDC 10.461(3) requires a Traffic Impact Analysis (TIA) to be conducted to evaluate development impacts to the transportation system if a proposed application has the potential of generating more than 250 net average daily trips (ADT), thereby ensuring compliance with the *Transportation Planning Rule* (OAR 660-012). Per the staff report submitted by Public Works (Exhibit I), it was determined that a TIA will not be required for the subject request.

Goal 13 – Energy Conservation

Not Applicable.

Goal 14 – Urbanization

Not Applicable.

Goals 15 - 19 are not applicable.

RECOMMENDED ACTION

Based on the Findings and Conclusions that all the approval criteria are met or not applicable, forward a favorable recommendation to City Council for approval of GLUP-19-001.

EXHIBITS

- A Applicant's findings of fact, received May 2, 2019.
- B Applicant's Current GLUP Map, received May 2, 2019.
- C Applicant's Proposed GLUP Map, received May 2, 2019.
- D Applicant's Vicinity Map, received May 2, 2019
- E Applicant's Zoning Map, received May 2, 2019.
- F Applicant's Airport Overlays Map, received May 2, 2019.
- G Assessor's Map, received May 2, 2019.
- H Property Line Adjustment map of survey, received May 2, 2019.
- I Public Works staff report, received March 20, 2019.
- J Medford Water Commission memo, received March 6, 2019.
- K Medford Fire Department report, received March 6, 2019.
- L Planning Commission Meeting Minutes Excerpt, July 11, 2019

CITY COUNCIL AGENDA:

AUGUST 15, 2019

BEFORE THE CITY COUNCIL
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

THE MATTER OF A MINOR)
COMPREHENSIVE PLAN MAP)
AMENDMENT CHANGING THE)
GENERAL LAND USE PLAN MAP)
DESIGNATION FROM URBAN HIGH)
DENSITY RESIDENTIAL (UH) TO)
GENERAL INDUSTRIAL (GI) FOR ONE)
1.34 ACRE PARCEL (371W08CC-800))
LOCATED NORTH OFF FOREST)
HILLS DRIVE WITHIN THE)
CORPORATE LIMITS OF THE CITY OF)
MEDFORD, OREGON.)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW
Applicant's Exhibit 1

Applicant/Owner: Rogue Valley)
Transportation District)
Agent: CSA Planning, Ltd.)

SCOPE AND NATURE OF THE APPLICATION

Applicant requests a minor comprehensive plan amendment to change the General Land Use Plan (GLUP) map designation for the subject property identified as Tax Lot 800 (371W08CC) from Urban High Density Residential (UH) to General Industrial (GI). The property is currently zoned I-L (Light Industrial). Under a previous application, File CP-06-102, the subject property was approved for a minor comprehensive plan amendment to change the GLUP map designation from GI to UH but the zoning was never changed to implement the UH GLUP Map designation with a corresponding multi-family residential zone. Applicant requests that the GLUP map designation be restored back to its previous General Industrial plan map designation. The current zoning designation of Light Industrial (I-L) will be retained. The subject parcel is situated north off Forest Hills Drive east of its intersection with Crater Lake Avenue.

The application is a Type-IV Minor Comprehensive Plan Amendment.

6

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant herewith submits the following evidence in support of this land use application:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed GLUP Map amendment complies with the relevant substantive approval criteria
- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 371W08CC
- Exhibit 4.** Maps of Current and Proposed General Land Use Plan Designation
- Exhibit 5.** Map of Current Zoning over Aerial Photo
- Exhibit 6.** Airport Area of Concern Map
- Exhibit 7.** Access Easement Deeds
 - a. OR 93-44452 Perpetual Non-Exclusive Easement
 - b. OR 98-06572 Ingress and Egress Easement and Associated Parcel Description
- Exhibit 8.** Map of Survey CS 21339 – Property Line Adjustment (Planning File PLA-13-072)
- Exhibit 9.** Signed and Completed Application Form and Agent Authorization.

III

APPLICABLE SUBSTANTIVE CRITERIA

The criteria under which the subject application for a minor Comprehensive Plan (GLUP) map amendment may be approved are recited verbatim below.

CITY OF MEDFORD LAND DEVELOPMENT CODE

10.222 Minor Type IV Amendments

- (A) Minor Type IV Amendments typically focus on specific individual properties and are therefore considered quasi-judicial. Minor Type IV Amendments include:
 - (1) Minor Comprehensive Plan Amendment;
 - (2) Minor General Land Use Plan Map Amendment;
 - (3) Minor Urban Growth Boundary Amendment;
 - (4) Transportation Facility Development; or
 - (5) Vacation of Public Right-of-Way.

- (B) Minor Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary refer to the Review and Amendment section of the Comprehensive Plan. For Transportation Facility Development approval criteria refer to Section 10.226 (B). For the approval criteria for Vacation of Public Right-of-Way refer to Section 10. 228 (D).

CITY OF MEDFORD COMPREHENSIVE PLAN Review and Amendment Procedures

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

- (1) A significant change in one or more Goal, Policy, or Implementation Strategy.
- (2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
- (3) The orderly and economic provision of key public facilities.
- (4) Maximum efficiency of land uses within the current urbanizable area.
- (5) Environmental, energy, economic and social consequences.
- (6) Compatibility of the proposed change with other elements of the City *Comprehensive Plan*.
- (7) All applicable Statewide Planning Goals.

IV

FINDINGS OF FACT

The following facts reached and found to be true with respect to this matter:

1. **Property Location:** The subject property is located along the north side of Forest Hills Drive approximately 343 feet east of its intersection with Crater Lake Avenue within the corporate limits of the City of Medford and its urban growth boundary.
2. **Property Description:** The subject property is a 1.34 acre parcel identified as Tax Lot 800 on Jackson County Assessment Plat 371W08CC.
3. **Lot Legality:** The current configuration of the subject parcel results from a property line adjustment approved by the City of Medford in 2013. *See*, Applicant's Exhibit 8 (Map of Survey CS 21339; Planning File PLA-13-072).
4. **Owners:** The property is in the ownership of Rogue Valley Transportation District.
5. **Existing Land Use:** The subject property is vacant.
6. **Existing and Proposed GLUP Map Designation:** Urban High Density Residential (UR) is the existing designation. General Industrial (GI) is proposed.
7. **Existing Zoning:** I-L (Light Industrial) is the current zoning designation. No change is proposed to the current zoning designation.

8. **Adjacent Zoning:** Adjacent and surrounding properties to the North, South and West currently have a zoning designation of I-L (Light Industrial). Adjacent and nearby land to the east is zoned Multifamily Residential (MFR-20).
9. **Surrounding Land Uses:** The aerial/zoning map at Applicant's Exhibit 5 accurately depicts the pattern of land partitioning and development in the surrounding area. The land uses which presently surround the property are:

South: Land to the south of the subject property, south of Forest Hills Drive to Delta Waters Road is zoned Light Industrial. Development in this vicinity consists of the Coca-Cola warehouse and distribution facility, a mini-storage warehouse business, and a multi-tenant industrial warehouse building.

East: Land to the east is within the Mountain Gate Village planned community and is developed residentially with a mix of multi-plex and duplex homes on individual padlots. Three eight-plex buildings are nearest to the common property line. Zoning within the planned community is Multifamily Residential (MFR-20). Land further east of Mountain Gate Village is also zoned and developed as Single Family Residential.

North: Land adjacent and to the north of the subject property to Ford Drive is in common ownership (Rogue Valley Transportation District) with the subject parcel and is developed with an office building (District Headquarters), fueling station, bus washing station, and maintenance bays. An auto dealership (Mercedes) is located on the property north of Ford Drive.

West: There are two adjacent parcels to the west which front directly on Crater Land Avenue. Both properties have been developed with industrial buildings. A granite/marble supply business occupies the north parcel in a single story warehouse with a showroom area and outdoor storage to the rear. The building on the southerly parcel is a two-story metal structure housing a pool and spa business (showroom and warehouse) as well as an automobile transmission repair business.

10. Essential (Category 'A') Public Facilities:

- A. **Sanitary Sewage Collection and Treatment:** The site lies within the Medford Sewer Service area. An 8-inch sewer main is located at the east property line of tax lot 800 and extends through the Mountain Gate Village residential development to the east and connecting to Blackthorn Drive.
- B. **Water Service:** Medford Water Commission has an existing 10-inch water line easement located on the north right-of-way boundary of Forest Hills Road. There is an existing fire hydrant located at Crater Lake Avenue south of the intersection with Forest Hills Drive and one hydrant on Forest Hills Drive east of the subject property.
- C. **Storm Drainage:** This site lies within the Midway Drainage Basin. Hopkins Irrigation Canal is culverted where it traverses the southeast corner of the subject property. The City of Medford has existing storm drain facilities to the south within Crater Lake Avenue and Delta Waters Road right-of-way. This site is not currently developed. Any new development will be required to provide stormwater quality and detention at time of development in accordance with city standards as may be in effect.

D. Transportation Facilities:

The findings of fact are reached with respect to streets and traffic:

- **Access:** Subject Tax lot 800 takes its access from Forest Hills Road by way of Crater Lake Avenue. Forest Hills Road is a private street paved with curb and gutters by way of easement access for the Mountain Gate Village residential development. Tax Lot 800 has a perpetual non-exclusive easement for ingress, egress and public utilities and services over Forest Hills Road as documented in OR 93-44452 and OR 98-06572. *See*, Exhibit 7.
- **Street Functional Classification:** As shown on Figure 18 in the City of Medford Transportation System Plan, Crater Lake Avenue to the west of the subject property is classified as a Major Arterial Street north to its intersection with Ford Drive, transition at that point to a Major Collector. Ford Drive is classified as a Standard Residential street north of the RVTD property and Forest Hills Drive is classified as a Local Street. Delta Waters Road to the south is classified as a Major Collector.
- **Summary Traffic Impacts:** At its current GLUP map designation of UH the subject 1.34 acre parcel could, at build out, yield 294 Average Daily Trips (1.34 ac. x 30 units/acre x 7.32 ADT/unit = 294).

With the proposed GLUP map designation the subject parcel would yield 402 Average Daily Trips (1.34 acres x 300 ADT/acre = 402 ADT).

According to Karl MacNair, Transportation Manager, the Net Average Daily Trips is 108 ADT and does not require a Transportation Impact Analysis. *See*, signed TIA waiver at Page 5 of completed application form.

V

CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are reached with respect to this proposed GLUP Map amendment. The following discussion and conclusions of law are preceded by the criteria to which they relate:

***City of Medford Comprehensive Plan Amendment Approval Criteria
Medford Land Development Code (MLDC) 10.222***
(Inapplicable provisions omitted)

10.222 Minor Type IV Amendments

(A) Minor Type IV Amendments typically focus on specific individual properties and are therefore considered quasi-judicial. Minor Type IV Amendments include:

- (1) Minor Comprehensive Plan Amendment;
- (2) Minor General Land Use Plan Map Amendment;
- (3) Minor Urban Growth Boundary Amendment;
- (4) Transportation Facility Development; or



(5) Vacation of Public Right-of-Way.

(B) Minor Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary refer to the Review and Amendment section of the Comprehensive Plan. ****.

Discussion: The adopted substantive approval criteria which govern minor comprehensive plan amendments are contained in the Review and Amendments section of the Medford Comprehensive Plan. The approval criteria in the plan's Review and Amendment Procedures section are preceded by the following language which gives context to how the criteria are to be considered:

CITY OF MEDFORD COMPREHENSIVE PLAN Review and Amendment Procedures

The distinction between major and minor plan amendments is based on the following definitions which were derived from the Guidelines associated with Statewide Goal 2:

Minor Amendments are those land use changes that do not have significant effect beyond the immediate area of the change and should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

CRITERIA FOR PLAN AMENDMENTS

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

Map Designations – Amendments shall be based on the following:

(1) A significant change in one or more Goal, Policy, or Implementation Strategy.

Findings: After the GLUP Plan Map designation for the subject property was changed from GI to UM in 2006, the City began a process to assess its ability to provide for a projected 20-year population. The Comprehensive Plan's Population Element was updated in 2007 to include population growth in Medford through 2040. The Buildable Lands Inventory was updated in 2008 along with an amendment to the Economy Element, and the Housing Element was updated in 2010.

The Economy Element as updated concluded that additional land in the UGB is required to satisfy the City's land needs over the planning horizon. Further, Conclusion 6 therein states that the inadequate capacity of transportation facilities, including transit, may be a significant constraint to supplying adequate employment lands, especially commercial lands.

Economic Opportunities Goal 1 was adopted to actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford. Policy 1-3 thereunder provides that the City shall support the retention

and expansion of existing businesses. Implementation 1-3(b) is to assess the potential impacts on neighboring land uses when evaluating GLUP Map amendments.

This proposed GLUP Map Amendment will restore the previously applied GI designation to facilitate the expansion of RVTD headquarters facilities on an adjacent site encompassed on all but the east side by GI designated land already developed with light industrial uses. The subject site is already zoned I-L. The UH designation on this site is actually an encroachment into an otherwise cohesive block of GI designated land. The adjacent multi-family development along the east side, having preceded development of the subject I-L zoned land, includes a Class "A" buffer along the property line (masonry wall and screen of landscaping). Site design of the subject property under the existing I-L zoning, which would be enabled by the proposed GLUP Map amendment, would be subject to demonstration of compatibility with adjoining lands. Accordingly, it is found that that the proposal comports with the above Goal, Policy and Implementation of the Economy Element as updated since 2006.

* * * * *

- (2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

Findings: The proposed amendment will provide additional land for RVTD to expand its operations headquarters to meet the growing demands of the communities it serves and to implement the adopted transportation and growth policies that encourage expanded transit service and opportunities. A new source of funding has recently been made available to allow RVTD to meet these growing demands. Section 122 of Keep Oregon Moving (Oregon House Bill 2017) established a new dedicated source of funding for expanding public transportation service in Oregon. Keep Oregon Moving includes a new 0.1% employee payroll tax to fund public transportation. The Oregon Department of Revenue began collecting this tax July 1, 2018 to then provide to transit agencies in late 2019. This new funding source is called the Statewide Transportation Improvement Fund (STIF). The Oregon Transportation Commission adopted the Oregon Administrative Rules to implement the STIF on June 22, 2018 and the rules became effective on July 1, 2018. Rogue Valley Transportation District (RVTD) is the Qualified Entity of the funds allocated to Jackson County.

STIF may be used for public transportation purposes that support the operations, planning and administration of public transportation programs including, but not limited to, the following:

Creation of new systems and services with origins, destinations or stops in Oregon;

- Maintenance or continuation of systems and services in certain circumstances; and
- Planning for and development of a Local Plan or future STIF Plan to improve public transportation service.
- Additionally, STIF funds may be used as the local match for state and federal funds which also provide Public Transportation Service.
- Goals of HB 2017 are to expand access to jobs, improve mobility, relieve congestion, and reduce greenhouse gas emissions. Special focus on low-income populations.



The subject property is uniquely located to accommodate the District's need for additional space to accommodate the additions to fleet and staff necessary to serve the region. The previously unanticipated stable source of additional funding supports further investment in the District's physical plan to further its mission.

* * * * *

(3) The orderly and economic provision of key public facilities

Findings: The area is fully served by key public facilities and the surrounding area is already developed at urban intensity. This is not a situation that requires key public facilities to be extended or expanded in any way and is thus an orderly and economic use of key public facilities.

* * * * *

(4) Maximum efficiency of land uses within the current urbanizable area.

Findings: The subject property was, until 2006, designated as General Industrial Land and is surrounded on all but the east side by developed General Industrial Land. It continues to hold the Light Industrial (I-L) zoning that implemented its prior GI designation. However, the land cannot be developed with either industrial or residential uses until such time as the property is either returned to its original GI GLUP Map Designation (in which case uses as already allowed in the existing I-L zoning may be established) or rezoned to a multi-family residential district. As the surrounding land use is predominately General Industrial (see Applicant's Exhibit 4 – Current and Proposed GLUP Maps), the more efficient pattern of development would be to restore the previously contiguous block of GI land. The restoration of the GI designation will also help accommodate additional land need for our region's mass transit provider (RVTD) which is headquartered on the abutting property to the north.

* * * * *

(5) Environmental, energy, economic and social consequences.

Findings: Environmental: The subject property is a vacant lot which is not affected by any inventoried natural or historic resources. The site is at the interface of GI and UH lands, with GI being predominate around the site. The multi-family development to the east, having developed first, includes a Type "A" landscaped buffer and wall as was required because the subject property was then and continues to be zoned I-L. Development of the subject property under the current I-L zoning will be subject to performance standards to ensure that site development and architecture is compatible with the neighboring uses. The City's ability to review for compatibility at the interface is stronger if the property is developed with non-residential uses given limitations placed on local governments under the "needed housing" statute. If the property is developed with multi-family housing, the "needed housing" statute provides that only clear and objective development standards may be applied in the local review process. Therefore, the likelihood that environmental conflicts (e.g., noise, light, odor, etc...) may result due to inadequate buffering and other design treatments is higher if multi-



family development encroaches further toward the currently developed industrial properties that surround to the north, west and south.

Energy: Applicant intends to utilize the subject property in tandem with its adjoining transit service district administration and service facility. The facility pre-exists the nearby residential development and cannot reasonably be relocated given substantial fixed plant equipment such as a CNG refueling station and district headquarters. The proposed GI designation will provide additional space adjacent to the existing site that will be needed in order for the district to continue meeting the needs of a growing regional population base. Utilizing an adjacent site will reduce the need to move equipment and personnel between more distant sites, thus reducing related energy consumption. Accommodation of additional space for RVTD's headquarters facility will also support its ability to serve the general population's needs for alternative modes of transportation from single occupant vehicular travel. That is a also a positive energy consequence.

Economic: The proposed GI map designation provides for employment uses. The site is particularly well suited to accommodate project growth in demand for mass transit and other transportation and community services for the Rogue Valley Transportation District. The district is itself a major employer in the area, but also provides transportation services to employment and activity centers throughout the region. Accordingly, the economic consequences of the proposed change are positive.

Social: The proposed change would reduce the inventory of UH land by 1.34 acres, thereby reducing potential housing stock. However, the net reduction is slight and the site, although designated as UH land since 2006, remains vacant. The negative social consequence from foregoing potential future housing on this site is offset by the positive social consequence of the fact that the property has a high certainty of being put to productive use as employment land in the near future in conjunction with RVTD's adjacent facilities. The services RVTD provides benefits the entire population and, importantly, improves the mobility of the most vulnerable in community who may not have other options: people with disabilities, older adults and persons of low income. Accordingly, the proposed change for the subject property is found to have positive overall social consequences.

* * * * *

(6) *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

Findings: Responsive findings are required only for policies expressed as regulatory requirements, but not for aspirational objectives. After reviewing the policies of the comprehensive plan, it is concluded that only the following goals and policies (addressed below) function as approval criteria for comprehensive plan map (GLUP) amendments and all others are held to be inapplicable. The below cited goals and policies are followed by the findings and conclusions as to how the proposal complies with the same.

ECONOMIC ELEMENT

ECONOMIC OPPORTUNITIES – CONCLUSION



4. Most industries in the region have lower wage levels compared to earnings across the state with the exception of Natural Resources, Retail Trade, and Education and Health Services. The City of Medford is well situated to serve the Retail Trade, Education and Health Service sectors.

Goal 2: Assure an adequate commercial and industrial land base to accommodate the types and amount of economic development and growth anticipated in the future, while encouraging efficient use of land and public facilities within the city.

Policy 1-2: The City of Medford shall encourage the redevelopment of underutilized employment sites.

Policy 1-3: The City of Medford shall, as appropriate under the Goal above, support the retention and expansion of existing businesses.

Implementation 1-3(b): When evaluating GLUP Map amendments, assess the potential impacts of those amendments on neighboring land uses.

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5(b): Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

Policy 1-6: The City of Medford shall maintain a competitive Short-Term (five-year) supply of employment land equal to at least one-quarter (25%) of the amount of land projected to be demanded over the twenty-year planning horizon.

Findings: Minor amendments provide a way to hone the long term (20 year) projections to adapt to fluctuations within the planning horizon and to keep in compliance with Policy 1-6 to maintain Short-Term (five year) supply. Sites located adjacent to existing employment sites are good candidates for consideration of minor amendments. This proposed amendment will remedy the situation of a conflict between the current I-L zoning and the underlying UH GLUP Map Designation. I-L zoned land is an employment zone and the site is well suited for infill in the short-term as employment land in tandem with the adjacent RVTD facility to the north. Approval of the proposed GI map designation will thereby serve to promote the above goals and policies of the Economy Element.

PUBLIC FACILITIES ELEMENT

General Section

Goal 2: To assure that land use plan designations and the development approval process remain consistent with the ability to provide adequate levels of essential public facilities and services.

Policy 2-A: [Limited Service Area Language Omitted] "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

Sanitary Sewers: Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) map designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the applicable sewer plan document as interpreted by the City Engineer.

Domestic water: Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered



adequate if they are consistent with the applicable water system plan document as interpreted by the Water Commission Manager.

Storm drainage facilities: Sufficient to serve any proposed development consistent with the General Land Use Plan GLUP map designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted drainage plan document, as interpreted by the City Engineer.

Findings: The findings of fact and conclusions as stated herein above for City of Medford Comprehensive Plan Amendment Criterion (3) *The orderly and economic provision of key public facilities* are hereby incorporated and adopted which also demonstrate compliance with Comprehensive Plan Public Facilities Element.

* * * * *

(7) All applicable Statewide Planning Goals.

Goal 1 – Citizen Involvement

Findings: A minor GLUP map amendment requires compliance with the overall comprehensive plan as adopted in accordance with the Goal 1 Citizen Involvement program. Procedure for review of minor amendments includes notice to nearby and affected parties and public hearings before the Planning Commission and the City Council for citizens to be heard.

Goal 2 – Land Use Planning

Finding: The City has a land use planning process and policy framework as a basis for all decision and actions related to use of and to assure and adequate base for such decisions. The proposed minor map amendment must comply with the City’s adopted comprehensive plan, in accordance with the requirements of Goal 2. Goal 2 also provides a procedure for taking exceptions to Statewide Planning Goals. The exceptions process is not implicated in this case where no exception is requested or required.

Goal 3 – Agricultural Lands

Finding: Goal 3 does not apply within urban growth boundaries

Goal 4 – Forest Lands

Finding: Goal 4 does not apply within urban growth boundaries

Goal 5- Natural Resources, Scenic and Historic Areas, and Open Spaces

Finding: No Goal 5 resource inventory includes or affects the subject property.

Goal 6 – Air, Water and Land Resources Quality

Finding: The adjacent and surrounding lands are fully served by the City’s sewerage system and the subject property can also be fully served by the City’s sewerage system which has



adequate capacity to process discharges and complies with applicable state and federal water quality statutes and licensure.

Goal 7 – Areas Subject to Natural Hazards

Finding: The subject property is not in an area, such as a flood hazard area, that is subject to Goal 7.

Goal 8 – Recreation

Finding: The subject property is not land that has been planned for recreational use or destination resort siting under Goal 8.

Goal 9 – Economic Development

Finding: Goal 9 provides that Comprehensive Plans shall “provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.” The subject parcel in combination with RVTD’s adjacent property to the north provide an unconstrained level 5.62 acre tract of land suitable as a medium sized industrial employment site. The Economy Element identifies typical acreage for a medium industrial site as 6 acres (see Figure 35 therein), very near the 5.62 acres available in the combined tract. The Economy Element (at Page 66) also discusses the importance of ownership pattern in analysis of employment land supply. Larger ownerships can be divided to serve the needs of smaller users more readily than small and fragmented ownerships can be aggregated to meet the needs of large and medium users. RVTD needs a medium sized industrial site but its fixed plant investment restricts its ability to relocate from its current 4.28 acre parcel. RVTD acquired the adjacent (subject) 1.34 acre parcel when a prior owner, in 2017, was informed that the property could not be developed under the existing I-L zoning for a light industrial use due to the underlying UH GLUP Map Designation. In frustration, that property owner chose to look elsewhere rather than pursue a 1.34 acre GLUP Map amendment to GI or a zone change to an MFR district for a small standalone development. As an expansion site to an existing adjoining 4.28 acre I-L zoned property, however, this presented the infrequent opportunity discussed in the Economy Element to aggregate a smaller site to meet the need of a medium user. Given the RVTD’s important function as a public service provider to many cities and the unincorporated areas in the region, this is an economic opportunity that can be shared by all.

Goal 10: Housing

Finding: Goal 10 requires that “plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.” The existing I-L zoning of the property does not now provide for housing. The underlying UH GLUP Map designation does not assure that housing will be built on the site. Policy 2-A in the General Land Use Plan states that “[t]he City of Medford General Land Use Plan Map shall not be used as the sole justification for making decisions on zone changes.

However, zone changes must be consistent with the General Land Use Plan Map designation.” The policy follows the preceding text of the plan describing the City’s General Land Use Plan Map Designations where the plan expressly states that the GLUP Map is “general”. The designations on the GLUP Map are not intended to follow property lines. Interfaces between different designations are purposefully non-site-specific so as to discourage using GLUP Map designations as the sole basis for making decisions on zone change applications. Having the appropriate GLUP Map Designation is a pre-requisite for a zone change. But the General Land Use Plan’s express description of the GLUP map as “general” provides for some flexibility in assigning zoning along peripheral transition areas such as the subject site between employment (GI) and residential (UH) areas. Similarly, the housing needs projections over a 20 year planning horizon are not so precise as to dictate an accounting down to acreage as small as the subject property. In this case, the juxtaposition of the surrounding uses and comparative importance of the City’s commitment to supporting transit – and RVTD’s need to expand at its existing headquarters – balance favorably against a minor reduction in the UH land inventory. In other areas of the City, minor adjustment from employment land to housing also are and will continue to occur at peripheral transitions where the land use pattern and site specific facts demonstrate the appropriateness in the manner anticipated by the City’s purposefully generalized GLUP map designation boundaries. High density residential developments are also permitted outright in most of the City’s commercial zoning districts, providing further flexibility to accommodate that housing need over the planning period.

Goal 11 – Public Facilities and Services:

Finding: The goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural land. The subject property is urban land that is already planned for development and can be fully served by urban public facilities and services. The subject property is already zoned for light industrial uses and designated on the GLUP as UH land – which also provides for highly intensive public facility demands. The subject site is surrounded by urban uses fully served with public facilities in an orderly fashion consistent with Goal 11.

Goal 12 – Transportation

Finding: The Transportation Planning Rule (TPR) implements Goal 12, and the City of Medford Transportation System Plan has been recently updated and acknowledged as compliant with both the Goal the TPR. As established in Finding 10D in Section IV here above, the proposed amendment is will not have a significant effect as verified by the calculations of the City’s Transportation Manager.

Goal 13 – Energy Conservation

Finding: The Goal is to conserve energy. As discussed above relating to “ESEE” consequences, the proposed amendment will facilitate the ability of RVTD to expand adjacent to its existing site and thereby save energy that would otherwise be required to move fleet and personnel between more distant sites. Also, RVTD serves an important function for regional energy reduction by providing alternatives to single occupancy vehicle travel. Transit is an



essential component in supporting more efficient land use patterns in the urban communities of the region, as well.

Goal 14 – Urbanization

Finding: The subject property is located within the urban growth boundary and within the city limits. That is consistent with the Goal statement to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Goals 15 to 19

Finding: Goals 15 to 19 are not applicable to Southern Oregon.

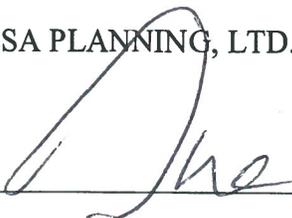
VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, it is ultimately concluded that the criteria prerequisite to a General Land Use Plan Map Minor Amendment from *UH (Urban High Density Residential)* to *GI (General Industrial)* as proposed has been substantiated for each of the relevant criteria cited herein above as Comprehensive Plan Amendment.

Respectfully submitted on behalf of Applicant:

CSA PLANNING, LTD.



Dated: *2 Mar 2019*

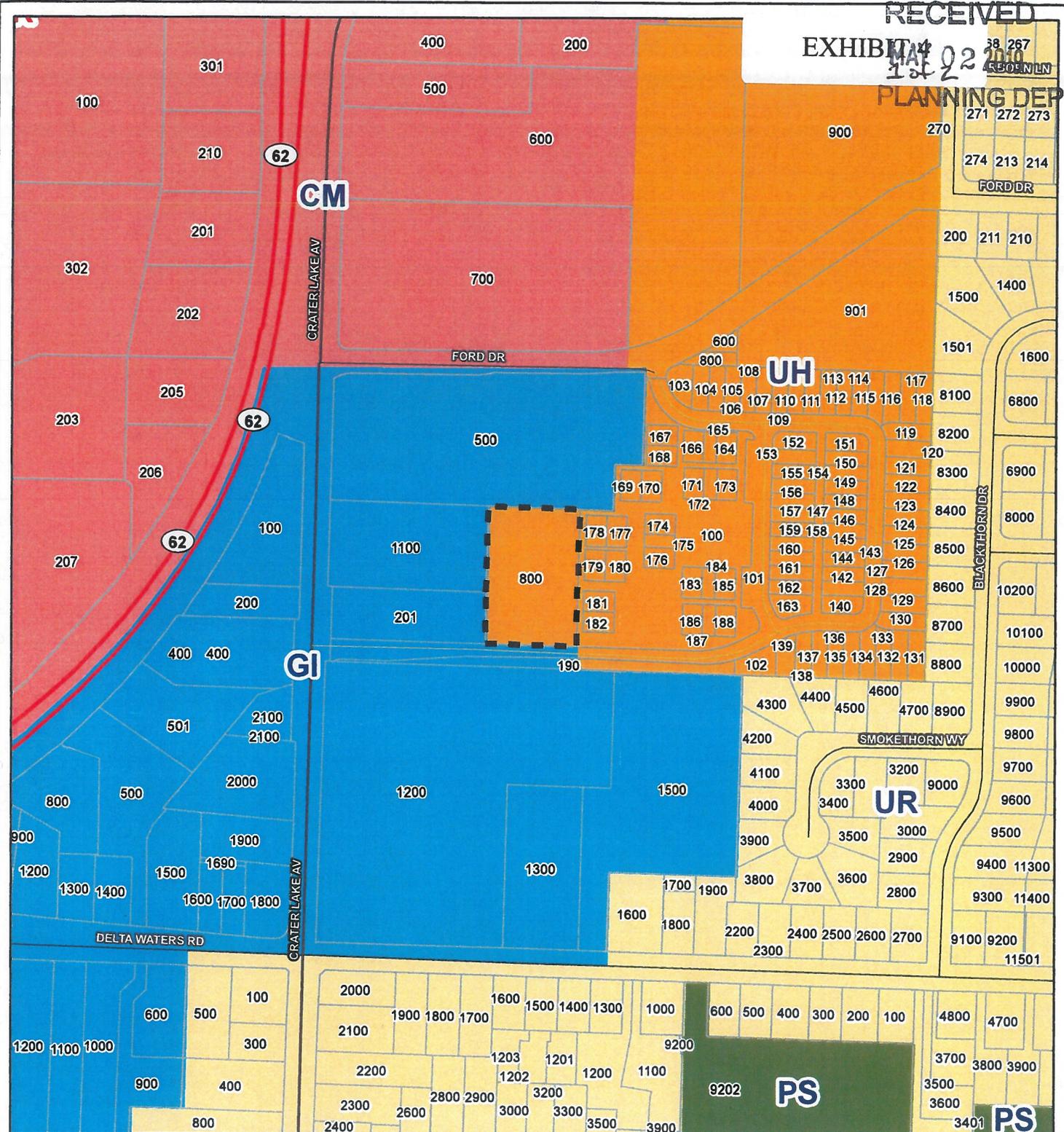
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EXHIBIT # 1 at 2 2019

38 267 530ENLN

PLANNING DEPT

271 272 273
274 213 214
FORD DR



GLUP

Subject
 Tax Lots

CM
 GI
 PS
 UH
 UR

Current General Land Use Plan (GLUP) Map

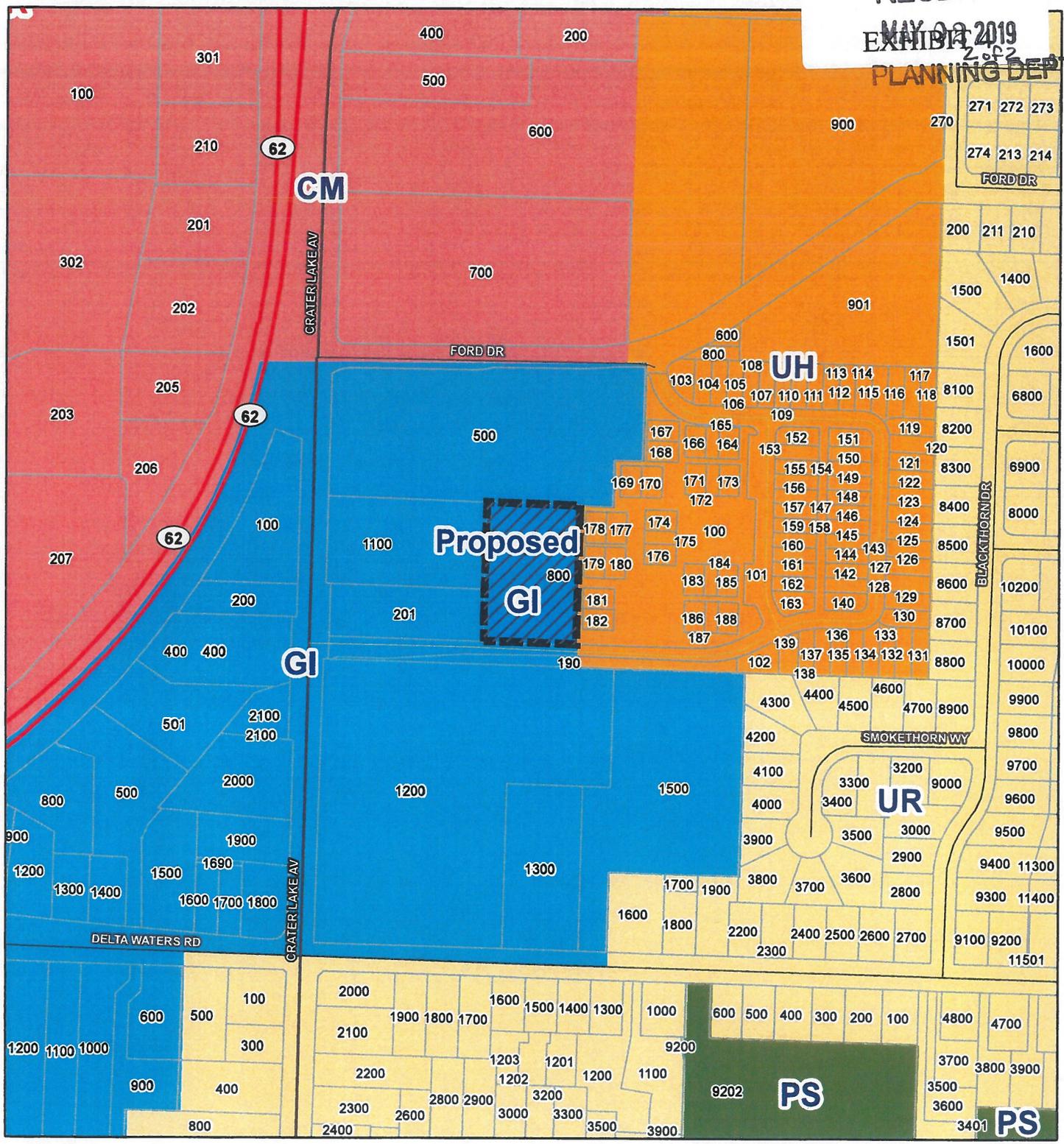
Rogue Valley Transportation District
Comprehensive Plan Map Amendment
37-1W-08CC tax lot 800

CITY OF MEDFORD
EXHIBIT # B
FILE # GLUP-19-001

CSA Planning LTD

300 150 0 300 Feet

12



GLUP

-  Subject Proposed GI
-  Tax Lots
-  CM
-  GI
-  PS
-  UH
-  UR

Proposed General Land Use Plan (GLUP) Map

Rogue Valley Transportation District
 Comprehensive Plan Map Amendment
 37-1W-08CC tax lot 800

CITY OF MEDFORD
 EXHIBIT # C
 FILE # GLUP-19001

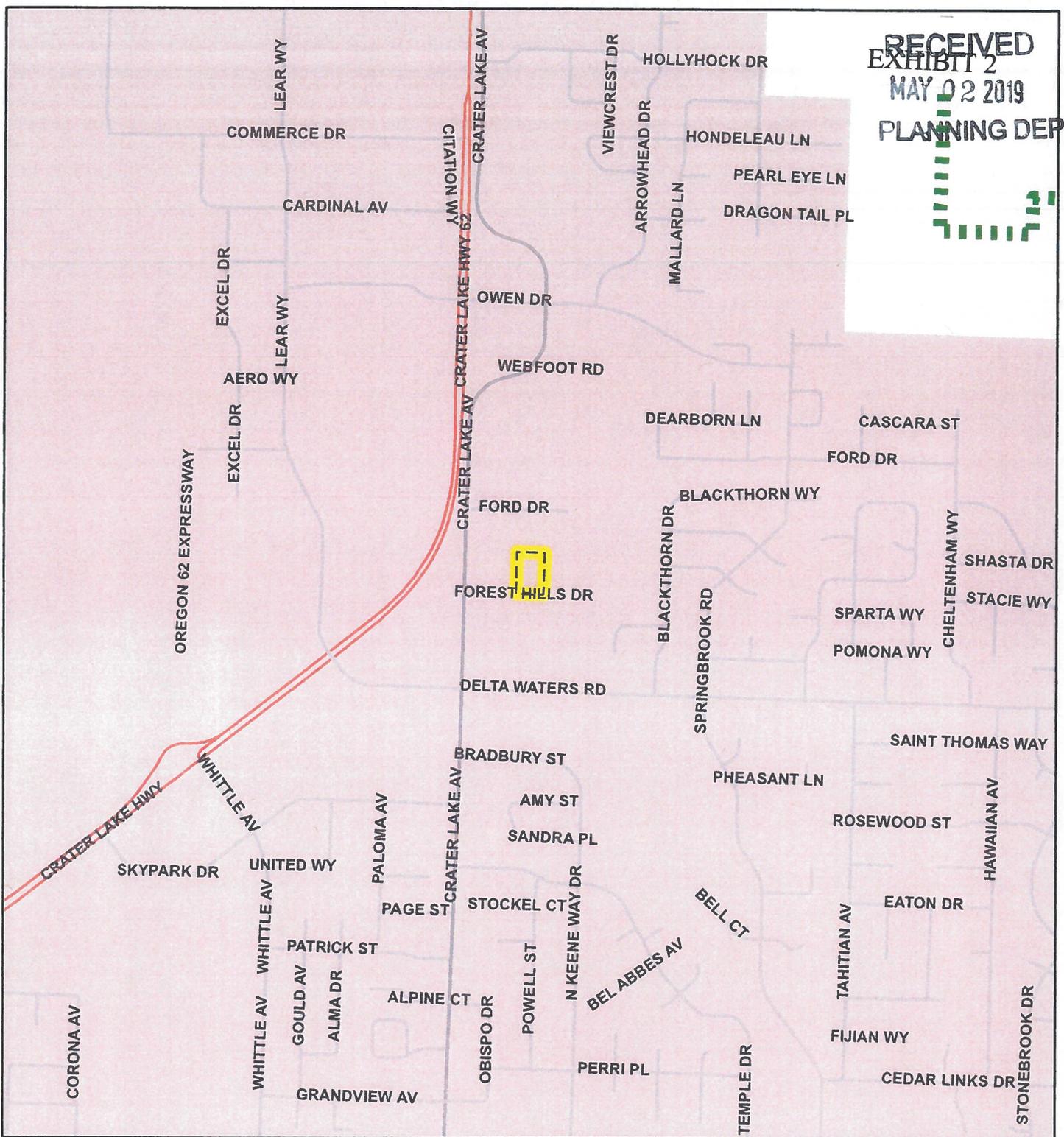
CSA Planning LTD

300 150 800 Feet



13

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 EXHIBIT 2
 MAY 02 2019
 PLANNING DEPT



 Subject

 Urban Growth Boundry

 Medford City Limits

Vicinity Map

Rogue Valley Transportation District
 Comprehensive Plan Map Amendment
 37-1W-08CC tax lot 800





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CITY OF MEDFORD

FILE # CLUP-19-001

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EXHIBIT 5 MAY 02 2019

DEARBORN LN

PLANNING DEPT



-  Subject
-  Tax Lots
-  Medford Zoning

Zoning Map

2016 Aerial



Rogue Valley Transportation District
 Comprehensive Plan Map Amendment
 37-1W-08CC tax lot 800

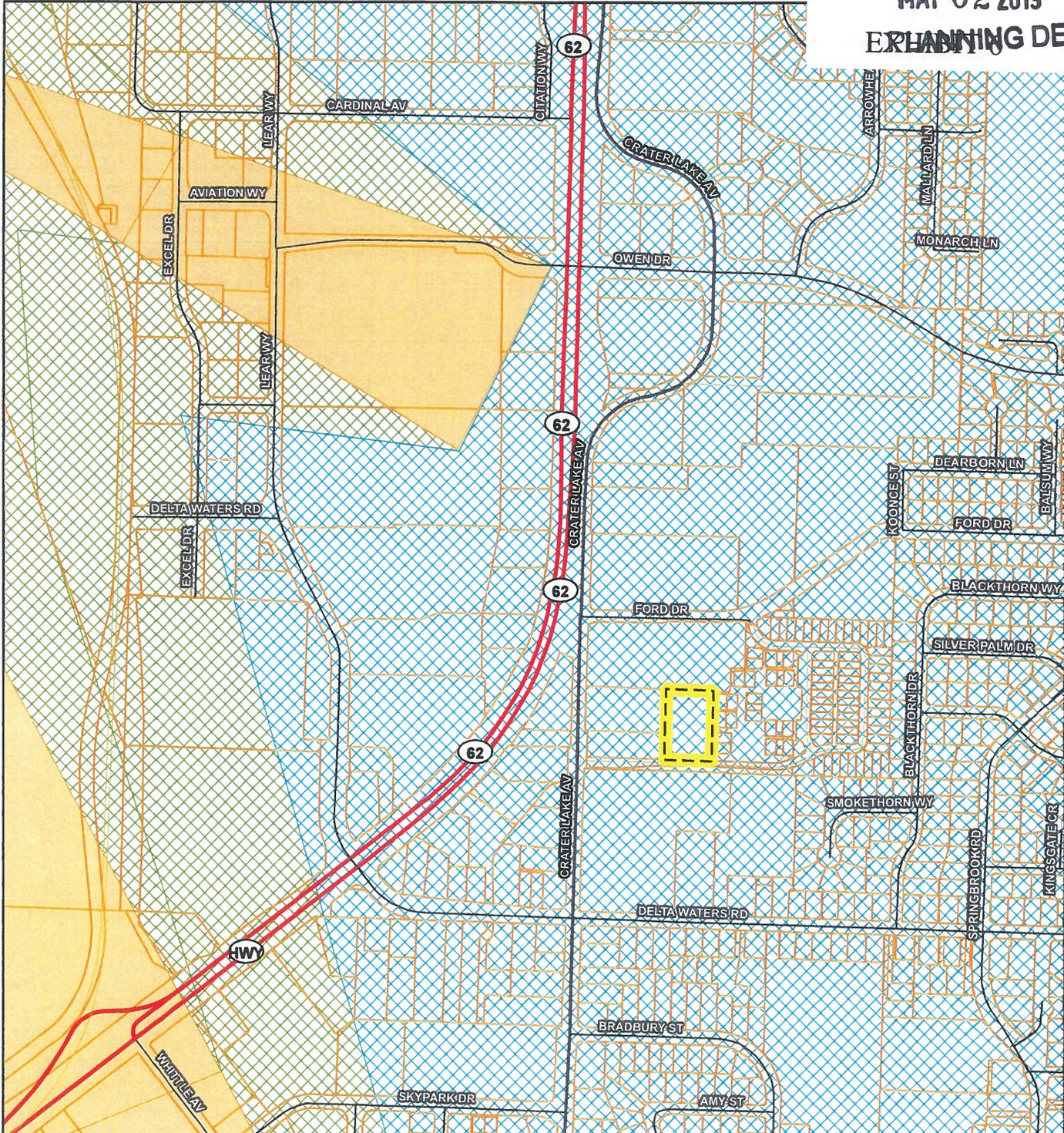
CITY OF MEDFORD
 EXHIBIT # E
 FILE # GLUP-19-001



CSA Planning LTD



Handwritten mark resembling a stylized 'A' or '7'.



 Subject

 Tax Lots

Airport Overlays

 Horizontal Surface (Plane)

 Approach Surface (20:1)

 Transitional Surface (7:1)

Airport Overlays

Rogue Valley Transportation District
Comprehensive Plan Map Amendment
37-1W-08CC tax lot 800





CSA Planning LTD

February 2019 Source: CSA Planning, Ltd; City of Medford GIS

EXHIBIT #

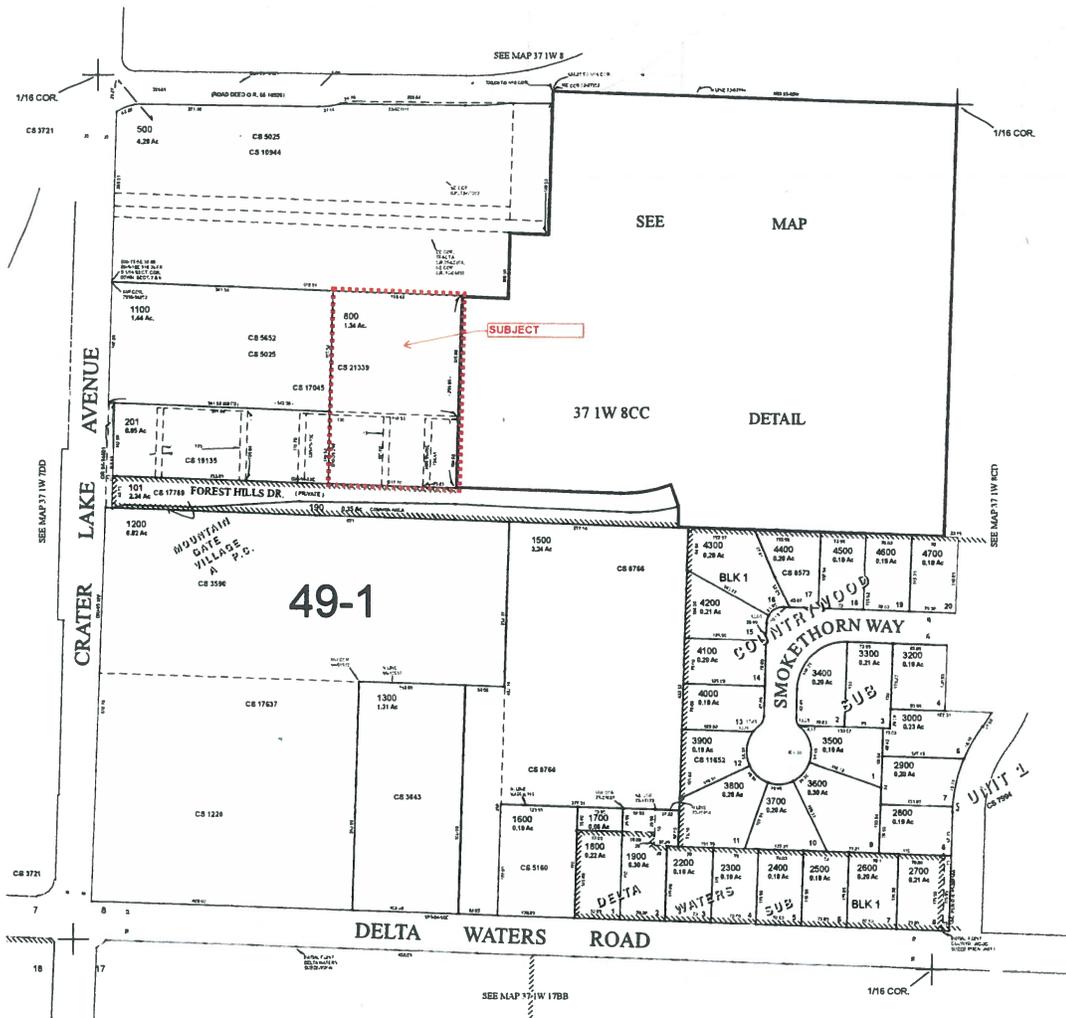
FILE # GLUP-19-001



FOR ASSESSMENT AND
TAXATION ONLY

S.W.1/4, S.W.1/4, SEC.8, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 100'

37 1W 08CC
MEDFORD



CANCELLED TAX
LOT NUMBERS
1400 ADDED TO 1560
200 & 203 ADDED TO 100
2060 ADDED TO 1900
2100 ADDED TO 1900
500 ADDED TO 600
3100 RE-MAPPED TO 311W187D
600 & 401 ADDED TO 500
4800-5600 RE-MAPPED TO 371W18CC
600 & 700 ADDED TO 500
900 & 100 ADDED TO 100

GIS DATA
07/16/2014 4:28:24 PM - C:\gis\gkv

37 1W 08CC
MEDFORD
NEW MAP JUNE 15, 1992
REV JULY 10, 2014

CITY OF MEDFORD
EXHIBIT # 4
FILE # GLUP-19-001

MAP OF SURVEY
 PROPERTY LINE ADJUSTMENT
 located in the
 SOUTHEAST QUARTER OF SECTION 8,
 TOWNSHIP 37 SOUTH, RANGE 1 WEST,
 WILLAMETTE MERIDIAN, CITY OF MEDFORD,
 JACKSON COUNTY, OREGON

for
THEODORE KRUSE
 107 NW COLUMBIA STREET
 BEND, OREGON 97701
 SITE ADDRESS:
 3130 CRATER LAKE AVE.
 MEDFORD, OREGON 97501

**SURVEY NARRATIVE
 TO COMPLY WITH O.R.S. 209.250**

Purpose: This survey was conducted to monument the properties involved in the Property Line Adjustment approved by the City of Medford File No PLA-13-072.

Procedure: This office has conducted several surveys on parts of this property and some adjoining properties. In the course of producing this survey it was discovered that different surveys based on different basis of bearing resulted in different a mixed bag of results. Rather than perpetuate these differences the original deeds where recomputed relative my surveyed west boundary of section 8. I have produced this map reflecting those results and the appropriate record where applicable. The new monuments were placed at the deed record location based on the recompute of the deeds as shown hereon.

RECEIVED
 DATE 9-30-13
 This survey consists of:
 1 sheet(s) Map
 2 page(s) Narrative
 JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR
 HERBERT L. FARBER
 RENEWAL DATE 12-31-13

Surveyed by:
 FARBER & SONS, INC. dba

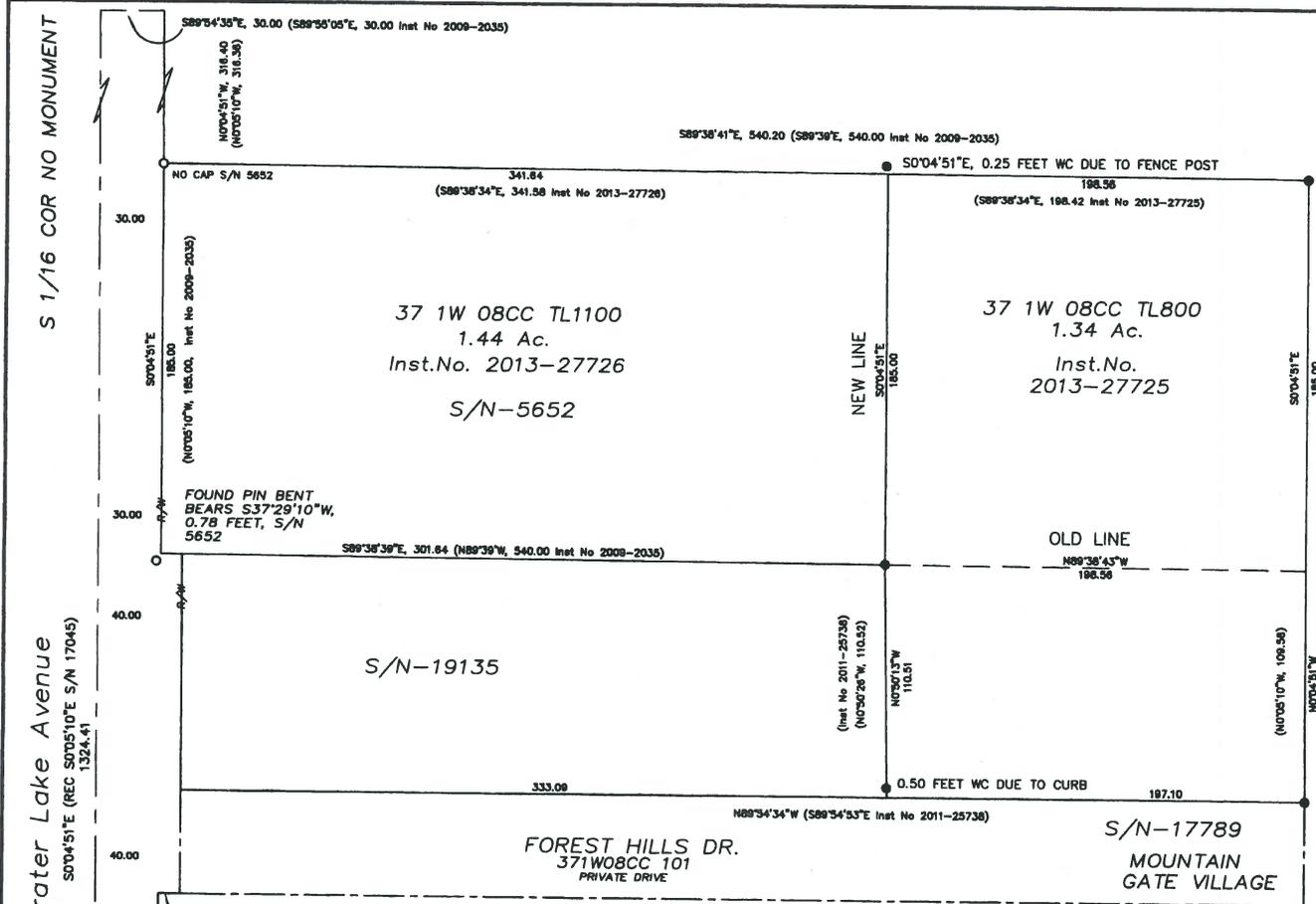


PO BOX 5286
 431 OAK STREET
 CENTRAL POINT, OREGON 97502
 (541) 664-5599

SCALE: 1" = 40'

DATE: AUGUST 16, 2013
 JOB NO.: 0685-13

BASIS OF BEARING IS TRUE NORTH, NAD 83/01 DATUM, AS DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS.



LEGEND

- = FOUND 5/8" IRON PIN, AS NOTED
- = SET 5/8" x 24" IRON PIN =/ YELLOW PLASTIC CAP MARKED "FARBER PLS 2188"
- S/N = RECORD FILED SURVEY NUMBER
- W.M. = WITNESS MONUMENT
- S/N = RECORD FILED SURVEY NUMBER

- INST. No. = INSTRUMENT NUMBER AS RECORDED IN THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.
 - RECORD SURVEY DATA IS SHOWN IN PARENTHESIS ADJACENT TO MEASURED SURVEY DATA WHERE APPLICABLE.

CITY OF MEDFORD APPROVALS
 Planning File PLA-13-072
 EXAMINED AND APPROVED THIS 6th DAY OF September 2013

BY: Herbert L. Farber
 PLANNING DIRECTOR

EXAMINED AND APPROVED THIS 4 DAY OF SEPT 2013

BY: MRI
 CITY SURVEYOR

7/8 PER COUNTY RE-ESTAB NOTES-NOT VISITED THIS SURVEY
 18/17

Page 37

EXHIBIT # 1
 FILE # GLUP-19-001

CITY OF MEDFORD

PLANNING DEPT

MAY 02 2019

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Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 6/19/2019
Revised Date: 7/3/2019
File Number: GLUP-19-001

PUBLIC WORKS DEPARTMENT STAFF REPORT Forest Hills Drive (TL 800) Rogue Valley Transportation District

- Project:** Request for a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel.
- Location:** Located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI) (371W08CC TL 800).
- Applicant:** Applicant, Rogue Valley Transportation District; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

I. Sanitary Sewer Facilities

The proposed GLUP amendment has the potential to increase flows to the sanitary sewer system. However, since this amendment will change the GLUP to match the current zoning, the potential increase in flows has already been accounted for. Therefore, there is capacity in the existing sanitary sewer system to allow this GLUP amendment.

II. Storm Drainage Facilities

This site lies within the Upton Slough Drainage Basin. The subject property currently drains to the north. The proposed GLUP amendment has the potential to increase storm drainage flows to Upton Slough where there are known capacity constraints. However, since this amendment will change the GLUP to match the current zoning, the potential increase in flows has already been accounted for. Therefore, there is capacity in the existing storm drain system to allow this GLUP amendment. This site will be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

III. Transportation System

No traffic impact analysis (TIA) will be required for this zone change. The proposed application

P:\Staff Reports\CP, DCA, & ZC\GLUP\GLUP-19-001 Forest Hills Dr (TL 800) GLUP Amendment - UH to GI (RVTD)\GLUP-19-001 Staff Report-Rev.docx Page 1 of 2

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2100
FAX (541) 774-2552

CITY OF MEDFORD
EXHIBIT # I
FILE # GLUP-19-001

doesn't meet the requirements for a TIA, per Medford Municipal Code (MMC), Section 10.461 (3).

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs
Revised by: Doug Burroughs

The above report is based on the information provided with the General Land Use Plan Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.

P:\Staff Reports\CP, DCA, & ZC\GLUP\GLUP-19-001 Forest Hills Dr (TL 800) GLUP Amendment - UH to GI (RVTD)\GLUP-19-001 Staff Report-Rev.docx Page 2 of 2

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2100
FAX (541) 774-2552



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: GLUP-19-001

PARCEL ID: 371W08CC TL 800

PROJECT: Request for a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI) (371W08CC TL 800); Applicant, Rogue Valley Transportation District; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

DATE: June 19, 2019

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

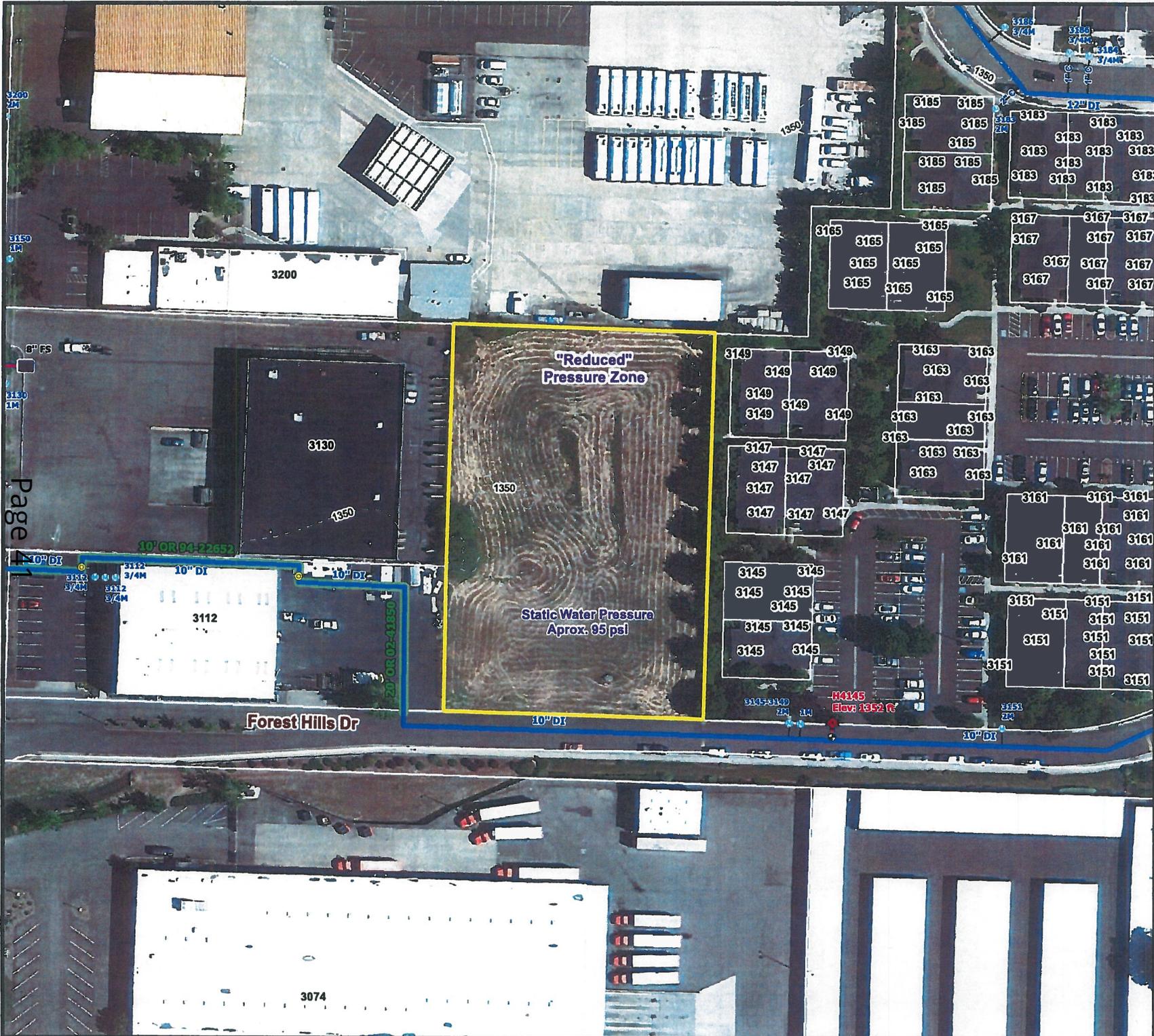
CONDITIONS

1. 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."
2. 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. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is approximately 102 psi. (See Condition 3 above)
4. There is an existing Fire Hydrant along the north side of Forest Park Drive approximately 95-foot east of the east property line.
5. MWC-metered water service does not exist to this property.
6. Access to MWC water lines is available. There is an existing 10-inch water line located in Forest Hills Drive across the frontage of this property.

CITY OF MEDFORD
EXHIBIT # 5
FILE # GLUP-19-001



0 25 50 100 Feet
 Scale: 1" = 100'

Water Facility Map for GLUP-19-001
 June 19, 2019

Legend

- ⊙ Air Valve
- ⊙ Sample Station
- ⊙ Fire Service
- ⊙ Hydrant
- ▲ Reducer
- ⊙ Blow Off
- ⊙ Plugs-Caps

Water Meters:

- Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- ⊙ Butterfly Valve
- ⊙ Gate Valve
- ⊙ Tapping Valve

Water Mains:

- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

Boundaries:

- ▭ Urban Growth Boundary
- ▭ City Limits
- ▭ Tax Lots

MWC Facilities:

- C** Control Station
- P** Pump Station
- R** Reservoir



This map is based on a digital database compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept responsibility for errors, omissions, or professional liability. There are no warranties, expressed or implied.
 Date: 6/19/2019
 Path: G:\MWC\Info\GIS\MapData\MWC Map - MWC BDE - Letter LB - May 2 2019.mxd

Page 4



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 6/13/2019
Meeting Date: 6/19/2019

LD File #: GLUP1900
1

Planner: Dustin Severs

Applicant: Rogue Valley Transportation District

Project Location: located east of Crater Lake Avenue and north of Forest Hills Drive

ProjectDescription: Request for a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI) (371W08CC TL 800);

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Description
Approved	Approved as submitted with no additional conditions or requirements.

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon 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 (fire 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 Oregon 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 information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org

PLANNING COMMISSION MINUTES



MEDFORD
OREGON

July 11, 2019

5:30 P.M.

Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8th Street, Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present

Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
Jared Pulver

Staff Present

Kelly Evans, Assistant Planning Director
Eric Mitton, Deputy City Attorney
Terri Richards, Recording Secretary
Dustin Severs, Planner III
Liz Conner, Planner II

Commissioners Absent

E.J. McManus, Excused Absence
Patrick Miranda, Excused Absence
Jeff Thomas, Excused Absence

10. Roll Call

20. Consent Calendar / Written Communications (voice vote)

20.1 LDS-19-029 Final Order of a tentative plat for an 11 lot subdivision on approximately 2 acres within the SFR-6 (Single Family Residential – 6 dwelling units per gross acre) zoning district, located on the north side of Sunset Drive approximately 415 feet west of Thomas Road (372W35DC Tax Lot 3300). Applicant: Gary McFarlane and Timothy McFarlane; Agent: Neathamer Surveying Inc.; Planner, Liz Conner.

Motion: The Planning Commission adopted the consent calendar as submitted.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 6-0-0.

30. Approval or Correction of the Minutes from June 27, 2019 hearing

30.1 The minutes for June 27, 2019, were approved as submitted.

40. Oral Requests and Communications from the Audience

CITY OF MEDFORD
EXHIBIT # L
FILE # GLUP-19-001

questions may be answered when staff presents their staff report on July 25th. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued LDS-19-040 and CUP-19-041, per the applicant's request, to the Thursday, July 25, 2019, Planning Commission meeting.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 6-0-0.

New Business

50.3 GLUP-19-001 Request for a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI) (371W08CC TL 800). Applicant: Rogue Valley Transportation District; Agent: CSA Planning, Ltd; Planner: Dustin Severs.

Chair McKechnie inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Mansfield stated that he has two conflicts. He is a partner with South Medford Investment Group that owns the property adjacent to the west. They have no objections. He is also a member of the Board of Directors for Rogue Valley Transportation District. He is going to recuse himself.

Commissioner Culbertson reported that Council member Tim D'Alessandro contacted him before Rogue Valley Transportation District's purchase of the property and he gave him a real estate evaluation. It will not affect his decision.

Commissioner Pulver stated that he has conflicts but it would not affect his ability to be impartial on this matter.

Chair McKechnie's business has a proposal in to Rogue Valley Transportation District on an unrelated project. It will not affect his evaluation of this project.

Chair McKechnie inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Dustin Severs, Planner III reported that the General Land Use Plan (GLUP) amendment approval criteria can be found in the Medford Land Development Code Section 10.222. The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

The public hearing was opened.

a. Raul Woerner, CSA Planning, Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Woerner reported the staff report sums up the project well and has nothing more to add.

Mr. Woerner reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all the approval criteria are met or not applicable, forwards a favorable recommendation to the City Council for approval of GLUP-19-001, per the staff report dated July 3, 2019, including Exhibits A through K.

Moved by: Vice Chair Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 5-0-1, with Commissioner Mansfield recusing himself.

50.4 LDP-19-060 / ZC-19-005 Consideration of a request for tentative plat approval of a proposed two lot partition on a 0.50 acre parcel located at 665 Beall Lane approximately 150 feet west of Merilee Street, and a request for a zone change from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-4 (Single Family Residential – 4 to 6 dwelling units per gross acre)(372W11DD12700). Applicant: Robert Sousa; Agent: Scott Sinner Consulting Inc.; Planner: Liz Conner.

Chair McKechnie inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Chair McKechnie disclosed that Scott Sinner is his next door neighbor but it will not affect his decision on this application.

Chair McKechnie inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Liz Conner, Planner II reported that staff received additional information from the agent regarding the cross access easement requirements that was in the Public Works Department report. It will be submitted into the record as Exhibit O. Addressing the comments submitted by the agent Public Works revised their staff report and will be submitted into the record as Exhibit I-1. Both exhibits were emailed to the Planning Commission. The Partition Tentative Plat approval criteria can be found in the Medford Land Development Code Section 10.170(D). The Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204(B). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report.

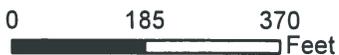


Project Name:

Rogue Valley Transportation District

Map/Taxlot:

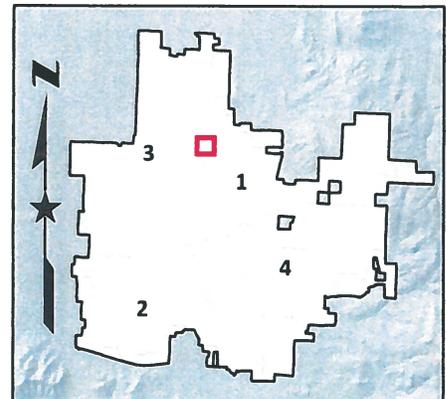
371W08CC TL 800



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

05/22/2019





AGENDA ITEM COMMENTARY

DEPARTMENT: Planning

AGENDA SECTION: Public Hearings

PHONE: (541) 774-2380

MEETING DATE: August, 15, 2019

STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

COUNCIL BILL 2019-91

AN ORDINANCE amending sections 10.033, 10.108, 10.124, 10.185, 10.188, 10.190, 10.194, 10.204, 10.309, 10.310, 10.314, 10.705, 10.708, 10.712, 10.713, 10.714, 10.716A, 10.717, 10.721, 10.747, 10.749, 10.750, 10.752, 10.821, 10.823, 10.824, 10.837, and 10.933 of the Medford Municipal Code to make housekeeping corrections and minor changes. (DCA 19-001)

SUMMARY AND BACKGROUND

Council is requested to consider a legislative amendment to portions of Medford Municipal Code Chapter 10. The amendments would:

- Correct errors
- Remove conflicting and/or confusing language
- Make minor changes to address bicycle parking standards
- Remove barriers to housing development
- Promote modest increases to residential density

The amendments are based upon input of the Planning Commission, Housing Advisory Committee, Bicycle and Pedestrian Advisory Committee, Housing Technical Advisory Group, city-hired consultant, and staff.

The proposed amendments were reviewed by the Planning Commission at two study sessions on April 22, 2019, and June 10, 2019. The Commission formally and unanimously recommended approval of the amendments at a public hearing on June 27, 2019.

PREVIOUS COUNCIL ACTIONS

On February 15, 2018, Council directed staff to begin working on recommendations of the Housing Advisory Committee. A few of the proposed amendments address these recommendations, including changes to the zone change locational criteria and non-conforming buildings.

On May 3, 2018, Council Bill 2018-31 was approved authorizing an agreement with the Oregon Department of Land Conservation and Development accepting a \$40,000 technical assistance grant for the hiring of consultants to assist in code amendments and economic incentive programs to promote housing in Medford. Opticos Design, Inc. was hired to work on the code amendment portion. They provided staff with potential code changes to help remove barriers to the development of more housing. A few of those recommendations are included in this group of amendments including making duplexes more feasible in the single family zones and changing the building height measurement calculation to make it more easily understood by builders and developers.



On May 30, 2019, Council reviewed the proposed amendments at a study session. Council did not have any objections to the amendments other than the concern that additional changes may be desirable in order to more aggressively promote development of additional dwelling units and a broader range of housing types. Based upon the input from Council, staff proposes two additional proposals discussed below.

ANALYSIS

The proposed code amendments consist mostly of corrections or clarifications. The remaining, more substantive changes, include the following:

- Changing locational criteria to SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zone changes to enable the development community to more easily build single family homes at higher densities than allowed in less dense residential zones (MLDC Section 10.204(B)(2)(c));
- Providing flexibility for buildings originally built as residential in commercial zones to promote continued use of existing residential structures and mixed-use (MLDC Section 10.033(2));
- Allowing duplexes in the SFR-4 and SFR-6 zones without the requirement to be divided by a lot line to simplify the process by eliminating the subdivision requirement (MLDC Section 10.713);
- Changing building height measurement calculation to make it easier to administer (MLDC Section 10.705);
- Changing building height measurement calculation for steeper sloped properties to provide for adequate setbacks for emergency access and evacuation during fires (MLDC Section 10.705(A));
- Changing bike parking locational requirements to provide greater siting flexibility (MLDC Section 10.749);
- Adding bike parking rack standards to provide for secure parking (MLDC Section 10.750(6));
- Adding a diagram for bike parking spaces to make it easier to understand (MLDC Section 10.750(2));
- Eliminating one-story restrictions for attached units within 20 feet of single family zoning to remove an attached housing barrier (MLDC Section 10.712 & 10.714); and
- Changing setback and height allowance standards for multi-family buildings in commercial zones to match commercial standards to promote more residential units (MLDC Section 10.721 & 10.837).

Based upon the feedback from the City Council study session on May 30, 2019, staff has provided the council with additional recommendations to promote density including:

- Allowing duplexes in the SFR-4, SFR-6, and SFR-10 zones on lots within lot area ranges without the requirement to meet minimum density to promote development of more duplexes (MLDC Section 10.708 & 10.713); and
- Changing the locational criteria for the SFR-10 zone to make it easier for developers to obtain this zoning should they desire it in order to promote modest increases to residential density



AGENDA ITEM COMMENTARY

throughout the City and encourage housing types that meet the needs of Medford's changing, and growing population. This would be achieved by either removing the locational criteria altogether OR reducing the threshold for non-abutting properties to one acre (MLDC Section 10.204(2)(b)).

The Planning Commission reviewed these options at a public hearing on June 27, 2019. They voted in favor of allowing duplexes in the SFR-4, 6, and 10 zones without the requirement to meet the minimum density but added a cap of 1.5 times the maximum density factor. (The original proposal would have allowed twice the density of the underlying zone). In regards to the locational criteria for the SFR-10 zone, the Commission voted to keep the abutting requirement but reduce the threshold for non-abutting properties eligible for the SFR-10 zone from 5 acres to 3 acres.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Decline to adopt the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the Land Development Code Amendment as described in the Council Report dated August 8, 2019, and as recommended by the Planning Commission.

EXHIBITS

Ordinance

Council Report, including Exhibits A-I

ORDINANCE NO. 2019-91

AN ORDINANCE amending sections 10.033, 10.108, 10.124, 10.185, 10.188, 10.190, 10.194, 10.204, 10.309, 10.310, 10.314, 10.705, 10.708, 10.712, 10.713, 10.714, 10.716A, 10.717, 10.721, 10.747, 10.749, 10.750, 10.752, 10.821, 10.823, 10.824, 10.837, and 10.933 of the Medford Municipal Code to make housekeeping corrections and minor changes. (DCA 19-001)

Section 1. Section 10.033 of the Medford Code is amended to read as follows:

10.033 Continuation of Nonconforming Development.

~~(2) A structure in any commercial zone that was originally built as a single family home may be converted to a permitted commercial use and then converted back to its original residential use subject to the requirements of the Building Code.~~ **An existing structure in any commercial zone that was originally built for residential use may be converted to a permitted commercial use and then converted back to a residential use, subject to the requirements of the Building Code with the following allowances:**

(a) The minimum density requirement does not have to be met;

(b) There may be a mix of residential and commercial uses within the same building without a required amount of square footage attributed to either.

Section 2. Section 10.108 of the Medford Code is amended to read as follows:

10.108 Land Use Review Procedure Types.

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?

Final Plat, Subdivision or Partition	I	10.1602	Planning Director	No
General Land Use Map Amendment, Major	IV	GLUP, Review & Amendment, 10.220	City Council	No

Major Modification to an Approved Park Development Review	III	10.185(C)(1)	Planning Commission	Yes
Minor Modification to an Approved Park Development Review	I	10.185(C)(2)	Planning Director	No
Nonconformities	I	10.032-10.036	Planning Director	No

Section 3. Section 10.124 of the Medford Code is amended to read as follows:

10.124 Due Process Element 2: Notification

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice

Type III: Conditional Use Permit, Exception, Park Development Review, Preliminary PUD Plan, Zone Change	Notice shall be published no later than 10 days prior to the public hearing date before the approving authority.	A sign shall be placed on the subject property 21 days prior to the public hearing date.	21 days prior to the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries. For Preliminary PUD Plans, Major Revision to a PUD, or neighborhood meetings, in addition to the above requirement that owners within the PUD are noticed and property owners within 200 feet of

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
			<p>the PUD project boundary, the owners of no less than 75 tax lots shall be notified. If 75 tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until the minimum number of lots are included in the notification area.</p>

Section 4. Section 10.185 of the Medford Code is amended to read as follows:

10.185 Park Development Review.

2. The proposal is substantially consistent with the Leisure Services Plan of the Comprehensive Plan.
3. The proposal complies with all applicable provisions of all city ordinances or the Planning Commission has approved an exception as provided in Section ~~10.251~~**10.186**.

Section 5. Section 10.188 of the Medford Code is amended to read as follows:

10.188 Historic Review.

- (2) All information requested on the application form.
- (3) Findings of fact demonstrating compliance with the approval criteria in Section **10.188(c)**~~10.258~~, Historic Review, Approval Criteria.

Section 6. Section 10.190 of the Medford Code is amended to read as follows:

10.190 Planned Unit Development (PUD) – Application and Approval Provisions.

(C) Application for a Preliminary PUD Plan.

~~(e) The names and mailing addresses of the owners of record of tax lots, obtained by the latest tax rolls of the Jackson County Assessor's Office located within the PUD boundary and located within 200 feet of the exterior boundary of the whole PUD. The owners of no less than seventy five (75) tax lots shall be notified of the pending land use hearing. If seventy five (75) tax lots are not located within two hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification area shall receive written notice; therefore, noticing of more than seventy five (75) tax lots may be required. The names and mailing addresses shall be typed on mailing labels and shall include the assessor map and tax lot numbers for each parcel shall be submitted in accordance with the noticing requirements listed in Section 10.124-1.~~

(3) Extended Notification Area, PUD. The application for Preliminary PUD Plan shall include the names and mailing addresses of the owners of record of tax lots, obtained by the latest tax rolls of the Jackson County Assessor's Office located within the PUD boundary and located within 200 feet of the exterior boundary of the whole PUD. The owners of no less than seventy five (75) tax lots shall be notified of the pending land use hearing. If seventy five (75) tax lots are not located within two hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification area shall receive written notice; therefore, noticing of more than seventy five (75) tax lots may be required. The names and mailing addresses shall be typed on mailing labels and shall include the assessor map and tax lot numbers for each parcel, **in accordance with the noticing requirements listed in Section 10.124-1.**

Section 7. Section 10.194 of the Medford Code is amended to read as follows:

10.194 Preliminary PUD Plan – Neighborhood Meeting Requirement.

(C) Scheduling and Noticing Neighborhood Meeting, Preliminary PUD Plans.

It shall be the responsibility of the applicant to schedule the neighborhood meeting and provide adequate notification of the meeting. The applicant shall send mailed notice of the neighborhood meeting to the owners of no less than 75 of the nearest tax lots regarding the neighborhood meeting. If 75 tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until a minimum of 75 tax lots are included in the notification area. The owners of all tax lots within the extended notification shall receive written notice; therefore, noticing of more than 75 tax lots may be required. **in accordance with the noticing requirements listed in Section 10.124-1.** In addition to the affected property owners, the applicant shall also provide notice to the Planning Department. The applicant shall use the Jackson County Tax Assessor's property owner list from the most recent property tax assessment roll. The notice shall be mailed a minimum of 15 days prior to the neighborhood meeting which shall be held in Medford on a weekday evening. A certificate of mailing attesting to the date of mailing and the name and signature of the agent responsible for mailing said notices shall be prepared and submitted to the Planning Department in accordance with the materials identified in the application for Preliminary PUD Plan. The notice for PUD neighborhood meeting shall include:

Section 8. Section 10.204 of the Medford Code is amended to read as follows:

10.204 Zone Change.

(B) Zone Change Approval Criteria.

(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.

(b) For zone changes to 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 SFR-10; or
- (ii) The area to be re-zoned is ~~five~~ **three** 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~~ **three** acres.

Section 9. Section 10.309 of the Medford Code is amended to read as follows:

10.309 SFR-4, Single-Family Residential - 4 dwelling units per gross acre.

This urban residential district is representative of historical low density, large lot single-family development. New SFR-4 zoning should be located in areas where slopes exceed five percent (5%), but are less than fifteen percent (15%) to prevent excessive grading.

In SFR-4, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range:

Minimum and Maximum Density Factor (df) 2.5 to 4.0 DU/gross acre

For duplexes, the minimum and maximum density factor...2.5 to 6.0 DU/gross acre

Section 10. Section 10.310-1 of the Medford Code is amended to read as follows:

10.310-1 1 SFR-6 and SFR-10, Single-Family Residential - 6 or 10 dwelling units per gross acre.

Minimum and Maximum Density Factor (df) 4.0 to 6.0 DU/gross acre

For duplexes, the minimum and maximum density factor.....4 to 9 DU/gross acre

In SFR-10, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range:

Minimum and Maximum Density Factor (df) 6.0 to 10.0 DU/gross acre

For duplexes, the minimum and maximum density factor ...6 to 15 DU/gross acre

Section 11. Section 10.314 of the Medford Code is amended to read as follows:

10.314 Permitted Uses in Residential Land Use Classification.

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
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**2. MULTIPLE
FAMILY
RESIDENTIAL**

(a) Duplex Dwelling
Interior Lot

	X	X	X	P	Ps	Ps	Ps	Ps	
--	---	---	---	---	----	----	----	----	--

(a) Duplex Dwelling

	X	X	P	P	P	P	P	P	
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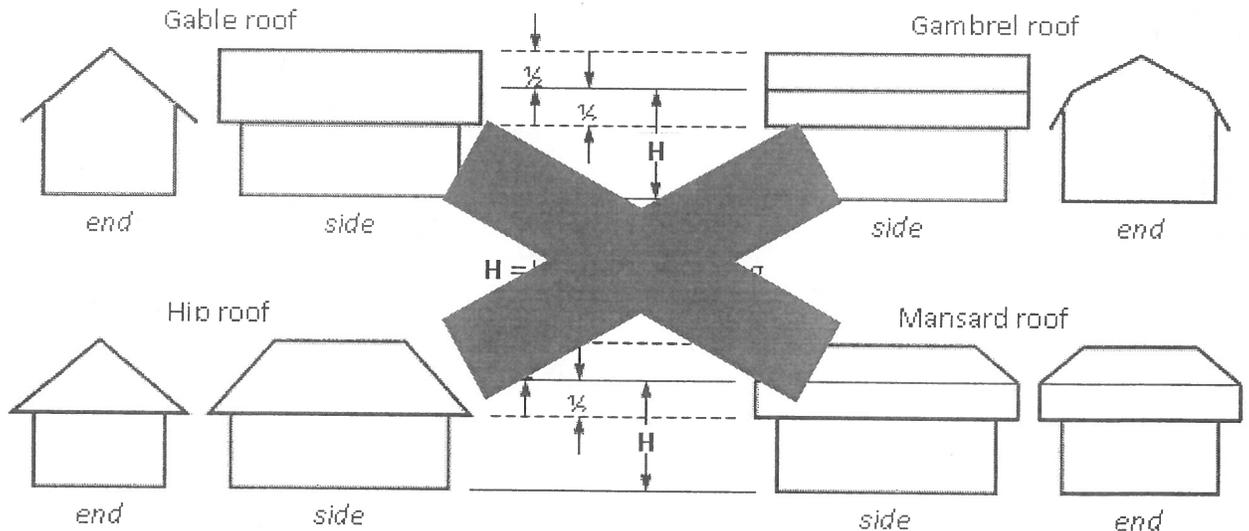
Section 12. Section 10.705 of the Medford Code is amended to read as follows:

10.705 Building Height and Side-Yard Determination.

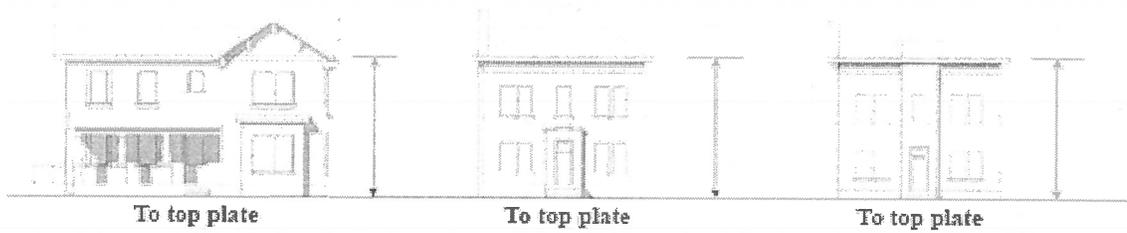
A. Calculation. Building height shall be determined by measuring the vertical distance from the average contact ground level at the front wall of the building to the highest point of the roof surface for flat roofs; and to the average height between eaves and ridge for gable, hip, mansard, and gambrel roofs top plate. For properties that slope downward from the street, the building height shall be measured from both the front and rear elevations as per the following:

(1) The measurement of the front wall shall be calculated as listed above in subsection A. The measurement of the back wall shall be calculated measuring the vertical distance from the lowest contact ground level at the back wall of the building to the highest top plate. If the back elevation is higher than the front wall elevation, the rear elevation shall be used for purposes of side and rear yard setbacks.

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



How to Measure Building Height

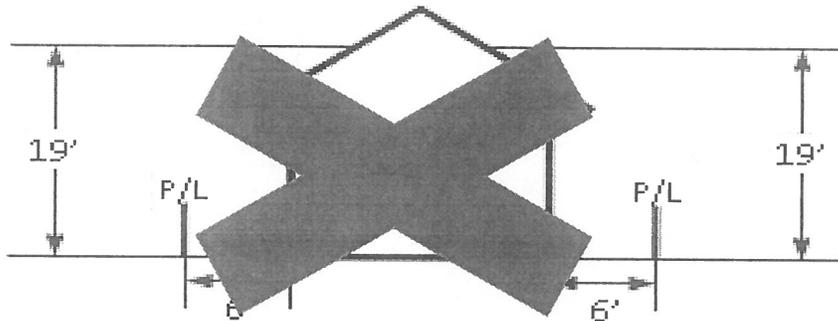


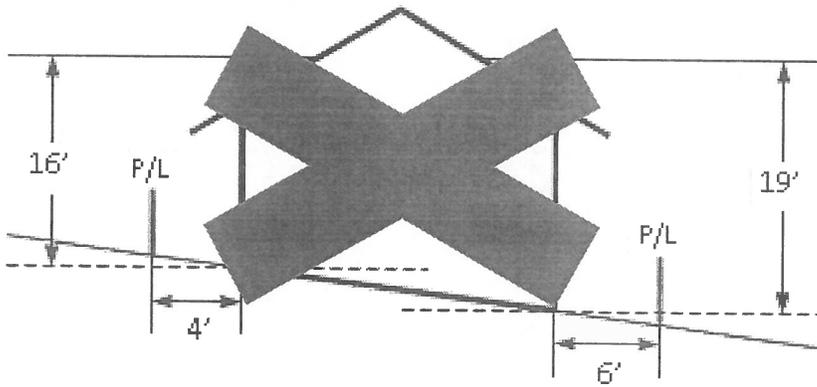
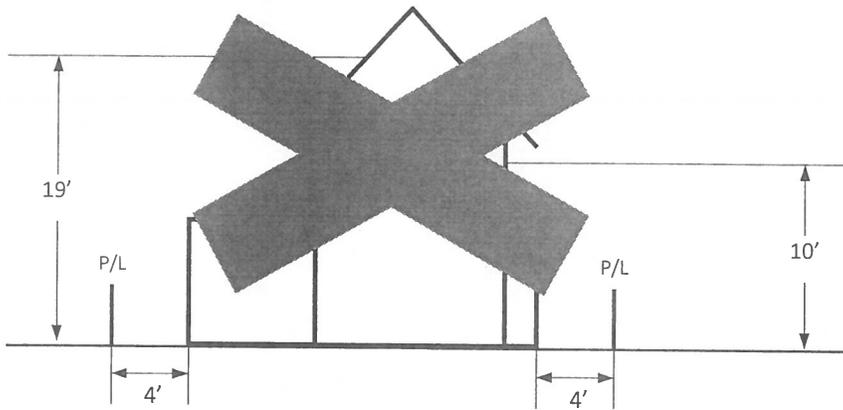
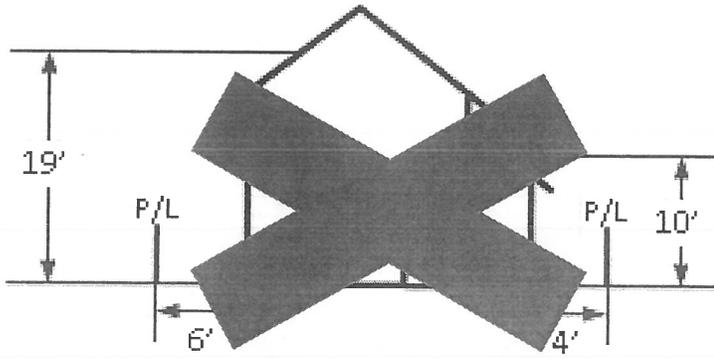
C. Determining Side-Yards for Detached Single-Family, Duplex Dwellings, and Townhomes.

1) Side-yards are calculated using the building height measured at the adjacent contact ground level at the outside edges of the front wall of the building. The side-yard is measured from property line to the nearest vertical structural element (i.e. wall or post) of any area under roof cover. **For properties that slope downward from the street, the measurement for determining side yard setbacks in listed in Section 10.705(A)(1).**

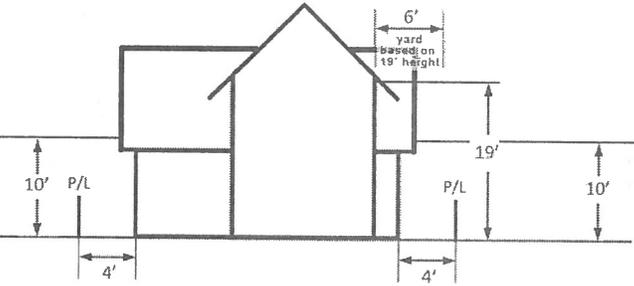
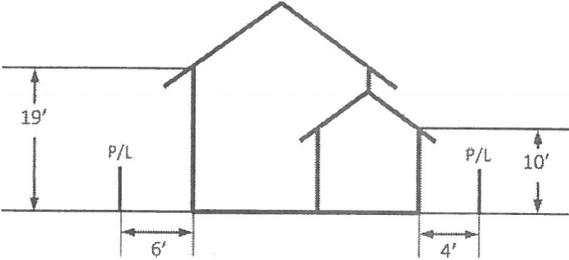
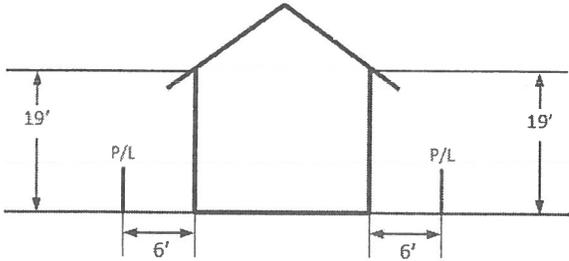
2) The side-yard is based on the following building heights:

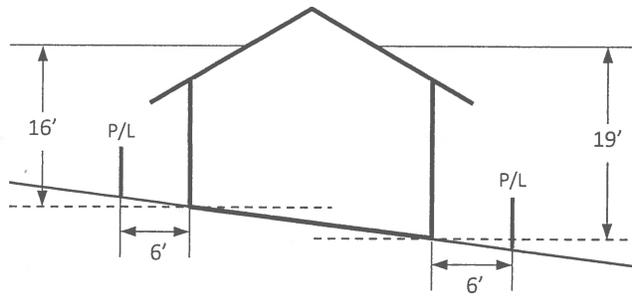
Side-Yard Examples





Side Yard Setback Examples





For properties that slope down from the street, see Section 10.705 for the building height measurement calculation

Section 13. Section 10.708 of the Medford Code is amended to read as follows:

10.708 Residential Density.

C. General Exceptions to Residential Density Calculations

(4) **Parcels Under One (1) Gross Acre.** For parcels under one gross acre in size, the minimum density may be reduced by one unit without applying for an Exception.

(5) Duplexes in the SFR-4, SFR-6, and SFR-10 zones are permitted on lots that meet the lot area range requirements in Section 10.713 without having to meet the minimum density.

Section 14. Section 10.712 of the Medford Code is amended to read as follows:

10.712 Townhouse Dwellings.

TOWNHOUSE DWELLINGS			
Three or more attached dwelling units, with each unit on a separate tax lot, occupying the interior space from ground to roof, and having direct access to individual private outdoor space.			
Development Standards	SFR-10	MFR-15	MFR-20

Minimum Front Yard Building Setback	15 feet * EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Street Side Yard Building Setback	10 feet * EXCEPT 20 feet for vehicular entrances to garages or carports		

Minimum Rear Yard Building Setback	10 feet *		10 feet *

TOWNHOUSE DWELLINGS			
Three or more attached dwelling units, with each unit on a separate tax lot, occupying the interior space from ground to roof, and having direct access to individual private outdoor space.			
Development Standards	SFR-10	MFR-15	MFR-20
* Those portions of any townhouse dwelling located within 20 feet of any property line common with property containing single family zoning shall not exceed one story.			

Section 15. Section 10.713 of the Medford Code is amended to read as follows:

10.713 Duplex Dwellings.

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. A duplex is permitted on a lot if it meets the lot area ranges below.	A duplex SHALL be divided by a lot line. A duplex is permitted on a lot if it meets the lot area ranges below.	A duplex need not be divided by a lot line. A duplex is permitted on a lot if it meets the density calculation. the lot area ranges below.	One or more duplexes are permitted on a single site when density is met.		
Detached Dwellings	Two detached dwelling units are permitted in lieu of an attached duplex on an individual lot.			Two detached dwellings are permitted in lieu of an attached duplex on an individual lot when the maximum density is no more than 2 units.		
Lot Line Division	A duplex may be divided by a lot line if attached. If divided by a lot line, the lot area and lot width requirements are half of the minimum shown below except for corner lots which must have a street side lot width of 40 feet and interior lot width of 30 feet.					
Minimum and Maximum Density Factor Range (See 10.708)	2.5 to 4.0 6.0 dwelling units per gross acre	4.0 to 6.0 9.0 dwelling units per gross acre	6.0 to 10.0 15.0 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)	5,400 8,500 to 18,750 43,559 each half	5,400 6,000 to 12,500 27,224 each half	5,400 6,000* to 12,500* 18,200	5,400 5,000* to 12,500*		

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
Maximum Coverage Factor (See 10.706)	50%		50%			
Minimum Interior Lot Width	6075 feet each half	60 feet each half	6050 feet*	6050 feet*		
Minimum Corner Lot Width	7075 feet each half	7060 feet each half	7060 feet*	7060 feet*		
Minimum Lot Depth	90 feet					
Minimum Lot Frontage	15 feet each half 30 feet*					

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.						

Section 16. Section 10.714 of the Medford Code is amended to read as follows:

10.714 Multiple-Family Dwellings.

MULTIPLE-FAMILY DWELLINGS				
Three or more attached dwelling units.				
Development Standards	SFR-10	MFR-15	MFR-20	MFR-30
Special Standards	Multiple-family dwellings in SFR-10 are permitted ONLY if the units can be individually owned			

MULTIPLE-FAMILY DWELLINGS Three or more attached dwelling units.				
Development Standards	SFR-10	MFR-15	MFR-20	MFR-30
Minimum Front Yard Setback	20 feet* EXCEPT 15 feet IF vehicular access to the garage is parallel to the street			
Minimum Street Side Yard Setback	15 feet* EXCEPT 20 feet for vehicular entrances to garages or carports	10 feet * EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Side Yard Setback	10 feet *	4 feet PLUS 1/2 foot for each foot in building height over 15 feet *		
Minimum Rear Yard Setback	20 feet	4 feet PLUS 1/2 foot for each foot in building height over 15 feet EXCEPT 10 feet IF the rear property line abuts a collector or arterial street *		

<p>• Those portions of any multiple-family dwelling located within 20 feet of any property line common with property containing single-family zoning shall not exceed one story.</p>				

Section 17. Section 10.716A of the Medford Code is amended to read as follows:

10.716A Multiple-Family Dwelling, Special Development Standards, Applicability.

A. The requirements of Sections 10.717 through 10.719 shall apply to all multiple-family dwellings consisting of three or more attached dwelling units **as per Section 10.714.**

Section 18. Section 10.717 of the Medford Code is amended to read as follows:

10.717 Multiple-Family Dwellings, Special Development Standards.

(4) Windows shall be inset a minimum of \geq 1.5 inches from the adjacent wall plane, or fully surrounded by trim in order to create the necessary minimum inset depth of \geq 1.5 inches.

Section 19. Section 10.721 of the Medford Code is amended to read as follows:

10.721 Commercial and Industrial Site Development Standards.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT								
Development Standards	C-N	C-S/P	C-C	C-R	C-H	I-L	I-G	I-H
Minimum & Maximum Area for Zoning District (Acres)	0.5 -3.0	None						
Residential Standards (See 10.837)	N/A	Dwelling units allowed subject to the density standards for housing within the MFR-30 district. Site development standards shall follow the MFR-30 zone except for the maximum building height and setbacks, which shall follow the underlying commercial zoning in which the property is located.				N/A		
***								10,000

Section 20. Section 10.747 of the Medford Code is amended to read as follows:

10.747 General Provisions, Bicycle Parking.

Bicycle parking shall be separated from motor vehicle parking and maneuvering areas by a barrier or sufficient distance to prevent damage to parked bicycles.

Any building expansion, or any new construction (excluding two-family and three-family dwellings), **or new parking facilities, including parking lot expansions**, shall bring the property into conformance with the Bicycle Parking and Storage Regulations.

Section 21. Section 10.749 of the Medford Code is amended to read as follows:

10.749 Location of Bicycle Parking Facilities.

Required bicycle parking facilities shall be located on-site in well lighted, secure locations within 50 feet of well-used entrances **or inside a building in a suitable, secure, and accessible location.** ~~and not farther from the entrance than the closest automobile parking space.~~ Bicycle parking shall have direct access to both the public right-of-way and to a main entrance of the principal use. ~~Bicycle~~

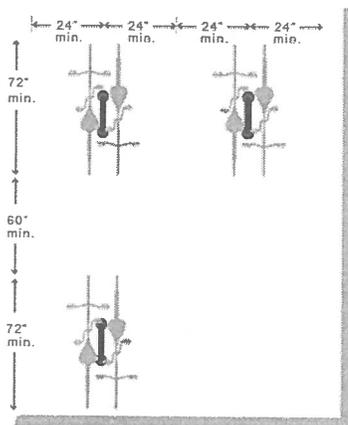
parking may also be provided inside a building in suitable, secure and accessible locations. Bicycle parking for multiple uses (such as in a commercial center) may be clustered in one or several locations.

Section 22. Section 10.750 of the Medford Code is amended to read as follows:

10.750 General Design Requirements for Bicycle Parking.

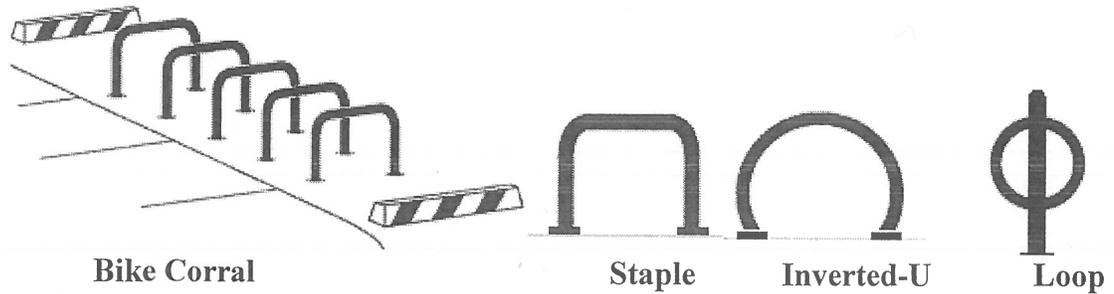
(2) Parking Space Dimension Standard: Bicycle parking spaces shall be at least 6 feet long and 2 feet wide with minimum overhead clearance of 7 feet.

Bike Parking Dimensional Standards



(6) Rack Type: Bicycle parking shall consist of racks that provide two points of contact with the frame at least 6 inches apart horizontally and have a minimum height of 32 inches. The approving authority may authorize other means of bicycle parking that provides protection, such as bike lockers or secured bicycle group enclosures. The wave rack style shall not be permitted.

Examples of Acceptable Bike Rack Types



Section 23. Section 10.752 of the Medford Code is amended to read as follows:

10.752 Noise Standards and Regulations for Commercial and Industrial Sources.

B. New Noise Sources.

(1) New Sources Located on Previously Used Sites: No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by the new source and measured at an appropriate measurement point, specified in Section 10.752.FB(2), exceed the levels specified in Table 752-2, except as otherwise provided herein.

Section 24. Section 10.821 of the Medford Code is amended to read as follows:

10.821 Accessory Dwelling Unit (ADU).

Accessory Dwelling Unit - Attached (ADU-A). An ADU-A is attached to the primary dwelling unit by a shared wall or as an additional story above **or below** the primary dwelling unit.

(5) Conversion of existing ~~habitable~~ space within the primary dwelling to an Attached ADU (ADU-A) ~~may~~ **shall** not be subject to the provision of 10.821(B)(4). When deviating from 10.821(B)(4) the ADU-A shall be **not exceed** 50 percent ~~or less in~~ **of the** GHFA ~~than~~ **of** the primary dwelling.

Section 25. Section 10.823 of the Medford Code is amended to read as follows:

10.823 Small Food Vendors.

(2) Small food vendors shall be permitted in the C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G zoning districts and subject to the following standards:

A. The exterior length and width dimension of the small food vendor unit (“unit”), when multiplied, shall enclose no more than 128 square feet. If the unit exceeds 128 square feet, the application must be reviewed and approved by either the Site Plan and Architectural Commission or the Landmarks and Historic Preservation Commission as a **standard drive-through** restaurant under this chapter and is not subject to these provisions.

Section 26. Section 10.824 of the Medford Code is amended to read as follows:

10.824 Wireless Communication Facilities.

(2) General Requirements:

(c) Any ground-mounted accessory equipment shall be enclosed by a security fence or wall subject to Sections 10.731 through 10.735. Such barriers shall be landscaped in a manner that ~~provides a natural sight-obscuring screen around the barrier to a minimum height of six feet~~ **accordance with Section 10.824 (F)(3).**

Section 27. Section 10.837 of the Medford Code is amended to read as follows:

10.837 Dwelling Units in Commercial Districts.

Dwelling Units shall be allowed in all commercial districts except the Neighborhood Commercial (C-N) zone subject to the ~~dwelling type density standards established~~ for housing within the MFR-30 district. **The site development standards shall follow those for the MFR-30 zone, except for the maximum building height and setbacks, which shall follow the underlying commercial zoning in which the property is located.** In addition, single family dwelling units shall be allowed in all commercial districts when attached to a commercial building and approved by the Site Plan and Architectural Commission or Landmarks and Historic Preservation Commission as applicable. In the Neighborhood Commercial (C-N) district single family and multiple family residential uses are permitted only when the total residential use is attached, accessory, and subordinate to the primary commercial use.

Section 28. Section 10.933 of the Medford Code is amended to read as follows:

10.933 Constraints Analysis.

Prior to submitting a Type III land use application (except for zone changes), a Constraints Analysis identifying physical constraints and proposing mitigation measures shall ~~be have been submitted. and deemed "complete" by the City Engineer or designee within 10 working days of 7 submission.~~ **Within 10 days of receipt, the City Engineer or designee shall determine whether the constraints analysis is complete per this section.** A "complete" Constraints Analysis is one that contains all items in Sections 10.933(A) (1)-(7) and 10.933(B) (1)-(4).

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (***) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.



COUNCIL REPORT

for a Type- IV legislative decision: **Development Code Amendment**

Project 2019 Housekeeping and Other Regulatory Changes
File no. DCA-19-001
To Mayor & Council for the 8/15/19 hearing
From Planning Commission via Sarah Sousa, Planner IV
Reviewer Carla Angeli Paladino, Principal Planner
Date August 8, 2019

BACKGROUND

Proposal

Amendments to Chapter 10 of the Medford Municipal Code to make housekeeping corrections and minor regulatory changes to address bicycle parking standards, remove barriers to housing, and promote density.

Authority

The amendments will be reviewed as a Type IV Legislative Development Code Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Municipal Code under Medford Municipal Code Section 10.214 and 10.218.

History

The Planning Department regularly brings text amendments forward on sections of Chapter 10 that need clarification or correcting. This is done in order to fix errors and also to better explain code requirements.

In addition to code fixes, minor amendments are added. In this round, changes address bike parking, remove housing barriers, and promote density. The amendments are based upon input of staff, a Housing Advisory Committee, the City Council, the Planning Commission, the Bicycle and Pedestrian Advisory Committee, a Technical Advisory Committee, and Opticos, Design, Inc., a city-hired consultant.

OVERVIEW

The proposed project includes 28 minor changes. Exhibit B includes a complete list of the amendments including a description, code reference, and type of change. Most relate to code corrections or clarifications. The remainder of the amendments are discussed below.

Housing Advisory Committee

Prior to the newly formed Housing Advisory Commission, a Housing Advisory Committee was formed in 2017 to review economic incentives and regulatory changes to promote housing in Medford. In February 2018, Council directed staff to begin work on recommendations from the Housing Advisory Committee. Seven of the nineteen regulatory amendments proposed by the committee have already been approved by the Council including:

- 1) Creating a director level review of minor partitions;
- 2) Modifying the density calculation method;
- 3) Allowing residential care facilities in the multifamily zones;
- 4) Modifying the zone change locational criteria for the SFR-6 zone;
- 5) Allowing the conversion of single family homes in the commercial zones to convert back and forth between residential and commercial;
- 6) Expanding where accessory dwelling units are permitted; and
- 7) Modifying minimum access easement standards.

A few of the recommendations are also addressed in this group of amendments, including:

- Adding locational criteria to SFR-4 (Single Family Residential – 4 dwelling units per gross acre) zone changes to address constraints such as steep slopes and wildfire areas (removed from the draft language per the Planning Commission's recommendation);
- Changing locational criteria to SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zone changes to promote density (MLDC Section 10.204(B)(2)(c); and
- Providing flexibility for buildings originally built as residential in the commercial zones to promote housing and mixed-use (MLDC Section 10.033(2).

Opticos Design, Inc. & Technical Advisory Committee

The City was awarded a technical assistance grant from the Oregon Department of Land Conservation and Development (DLCD) at the end of 2017. With the funds, the City hired two consultants to work on economic programs and regulatory changes that the City can implement to encourage more housing in Medford. Opticos Design, Inc. was selected to make recommendations to the City related to the regulatory changes. A Technical Advisory Committee was required to be formed to review the consultant's work. The group (made up of developers, affordable housing advocates, architects, land use consultants, Planning Commissioners, and staff) met four times beginning in October 2018 and ending in March 2019. Staff is currently working on many of these recommendations. Two of which are included in the housekeeping amendment:

- Allowing duplexes in the SFR-4 and SFR-6 zones without the requirement to be divided by a lot line to simplify the process by eliminating the subdivision requirement (MLDC Section 10.713); and
- Changing building height measurement calculation to make it easier to administer (MLDC Section 10.705).

Fire Department

Since the building height measurement calculation is proposed to change, the Fire Department asked if this could also address measuring building height on steeper slopes. Currently, the building height is only measured on the front elevation for the purposes of side and rear yard setbacks. For properties that slope down from the street this can often result in a one story side setback even if the rear of the property has a two-story configuration. The one-story setback is not adequate for positioning of ladders needed to provide emergency access and evacuation during fires. Due to that reason, the Fire Department asked to have the rear elevation measured for the purpose of side and rear yard setbacks for these steeper sloped properties. As a result, one of the proposed amendments includes:

- Changing the building height measurement calculation for steeper sloped properties to provide for adequate setbacks for emergency access and evacuation during fires (MLDC Section 10.705(A)).

Bicycle and Pedestrian Advisory Committee

Planning staff also met with the Bicycle and Pedestrian Advisory Committee on May 13, 2019, to review changes to the bicycle parking regulations. The committee supports the changes proposed including:

- Changing bike parking locational requirements to provide greater siting flexibility (MLDC Section 10.749);
- Adding bike parking rack standards to provide for secure parking (MLDC Section 10.750(6); and
- Adding a diagram for bike parking spaces to make it easier to understand (MLDC Section 10.750(2)).

Planning Staff

Planning staff has also added amendments to help remove housing barriers and support density including:

- Eliminating one-story restrictions for attached units within 20 feet of single family zoning to remove an attached housing barrier (MLDC Section 10.712 & 10.714);
- Changing setback and height allowance standards for multi-family buildings in commercial zones to match commercial standards to promote more residential units (MLDC Section 10.721 & 10.837); and
- Allowing duplexes in the SFR-4, SFR-6, and SFR-10 zones on lots within lot area ranges without the requirement to meet minimum density to promote more duplexes (MLDC Section 10.708 & 10.713).

Planning Commission Study Sessions (April 22, 2019 & June 10, 2019)

The Planning Commission reviewed the proposed changes at two study sessions on April 22, 2019, and June 10, 2019. At the first study session, the commission recommended removing a proposed amendment related to increasing the building height for structures in the Heavy Commercial zone. Staff has since removed this from the list, but will be reviewing it in future code amendments. The Commission also recommended some changes to the bike parking location and racks which staff has also modified.

The Commission expressed concerns about the changes to the zone change locational criteria for the SFR-10 zone. The proposal is to allow properties to rezone if they are within 200 feet of a SFR-10 zone. The current standard requires properties to be abutting. The Commission was concerned that if the abutting requirement is removed, the continuity of a neighborhood zoning might get disrupted.

The second proposed locational requirement change includes reducing the acreage size for properties that are not abutting SFR-10 from 5 acres down to 3 acres. The Commission wanted more information about how many 3 acre properties (currently

zoned SFR-00) are adjacent to SFR-4. They were also concerned with how this would affect the Southeast Area.

Staff has found there are 19 undeveloped properties that are three acres or more, zoned SFR-00, outside of the Southeast Area. Of those properties, six of them are between 3-5 acres.

At the second study session, staff went over changes with the Commission based upon their input. The main changes related to 1) removal of the height increase proposal for the Heavy Commercial zone, 2) addition of a locational criterion for the SFR-4 zone that would allow the zone if a property is within the Southeast Area, and 3) addition of duplex standards that would allow duplexes in the SFR-4, SFR-6, and SFR-10 zones on lots that meet lot area ranges (without having to meet density).

City Council (May 30, 2019 Study Session)

A City Council study session was held on May 30, 2019, to discuss these changes. The Council supported the amendments but questioned why the density changes did not go further.

For example, the locational criteria for SFR-10 is proposed to be changed to make it an easier zone to obtain. City Council supported lessening these restrictions more, including removing all locational criteria for the SFR-10 zone.

Planning Commission Hearing (June 27, 2019)

The Planning Commission held a public hearing on the amendments on June 27, 2019. At the meeting, testimony was given by Jay Harland of CSA Planning related to the proposed locational criteria for the SFR-4 zone. One of the criteria to obtain the SFR-4 zone in the future requires that 70 percent of the property exceeds a slope of 12 percent or higher. Mr. Harland suggested this number could be reduced to 50 percent or as approved in a neighborhood plan.

The Commission expressed concern with the locational criteria for zone changes. The Commission voted to remove the locational criteria proposed for the SFR-4 zone in order to keep it a zone that is obtainable without restrictions. The Commission wanted neighborhood plans to provide for larger lots while still finding creative ways to meet the overall density requirements.

In regards to the locational criteria for the SFR-10 zone, staff suggested some alternative options for the commission to consider in order to make the SFR-10 zone more easy to obtain including:

1. Removing all locational criteria for the SFR-10 zone; or
2. Reducing the locational criteria to allow the SFR-10 zone if a property is within 200 feet or if **one** acre or more; or
3. Keeping the original proposal to allow SFR-10 zone if another property is within 200 feet or if the property is **3** acres or more.

Instead of choosing one of those options, the Commission voted to keep the current abutting requirement while reducing the threshold for properties to obtain the SFR-10 zone (that are not abutting) from five acres to three acres.

The other change the Commission voted on related to duplexes. Instead of allowing duplexes in the SFR-4, 6, and 10 zones to a maximum of twice the density allowance, they asked to keep the density for duplexes in those zones at a ratio of 1.5 times. This would allow for duplexes in those zones at a maximum density of 6 units in the SFR-4 zone, 9 units in the SFR-6 zones, and 15 units in the SFR-10 zones.

Council Considerations

Staff revised the draft language based upon the changes the Planning Commission voted on. This includes:

1. The removal of the SFR-4 zone change locational criteria;
2. The change to the SFR-10 zone locational criteria to keep the abutting requirement but reduce the overall size of non-abutting parcels that could qualify for the SFR-10 zone from five acres to three acres; and
3. The limit of density for duplexes in the SFR-4, 6, and 10 zones to 1.5 times the density factor.

Council previously expressed support to make the SFR-10 zone easier to obtain at a study session on May 30, 2019. Based upon that input and the Planning Commission's recommendations, staff has put together options for the Council to consider including:

Keep the abutting requirement and reduce the threshold for non-abutting properties eligible for the SFR-10 zone to three acres (Planning Commission's recommendation);
or

1. Keep the abutting requirement for the SFR-10 zone but reduce the threshold for non-abutting properties eligible for the SFR-10 zone to **one** acre; or
2. Remove all locational criteria for the SFR-10 zone.

FINDINGS AND CONCLUSIONS

Applicable criteria

The applicable criteria that apply to code amendments are in Medford Municipal Code Section 10.218. The criteria are set in *italics* below; findings and conclusions are in roman type.

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

Section 10.218. (A) Explanation of the public benefit of the amendment.

Findings

The City has been looking at ways in which to increase housing in Medford. This has included working with committees: a Housing Advisory Committee and a Technical Advisory Committee, both made of up developers, affordable housing advocates, architects, land use consultants, Planning Commissioners, and staff. Grant funds have also helped to hire consultants to help with this work as well. Work with these groups have resulted in recommendations for promoting housing. Some of these recommendations are included in this group of amendments.

Recommendations included in this project that remove housing barriers include: 1) allowing duplexes in the SFR-4 and SFR-6 zones without the requirement to be divided by a lot line, 2) allowing duplexes in the SFR-4, SFR-6, and SFR-10 zones on lots that meet the area ranges without have to meet the minimum density, and 3) removing a restriction that prohibits two-story attached housing within 20 feet of a single family zone. Although duplexes are permitted in the SFR-4 and SFR-6 zones, they require a subdivision of land that is not required for duplexes in the other zones. Removing an additional land use requirement helps simply the process. Allowing duplexes within lot area ranges, instead of by density calculations, will have the potential effect of allowing more units per acre while also encouraging a more affordable housing type. Removing the restriction that attached housing is limited to one-story within 20 feet of a single family zone removes a barrier to attached housing which currently has the effect of requiring

a 20-foot setback. Since all residential zones have the same height allowance with associated setbacks, this additional regulation was not equitable among housing types.

Another strategy for encouraging more housing is increasing density allowances. One way this can be accomplished is through zone change criteria. Two of the amendments proposed relate to the City's locational criteria. Locational criteria added for the SFR-4 zone will make this low density zone attainable in sensitive areas, such as the wildfire hazard zones and steeper slopes, while not allowing this zone in the areas capable of higher densities. For the SFR-10 zone, the locational standards have lessened, making it an easier zone to obtain and promoting this higher density zone.

The housekeeping changes proposed help to clarify, amend, and improve the existing Development Code. Examples of this include correcting incorrect references to Code sections. After the Article II reconfiguration last year, all of the land use reviews were given new section numbers. When those particular land use types are referenced elsewhere in the Code, some were not updated with the correct sections. Another clarification made includes consolidating all of the PUD noticing descriptions into one location for consistency. A few clarifications are proposed too to help the public and staff better administer the Land Development Code such as adding a diagram to better explain bicycle parking and providing a simpler approach to measuring building height.

Conclusions

The proposed changes help to make incremental changes in density and remove barriers to promote additional housing in Medford. The housekeeping changes serve to correct errors and better clarify regulations which help make administering and understanding the code easier and clearer for staff and the general public. This criterion is found to be satisfied.

10.218. (B) The justification for the amendment with respect to the following factors:

- 1. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

Findings

The amendment relates to the goals and policies found in the Regional Plan Element, specifically Goal 1 which is to: Manage future growth for the greater public good.

Goal 1(c)

- The Region's overall urban housing densities shall be increased to provide for more efficient land use utilization.

The proposed amendments relate to increasing density within the City. Changing the locational zone change criteria for SFR-10 will make this zoning more obtainable, promoting density over the lower density residential zones.

The amendment also relates to the goals and policies found in the Housing Element, specifically Policy 1.

Policy 1-C

Assess policies, regulations, and standards affecting residential development and pursue amendments as needed to meet Policy 1. Assess factors such as:

(a) Residential development standards;

The amendments propose to change residential standards to make housing more feasible including removing restrictions that require duplexes in the SFR-4 and SFR-6 zones to be divided by a lot line and allowing duplexes in the SFR-4, 6, and 10 zones on lots within an area range, without having to meet minimum density. Development standards are also lessened for attached housing in the commercial zones in regards to setbacks and maximum building height allowances. One amendment also removes a housing barrier to attached housing that currently requires a twenty foot setback to single family housing.

Conclusions

The amendments are relevant to the Regional Plan goals and policies as well as the Housing Element. This criterion is found to be satisfied.

2. *Comments from applicable referral agencies regarding applicable statutes or regulations.*

Findings

The proposed development code amendment was distributed to internal and external agencies for review and comments in March of this year. The Public Works Department and Medford Water Commission provided official "no comments" for the record (Exhibits C & D).

The Fire Department responded with comments relating to the building height measurements calculation (Exhibit E). Since the project included changing the method for the purposes of setbacks, the Fire Department suggested also amending it for properties that slope from the street. The current method only requires measurement from the front elevation. For properties that slope downward from the street, they can have two story configurations at the rear of the lot. Because setbacks are based upon the building height, this can cause a one story side and rear yard setback for a two story structure. This does not allow adequate space to safely set up ladders in the event of a fire emergency, if evacuation is needed.

Fire and Planning Department staff met to discuss possible remedies to the measurement calculation. As a result, another amendment was included to change the way building height is measure for properties with slope. The proposal is to measure properties that slope from the street from the back and rear elevations and use the greater of the two height measurements for the purpose of side and rear yard setbacks. This will allow greater setbacks as needed for safety.

Conclusions

Opportunities for comments were provided to applicable referral agencies and only the Fire Department responded. An amendment was added based upon their comments. This criterion is found to be satisfied.

3. *Public comments.*

Findings

The following citizen groups have reviewed the proposed amendments.

- Technical Advisory Committee on March 27, 2019
- Planning Commission Study Session on April 22, 2019
- Bicycle and Pedestrian Advisory Committee on May 13, 2019
- City Council Study Session on May 30, 2019
- Planning Commission Study Session on June 10, 2019
- Planning Commission Hearing on June 27, 2019

At the Planning Commission meeting on June 27, 2019, testimony was given by Jay Harland of CSA Planning related to the proposed locational criteria for the SFR-4 zone. One of the criteria to obtain the SFR-4 zone in the future would require 70 percent of the property to exceed a slope of 12 percent or higher. Mr. Harland suggested this number could be reduced to 50 percent or as approved in a neighborhood plan. The Planning Commission voted to remove the locational criteria altogether. To date, no written comments have been received

Conclusions

The amendments have been made available for public review and comments through public meetings. This criterion is found to be satisfied.

4. *Applicable governmental agreements.*

Findings

There are no governmental agreements that apply to the proposed code amendments.

Conclusions

This criterion is not applicable to this amendment.

RECOMMENDED ACTION

The Planning Commission recommends adopting the proposed amendments based upon the findings and conclusions in the Council Report dated August 8, 2019, including exhibits A-I, with the following changes:

1. The removal of the SFR-4 zone change locational criteria;
2. The change to the SFR-10 locational criteria to keep the abutting requirement but reducing the overall size of non-abutting parcels that could qualify for the SFR-10 from five acres to three acres; and
3. Limiting the density for duplexes in the SFR-4, 6, and 10 zones to 1.5 times the density factor.

EXHIBITS

- A Draft code amendment text
- B Code Amendments Table
- C Public Works Memo received April 3, 2019
- D Medford Water Commission Memo received April 3, 2019
- E Fire Department Memo received April 3, 2019
- F Planning Commission Study Session Minutes from April 22, 2019
- G City Council Study Session Minutes from May 30, 2019
- H Planning Commission Study Session Minutes from June 10, 2019
- I Planning Commission Meeting Minutes from June 27, 2019

CITY COUNCIL AGENDA: AUGUST 15, 2019

Housekeeping & Other Regulatory Changes 2019 (Draft 6)

(Blue lettering = proposed addition / **Red strikethrough** = words to be removed)

ARTICLE I

10.033 Continuation of Nonconforming Development.

(2) ~~A structure in any commercial zone that was originally built as a single family home may be converted to a permitted commercial use and then converted back to its original residential use subject to the requirements of the Building Code.~~ An existing structure in any commercial zone that was originally built for residential use may be converted to a permitted commercial use and then converted back to a residential use, subject to the requirements of the Building Code with the following allowances:

- (a) The minimum density requirement does not have to be met;
- (b) There may be a mix of residential and commercial uses within the same building without a required amount of square footage attributed to either.

ARTICLE II

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Annexation	IV	Urbanization, 10.216	City Council	No
Appeal of Final PUD Plan Decision	I	10.140(F)(3)	Planning Commission	No
Appeal of Minor Historic Review Decision	I	10.140(F)(4)	LHPC	No
Appeal of Type II Decision	III	10.140(G)	Planning Commission	Yes
Appeal of Type III Decision	IV	10.140(H)	City Council	Yes

Appeal of Type IV Decision	IV	10.140(I)	LUBA	No
Comprehensive Plan Amendment, Major	IV	Review & Amendment, 10.220	City Council	No
Comprehensive Plan Amendment, Minor	IV	Review & Amendment, 10.222	City Council	No
Conditional Use Permit	III	10.184	Planning Commission	Yes
De Minimis Revision(s) to an Approved PUD Plan	I	10.198	Planning Director	No
Exception	III	10.186	PC/LHPC/SPAC	Yes
Final PUD Plan	I	10.196	Planning Director	No
Final Plat, Subdivision or Partition	I	10.1602	Planning Director	No
General Land Use Map Amendment, Major	IV	GLUP, Review & Amendment, 10.220	City Council	No
General Land Use Map Amendment, Minor	IV	GLUP, Review & Amendment, 10.222	City Council	No
Historic	III	10.188	LHPC	Yes
Land Development Code Amendment	IV	10.218	City Council	No
Minor Historic Review	I	10.148	Planning Director	No
Major Modification to a Site Plan & Architectural Review Approval	III	10.200(H)(1)	SPAC	Yes

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Minor Modification to a Site Plan & Architectural Review Approval	I	10.200(H)(2)	Planning Director	No
Major Modification to an Approved Conditional Use Permit	III	10.184(D)(1)	Planning Commission	Yes
Minor Modification to an Approved Conditional Use Permit	I	10.184(E)(2)	Planning Director	No
Major Modification to an Approved Park Development Review	III	10.185(C)(1)	Planning Commission	Yes
Minor Modification to an Approved Park Development Review	I	10.185(C)(2)	Planning Director	No
Nonconformities	I	10.032-10.036	Planning Director	No
Portable Storage Containers	II	10.840(D)(6)	Planning Director	Yes
Park Development Review	III	10.185	Planning Commission	Yes
Pre-Application	I	10.156	Not Applicable	No
Preliminary PUD Plan	III	10.190-10.198	Planning Commission	Yes
Property Line Adjustment	I	10.158	Planning Director	No
PUD Plan Revision(s)	III	10.198	Planning Commission	Yes
PUD Plan Termination	III	10.198	Planning Commission	Yes
Riparian Corridors, Reduction, or Deviation	I	10.927	Planning Director	No
Sign Permit	I	10.1000-10.1810	Planning Director	No
Site Plan and Architectural Review	III	10.200	SPAC	Yes
Tentative Plat, Partition	II	10.170	Planning Director	Yes
Tentative Plat, Subdivision	III	10.202	Planning Commission	Yes
Transportation Facility Development	IV	10.226	City Council	No
Urban Growth Boundary Amendment, Major	IV	Urbanization, 10.220	City Council	No
Urban Growth Boundary Amendment, Minor	IV	Urbanization, 10.222	City Council	No
Urbanization Plan	IV	10.200(B)(4)	City Council	No
Vacation of Public Right-of-Way	IV	10.226	City Council	No
Wireless Communication Facilities in Public Right-of-Way	I	10.824(G)	Planning Director	Yes
Zone Change, Major	IV	Review & Amendment, 10.220	City Council	No
Zone Change, Minor	III	10.204	Planning Commission	Yes

Table 10.124-1: Notice of Public Hearing Schedule by Procedure Type			
Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
Type I	None	None	None
Type II	None	None	Within 14 calendar days of deeming an application complete, notice will be sent to all property owners within 200 feet of the project boundaries.
Type III: Conditional Use Permit, Exception, Park Development Review, Preliminary PUD Plan, Zone Change	Notice shall be published no later than 10 days prior to the public hearing date before the approving authority.	A sign shall be placed on the subject property 21 days prior to the public hearing date.	21 days prior to the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries. For Preliminary PUD Plans, Major Revision to a PUD, or neighborhood meetings, in addition to the above requirement that owners within the PUD are noticed and property owners within 200 feet of the PUD project boundary, the owners of no less than 75 tax lots shall be notified. If 75 tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until the minimum number of lots are included in the notification area.

10.185 Park Development Review.

In order to ensure a harmonious transition between parkland and surrounding uses, a Park Development Review is required for new and expanded parks, trails, and paths within the Public Parks zone. All park facilities, including paths and trails within the Public Parks zone, previously approved under a Conditional Use Permit are subject to the Park Development Review process as described in this section.

The following uses are subject to a Conditional Use Permit:

- 1. New or expanded parks, trails, and paths outside of the Public Parks zone
- 2. New or expanded trails and paths within a riparian corridor

A. Park Development Review Criteria

The approving authority (Planning Commission) shall approve a Park Development Review application if it can find the proposed park development conforms, or can be made to conform through the imposition of conditions, with all of the following criteria:

- 1. The proposed park or park building facility is located within the Public Park zone.
- 2. The proposal is substantially consistent with the Leisure Services Plan of the Comprehensive Plan.
- 3. The proposal complies with all applicable provisions of all city ordinances or the Planning Commission has approved an exception as provided in Section ~~10.251~~10.186.
- 4. The proposal addresses the mitigation of impacts as described in 10.185(B).

10.188 Historic Review.

(H) Historic Review Application Content

An application for Historic Review shall include the information and materials listed below:

- (1) Application form.
- (2) All information requested on the application form.
- (3) Findings of fact demonstrating compliance with the approval criteria in Section 10.188(c)~~10.258~~, Historic Review, Approval Criteria.
- (4) Appropriate fee.

In addition to that listed, the City may require the applicant to submit additional information deemed necessary to take action on an application in accordance with this Code and applicable State laws.

10.190 Planned Unit Development (PUD) – Application and Approval Provisions.

(C) Application for a Preliminary PUD Plan.

- (e) The names and mailing addresses of the owners of record of tax lots, obtained by the latest tax rolls of the Jackson County Assessor’s Office, shall be submitted in accordance with the noticing requirements listed in Section 10.124-1. ~~located within the PUD boundary and located within 200 feet of the exterior boundary of~~

~~the whole PUD. The owners of no less than seventy five (75) tax lots shall be notified of the pending land use hearing. If seventy five (75) tax lots are not located within two hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification area shall receive written notice; therefore, noticing of more than seventy five (75) tax lots may be required. The names and mailing addresses shall be typed on mailing labels and shall include the assessor map and tax lot numbers for each parcel.~~

(f) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).

(g) Documentation of pre-submittal PUD Neighborhood Meeting. Documentation shall include:

(i) A copy of a Certificate of Mailing for the neighborhood meeting notification mailing pursuant to Section 10.194(C);

(ii) A completed Verification of Neighborhood Meeting form attesting to the contents of the materials provided or reviewed at the meeting;

(iii) A set of the notification materials listed in Section 10.194 (B); and,

(iv) The signature sheet(s) from the Neighborhood Meeting.

(2) An applicant may postpone the submission and approval of architectural plans for proposed buildings and to have such plans approved later as a separate matter under Section 10.192(I) after the Preliminary PUD Plan has been approved. When the approval of architectural plans has been postponed, the Preliminary PUD Plan shall show a conceptual footprint for each planned building and each building footprint shall be separately enclosed by a dashed line which shall be called and labeled a building envelope. Building envelopes shall reasonably anticipate and define the maximum extent of the footprint for each building in the PUD.

(3) Extended Notification Area, PUD. The application for Preliminary PUD Plan shall include the names and mailing addresses of the owners of record of tax lots, obtained by the latest tax rolls of the Jackson County Assessor's Office, in accordance with the noticing requirements listed in Section 10.124-1. ~~located within the PUD boundary and located within 200 feet of the exterior boundary of the whole PUD. The owners of no less than seventy five (75) tax lots shall be notified of the pending land use hearing. If seventy five (75) tax lots are not located within two hundred (200) feet of the exterior boundary of the PUD, the notification area shall be extended by successive fifty (50) foot increments, until a minimum of seventy five (75) tax lots are included in the notification area. The owners of all tax lots within the extended notification area shall receive written notice; therefore, noticing of more than seventy five (75) tax lots may be required. The names and mailing~~

~~addresses shall be typed on mailing labels and shall include the assessor map and tax lot numbers for each parcel.~~

10.194 Preliminary PUD Plan – Neighborhood Meeting Requirement.

(C) Scheduling and Noticing Neighborhood Meeting, Preliminary PUD Plans.

It shall be the responsibility of the applicant to schedule the neighborhood meeting and provide adequate notification of the meeting. The applicant shall send mailed notice of the neighborhood meeting in accordance with the noticing requirements listed in Section 10.124-1. ~~to the owners of no less than 75 of the nearest tax lots regarding the neighborhood meeting. If 75 tax lots are not located within 200 feet of the exterior boundary of the PUD, the notification area shall be extended by successive 50-foot increments, until a minimum of 75 tax lots are included in the notification area. The owners of all tax lots within the extended notification shall receive written notice; therefore, noticing of more than 75 tax lots may be required.~~ In addition to the affected property owners, the applicant shall also provide notice to the Planning Department. The applicant shall use the Jackson County Tax Assessor's property owner list from the most recent property tax assessment roll. The notice shall be mailed a minimum of 15 days prior to the neighborhood meeting which shall be held in Medford on a weekday evening. A certificate of mailing attesting to the date of mailing and the name and signature of the agent responsible for mailing said notices shall be prepared and submitted to the Planning Department in accordance with the materials identified in the application for Preliminary PUD Plan. The notice for PUD neighborhood meeting shall include:

- (1) Date, time and location of the neighborhood meeting; and,
- (2) A brief written description of the proposal; and,
- (3) The location of the subject property, including address (if applicable), nearest cross streets and any other easily understood geographical reference, and a map (such as a tax assessor's map) which depicts the subject property.

10.204 Zone Change.

(B) 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 (1) through (3) 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-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 SFR-10; or

(ii) The area to be re-zoned is ~~five~~ three acre 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~~ three acres.

ARTICLE III

10.309 SFR-4, Single-Family Residential - 4 dwelling units per gross acre.

This urban residential district is representative of historical low density, large lot single-family development. New SFR-4 zoning should be located in areas where slopes exceed five percent (5%), but are less than fifteen percent (15%) to prevent excessive grading.

In SFR-4, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range:

Minimum and Maximum Density Factor (df) 2.5 to 4.0 DU/gross acre

For duplexes, the minimum and maximum density factor...2.5 to 6.0 DU/gross acre

10.310-1 SFR-6 and SFR-10, Single-Family Residential - 6 or 10 dwelling units per gross acre.

These two urban residential districts provide for standard and higher density single-family detached dwellings, duplexes, and mobile home parks.

In SFR-6, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range:

Minimum and Maximum Density Factor (df) 4.0 to 6.0 DU/gross acre

For duplexes, the minimum and maximum density factor.....4 to 9 DU/gross acre

In SFR-10, the maximum number of dwelling units (DU) permitted per gross acre, or fraction thereof, shall fall within the following range:

Minimum and Maximum Density Factor (df) 6.0 to 10.0 DU/gross acre

For duplexes, the minimum and maximum density factor ...6 to 15 DU/gross acre

10.314 Permitted Uses in Residential Land Use Classification.

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
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**2. MULTIPLE
FAMILY
RESIDENTIAL**

(a) Duplex Dwelling – Interior Lot	X	X	X	P	Ps	Ps	Ps	Ps	
(a) Duplex Dwelling	X	X	P	P	P	P	P	P	

ARTICLE V

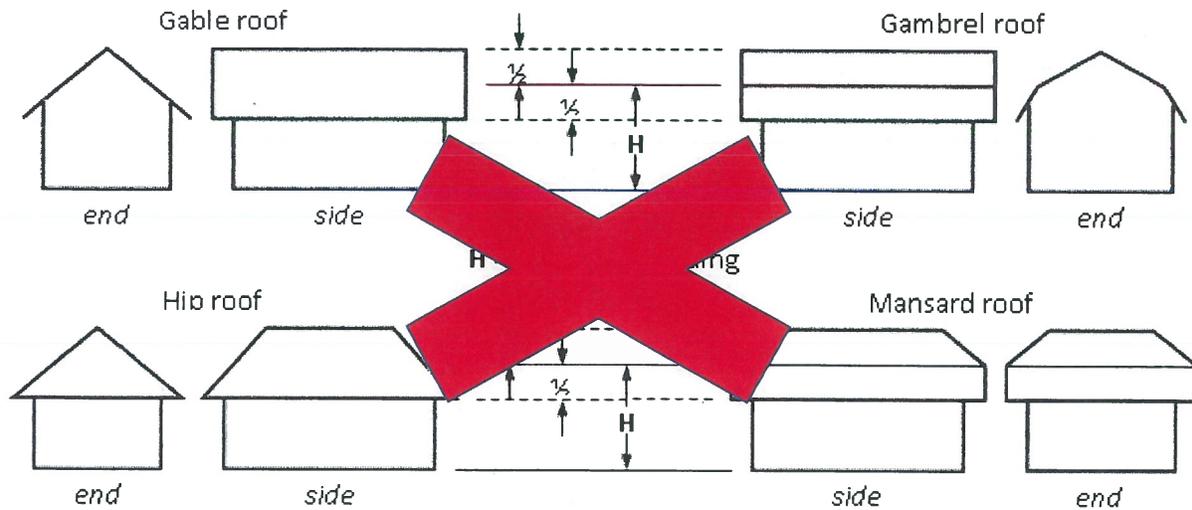
10.705 Building Height and Side-Yard Determination

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; and to the average height between eaves and ridge for gable, hip, mansard, and gambrel roofs~~ top plate. For properties that slope downward from the street, the building height shall be measured from both the front and rear elevations as per the following:

(1) The measurement of the front wall shall be calculated as listed above in subsection A. The measurement of the back wall shall be calculated measuring the vertical distance from the lowest contact ground level at the back wall of the building to the highest top plate. If the back elevation is higher than the front wall elevation, the rear elevation shall be used for purposes of side and rear yard setbacks.

B. 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.



How to Measure Building Height



C. Determining Side-Yards for Detached Single-Family, Duplex Dwellings, and Townhomes.

1) Side-yards are calculated using the building height measured at the adjacent contact ground level at the outside edges of the front wall of the building. The side-yard is measured from property line to the nearest vertical structural element (i.e. wall or post) of any area under roof cover. For properties that slope downward from the street, the measurement for determining side yard setbacks is listed in Section 10.705(A)(1).

2) The side-yard is based on the following building heights:

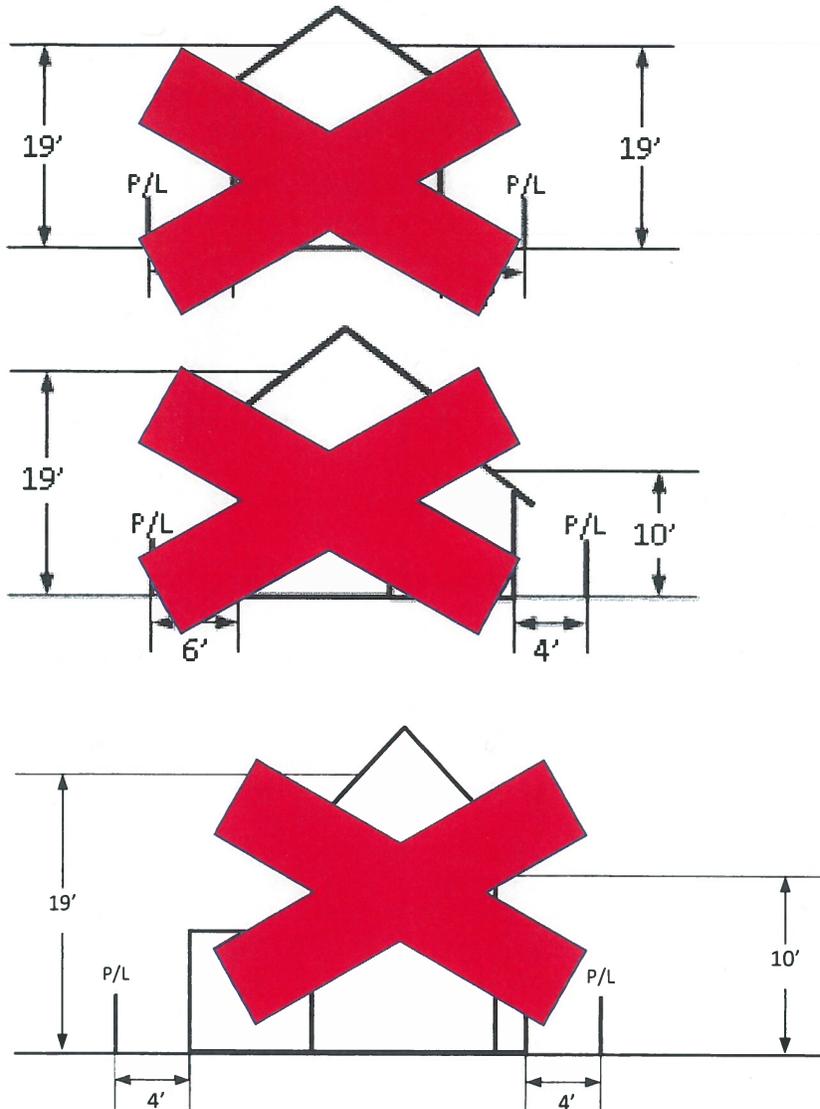
Table 10.705-1

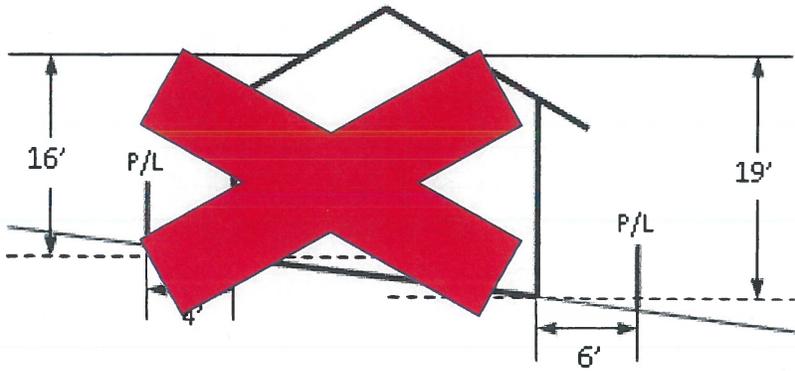
Building Height Range:	Required Yard:
0 – 18 feet	4 feet
19 – 22 feet	6 feet
23 – 26 feet	8 feet
27 – 30 feet	10 feet
31+ feet	12 feet

Note: Height is rounded to the nearest whole number (up for numbers 0.5 and greater, and down for numbers less than 0.5)

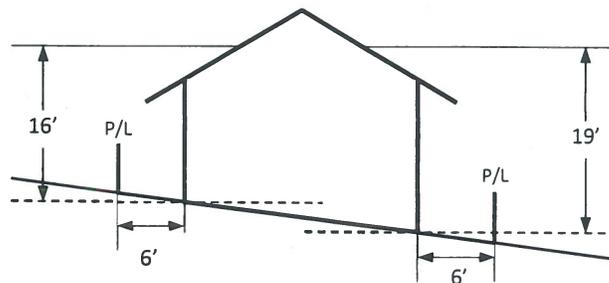
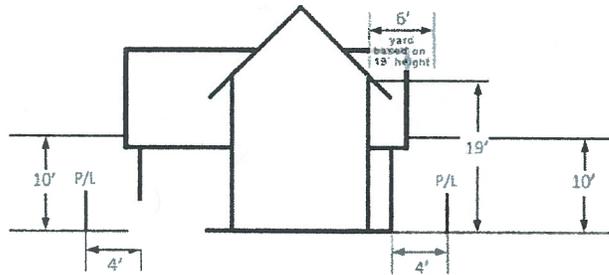
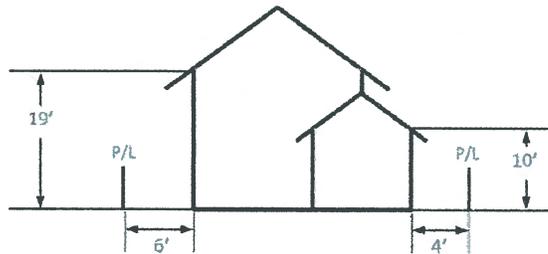
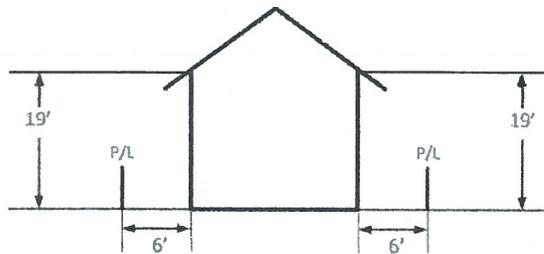
Note: Minimum required yards allow for a maximum one-foot eave overhang. Required yards for buildings with an eave overhang greater than one foot shall be increased in direct correlation. (See Section 10.707).

Side Yard Examples





Side Yard Setback Examples



For properties that slope down from the street, see Section 10.705 for the building height measurement calculation

10.708 Residential Density.

C. General Exceptions to Residential Density Calculations.

- (1) Multiple-Family Dwelling Units in Commercial Zoning Districts, Except Neighborhood Commercial (C-N). The minimum density factor shall be the same as the MFR-30 zoning district, found in Sections 10.710 – 10.713; there is no maximum density restriction.
- (2) Mixed-Use Buildings. For mixed-use buildings as defined herein, in commercial zoning districts (save for C-N), there shall be no minimum or maximum number of dwelling units required. In the Neighborhood Commercial (C-N) zoning district, dwelling units must be located in a mixed-use building and conform to Section 10.837.
- (3) Congregate Living Facilities. For units in a congregate living facility that do not contain full kitchen or cooking facilities, each unit may be counted as 0.7 of a dwelling unit for purposes of calculating density. The living unit shall be counted as a full dwelling unit for purposes of calculating the parking requirement.
- (4) Parcels Under One (1) Gross Acre. For parcels under one gross acre in size, the minimum density may be reduced by one unit without applying for an Exception.
- (5) Duplexes in the SFR-4, SFR-6, and SFR-10 zones are permitted on lots that meet the lot area range requirements in Section 10.713 without having to meet the minimum density.

MORE ON NEXT PAGE..

10.712 Townhouse Dwellings.

TOWNHOUSE DWELLINGS			
Three or more attached dwelling units, with each unit on a separate tax lot, occupying the interior space from ground to roof, and having direct access to individual private outdoor space.			
Development Standards	SFR-10	MFR-15	MFR-20
Minimum and Maximum Density Factor Range (See 10.708)	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
Lot Area Range (Square Feet)	3,250 to 8,125	2,500 to 4,500	1,800 to 3,000
Maximum Coverage Factor (See 10.706)	50%		
Minimum Interior Lot Width	25 feet	20 feet	
Minimum Corner Lot Width	35 feet	30 feet	
Minimum Lot Depth	90 feet	90 feet	
Minimum Lot Frontage	25 feet	20 feet	
Minimum Front Yard Building Setback	15 feet * EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Street Side Yard Building Setback	10 feet * EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Side Yard Building Setback (side not attached to building)	4 feet for 0–18 feet building height 6 feet for 19–22 feet building height 8 feet for 23–26 feet building height 10 feet for 27– 30 feet building height 12 feet for 31 feet or taller building height		
Minimum Rear Yard Building Setback	10 feet *	10 feet *	
Maximum Height (See 10.705)	35 feet		
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit		

TOWNHOUSE DWELLINGS

Three or more attached dwelling units, with each unit on a separate tax lot, occupying the interior space from ground to roof, and having direct access to individual private outdoor space.

Development Standards	SFR-10	MFR-15	MFR-20
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~~* Those portions of any townhouse dwelling located within 20 feet of any property line common with property containing single family zoning shall not exceed one story.~~

The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.

MORE ON NEXT PAGE..

10.713 Duplex Dwellings.

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. A duplex is permitted on a lot if it meets the lot area ranges below.	A duplex SHALL be divided by a lot-line. A duplex is permitted on a lot if it meets the lot area ranges below.	A duplex need not be divided by a lot-line. A duplex is permitted on a lot if it meets the density calculation. the lot area ranges below.	One or more duplexes are permitted on a single site when density is met.		
Detached Dwellings	Two detached dwelling units are permitted in lieu of an attached duplex on an individual lot.			Two detached dwellings are permitted in lieu of an attached duplex on an individual lot when the maximum density is no more than 2 units.		
Lot Line Division	A duplex may be divided by a lot line if attached. If divided by a lot line, the lot area and lot width requirements are half of the minimum shown below except for corner lots which must have a street side lot width of 40 feet and interior lot width of 30 feet.					
Minimum and Maximum Density Factor Range (See 10.708)	2.5 to 4.0 6.0 dwelling units per gross acre	4.0 to 6.0 9.0 dwelling units per gross acre	6.0 to 10.0 15.0 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)	5,400-8,500 to 18,750 43,559 each half	5,400 6,000 to 12,500 27,224 each half	5,400 6,000* to 12,500* 18,200	5,400 5,000* to 12,500*		
Maximum Coverage Factor (See 10.706)	50%			50%		
Minimum Interior Lot Width	60 75 feet each half	60 feet each half	60 50 feet*	60 50 feet*		
Minimum Corner Lot Width	70 75 feet each half	70 60 feet each half	70 60 feet*	70 60 feet*		

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 Lot Depth	90 feet					
Minimum Lot Frontage	15 feet each half 30 feet*					
Minimum Front Yard Building Setback	15 feet EXCEPT the garage shall be a minimum of 20 feet. If the garage door is perpendicular to the street then the minimum setback to the side wall of the garage is 15 feet (see Garage Setback Diagram in Section 10.710)					
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 for 0–18 feet building height 6 feet for 19–22 feet building height 8 feet for 23–26 feet building height 10 feet for 27–30 feet building height 12 feet for 31 feet or taller building height					
Minimum Rear Yard Building Setback	The rear yard is equal to the greater of the side yard setbacks calculated in §10.705(C), and not less than 4 feet. EXCEPTION: If the rear property line abuts a collector or arterial street, or the parcel is a through lot, then the setback is a minimum of 10 feet.					
Maximum Height (See 10.705)	35 feet					
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit					
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.						
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>						

10.714 Multiple-Family Dwellings.

MULTIPLE-FAMILY DWELLINGS Three or more attached dwelling units.				
Development Standards	SFR-10	MFR-15	MFR-20	MFR-30
Special Standards	Multiple-family dwellings in SFR-10 are permitted ONLY if the units can be individually owned			
Minimum and Maximum Density Factor Range (See 10.708)	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
Minimum Lot Area (Square Feet)	15,000	9,000	8,000	
Maximum Coverage Factor (See 10.707)	50%			50%
Minimum Interior Lot Width	80 feet			
Minimum Corner Lot Width	90 feet			
Minimum Lot Depth	120 feet	100 feet		
Minimum Lot Frontage	30 feet			
Minimum Front Yard Setback	20 feet* EXCEPT 15 feet IF vehicular access to the garage is parallel to the street			
Minimum Street Side Yard Setback	15 feet* EXCEPT 20 feet for vehicular entrances to garages or carports	10 feet * EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Side Yard Setback	10 feet *	4 feet PLUS 1/2 foot for each foot in building height over 15 feet *		

MULTIPLE-FAMILY DWELLINGS Three or more attached dwelling units.				
Development Standards	SFR-10	MFR-15	MFR-20	MFR-30
Minimum Rear Yard Setback	20 feet	4 feet PLUS 1/2 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			
• Those portions of any multiple-family dwelling located within 20 feet of any property line common with property containing single-family zoning shall not exceed one story.				
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>				

10.716A Multiple-Family Dwelling, Special Development Standards, Applicability.

A. The requirements of Sections 10.717 through 10.719 shall apply to all multiple-family dwellings consisting of three or more attached dwelling units as per Section 10.714.

10.717 Multiple-Family Dwellings, Special Development Standards.

(4) Windows shall be inset a minimum of ~~3~~ 1.5 inches from the adjacent wall plane, or fully surrounded by trim in order to create the necessary minimum inset depth of ~~3~~ 1.5 inches.

MORE ON NEXT PAGE..

10.721 Commercial and Industrial Site Development Standards.

COMMERCIAL AND INDUSTRIAL DEVELOPMENT								
Development Standards	C-N	C-S/P	C-C	C-R	C-H	I-L	I-G	I-H
Minimum & Maximum Area for Zoning District (Acres)	0.5 -3.0	None						
Residential Standards (See 10.837)	N/A	Dwelling units allowed subject to the density standards for housing within the MFR-30 district. Site development standards shall follow the MFR-30 zone except for the maximum building height and setbacks, which shall follow the underlying commercial zoning in which the property is located.				N/A		
Minimum Lot Area (Square Feet)	7,000		15,000		7,000	20,000	10,000	
Maximum Coverage Factor (See 10.706)	30%	40%			60%	50%	90%	
Minimum Lot Width	70 feet							
Minimum Lot Depth	100 feet							
Minimum Lot Frontage	70 feet	30 feet	70 feet		30 feet	70 feet		
Minimum Front & Street Side Yard Building Setback	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports							

COMMERCIAL AND INDUSTRIAL DEVELOPMENT								
Development Standards	C-N	C-S/P	C-C	C-R	C-H	I-L	I-G	I-H
Minimum Side and Rear Yard Building Setback	None EXCEPT 1/2 foot for each foot in building height over 20 feet							
Maximum Building Height (See 10.705)	35 feet	85 feet EXCEPT 35 feet if structure is within 150 feet of a residential zoning district boundary or Special Area Plan designation.			35 feet	85 feet EXCEPT 35 feet if structure is within 150 feet of a residential zoning district boundary or Special Area Plan designation.		
Maximum Gross Floor Area Per Business (Square Feet) Except as noted in 10.337	2,500	None	50,000	None				
Permitted Outdoor Uses	See Note 1	See Note 2				See Note 3		
<p>Note 1: All uses must be located completely within an enclosed building or behind a sight-obscuring fence.</p> <p>Note 2: All uses, EXCEPT those customarily conducted outdoors, must be located completely within an enclosed building.</p> <p>Note 3: All uses, EXCEPT those customarily conducted outdoors, must be located behind a sight-obscuring fence.</p> <p><i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i></p>								

10.747 General Provisions, Bicycle Parking.

The bicycle parking and storage provisions are intended to provide bicycle parking facilities to accommodate bicycle travel and encourage additional bicycle trips.

Bicycle parking facilities shall be either lockable enclosures in which the bicycle is stored or stationary racks which accommodate bicyclist's locks securing the frame and both wheels. Bicycle racks or lockers shall be securely anchored to the surface or to a structure.

If 10 or more bicycle parking spaces are required, then at least 50% of the bicycle parking spaces shall be covered. For the purposes of this section, covered parking may include placement underneath an awning, eave or other overhang or other facility as determined by the approving authority that protects the bicycle from direct exposure to the elements.

Bicycle parking shall be separated from motor vehicle parking and maneuvering areas by a barrier or sufficient distance to prevent damage to parked bicycles.

Any building expansion, or any new construction (excluding two-family and three-family dwellings), or new parking facilities, including parking lot expansions, shall bring the property into conformance with the Bicycle Parking and Storage Regulations.

When required by this code, the site development plan shall include a bicycle parking plan, drawn to scale and submitted with the development permit application. The plan shall show all those elements necessary to indicate that the requirements of this code are being fulfilled.

10.749 Location of Bicycle Parking Facilities.

Required bicycle parking facilities shall be located on-site in well lighted, secure locations within 50 feet of well-used entrances or inside a building in a suitable, secure, and accessible location. ~~and not farther from the entrance than the closest automobile parking space.~~ Bicycle parking shall have direct access to both the public right-of-way and to a main entrance of the principal use. ~~Bicycle parking may also be provided inside a building in suitable, secure and accessible locations.~~ Bicycle parking for multiple uses (such as in a commercial center) may be clustered in one or several locations.

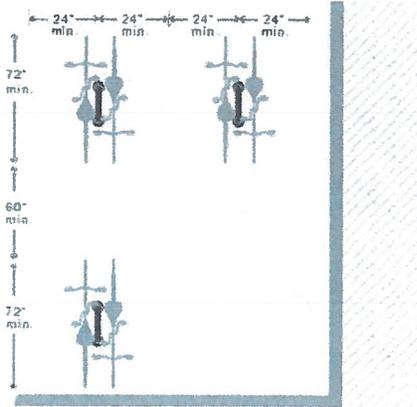
10.750 General Design Requirements for Bicycle Parking.

All bicycle parking and maneuvering areas shall be constructed to the following minimum design standards:

(1) Surfacing: Outdoor bicycle parking facilities shall be surfaced in the same manner as a motor vehicle parking area or with a minimum of a three-inch thickness of hard surfacing (i.e., asphalt, concrete, pavers or similar material). This surface will be maintained in a smooth, durable and well-drained condition.

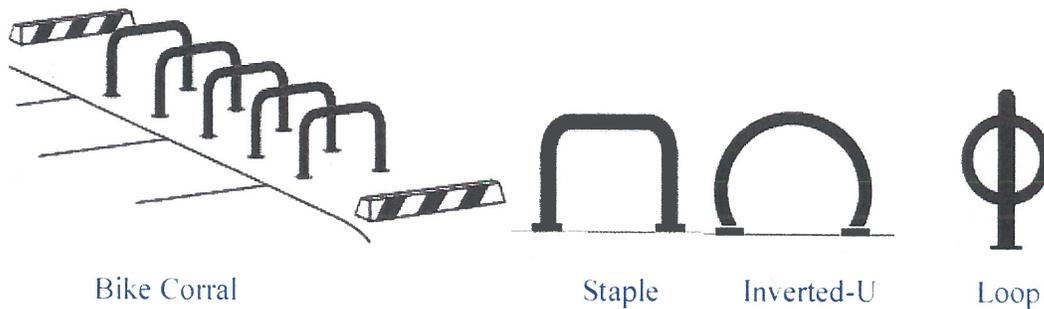
(2) Parking Space Dimension Standard: Bicycle parking spaces shall be at least 6 feet long and 2 feet wide with minimum overhead clearance of 7 feet.

Bike Parking Dimensional Standards



- (3) **Lighting:** Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use.
- (4) **Aisles:** A 5-foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.
- (5) **Signs:** Where bicycle parking facilities are not directly visible from the public rights-of-way, entry and directional signs shall be provided to direct bicycles from the public rights-of-way to the bicycle parking facility.
- (6) **Rack Type:** Bicycle parking shall consist of racks that provide two points of contact with the frame at least 6 inches apart horizontally and have a minimum height of 32 inches. The approving authority may authorize other means of bicycle parking that provides protection, such as bike lockers or secured bicycle group enclosures. The wave rack style shall not be permitted.

Examples of Acceptable Bike Rack Types



10.752 Noise Standards and Regulations for Commercial and Industrial Sources.

B. New Noise Sources.

(1) New Sources Located on Previously Used Sites: No person owning or controlling a new industrial or commercial noise source located on a previously used industrial or commercial site shall cause or permit the operation of that noise source if the statistical noise levels generated by the new source and measured at an appropriate measurement point, specified in Section 10.752.FB(2), exceed the levels specified in Table 752-2, except as otherwise provided herein.

10.821 Accessory Dwelling Unit (ADU).

For the purposes of this Chapter, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, shall not be considered a duplex or multiple-family dwelling. ADUs are defined as either:

Accessory Dwelling Unit - Attached (ADU-A). An ADU-A is attached to the primary dwelling unit by a shared wall or as an additional story above or below the primary dwelling unit.

(5) Conversion of existing habitable space within the primary dwelling to an Attached ADU (ADU-A) may shall not be subject to the provision of 10.821(B)(4). When deviating from 10.821(B)(4) the ADU-A shall be not exceed 50 percent or less in of the GHFA than of the primary dwelling.

10.823 Small Food Vendors.

(1) "Small Food Vendor" means any site-built or prefabricated structure that is used for the purpose of preparing, processing or converting food for immediate consumption as a drive-in, drive-through, curb or walk-up service that is a maximum size of 128 square feet and is located on one site or tax lot for any period of 24 hours or more.

(2) Small food vendors shall be permitted in the C-S/P, C-N, C-C, C-H, C-R, I-L, and I-G zoning districts and subject to the following standards:

A. The exterior length and width dimension of the small food vendor unit ("unit"), when multiplied, shall enclose no more than 128 square feet. If the unit exceeds 128 square feet, the application must be reviewed and approved by either the Site Plan and Architectural Commission or the Landmarks and Historic Preservation Commission as a standard drive-through restaurant under this chapter and is not subject to these provisions.

10.824 Wireless Communication Facilities.

2) General Requirements:

(a) All facilities shall be installed and maintained in compliance with the requirements of the current Oregon Structural Specialty Code. Building Permit applications shall include written statements from the Federal Aviation Administration (FAA), Oregon Aeronautics Division, and the Federal Communication Commission (FCC) that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.

(b) When facilities are located within a C-N, C-S/P, or any residential zone, all associated transmittal equipment shall be housed in an all-weather equipment cabinet, or in the alternative, an equipment building, above or below ground level, which must be designed to achieve minimal visual impact with the surrounding environment.

(c) Any ground-mounted accessory equipment shall be enclosed by a security fence or wall subject to Sections 10.731 through 10.735. Such barriers shall be landscaped in ~~a manner that provides a natural sight-obscuring screen around the barrier to a minimum height of six feet~~ accordance with Section 10.824 (F)(3).

10.837 Dwelling Units in Commercial Districts.

Dwelling Units shall be allowed in all commercial districts except the Neighborhood Commercial (C-N) zone subject to the ~~dwelling type density standards established~~ for housing within the MFR-30 district. The site development standards shall follow MFR-30 zone, except for the maximum building height and setbacks, which shall follow the underlying commercial zoning in which the property is located. In addition, single family dwelling units shall be allowed in all commercial districts when attached to a commercial building and approved by the Site Plan and Architectural Commission or Landmarks and Historic Preservation Commission as applicable. In the Neighborhood Commercial (C-N) district single family and multiple family residential uses are permitted only when the total residential use is attached, accessory, and subordinate to the primary commercial use.

10.933 Constraints Analysis.

Prior to submitting a Type III land use application (except for zone changes), a Constraints Analysis identifying physical constraints and proposing mitigation measures shall ~~be have been submitted, and deemed "complete" by the City Engineer or designee within 10 working days of submission.~~ Within 10 days of receipt, the City Engineer or designee shall determine whether the constraints analysis is complete per this section. A ~~"complete"~~ Constraints Analysis is one that contains all items in Sections 10.933(A) (1)-(7) and 10.933(B) (1)-(4).

2019 HOUSEKEEPING & OTHER REGULATORY CHANGES

	Description of Amendment	Code Section	House Keeping Change	Other Change
1.	Expanded non-conforming allowance for residential structures in commercial zones	10.033(2)		✓
2.	Added major and minor modifications for Park Development Reviews to procedure table / Corrected Code reference to final plats	10.108-1	✓	
3.	Added revisions and neighborhood meetings to PUD noticing table	10.124-1	✓	
4.	Corrected referenced to Exceptions related to Park Development Reviews	10.185	✓	
5.	Correction to referenced code section	10.188(H)(3)	✓	
6.	Directed all PUD noticing to table in Section 10.124-1	10.190(C)(e) 10.190(3) 10.194(C)	✓	
7.	Added locational criteria for SFR-4	10.204(B)(2)(b)		✓
8.	Changed locational criteria for SFR-10	10.204(B)(2)(c)		✓

Exhibit B

	Description of Amendment	Code Section	House Keeping Change	Other Change
9.	Listed higher density allowance for duplexes in the SFR-4, SFR-6, and SFR-10 zones	10.309 10.310-1		✓
10.	Correction to show duplexes are allowed in SFR-4 without requirement to be on a corner	10.314(2)	✓	
11.	Changed building height measurement calculation & how to measure buildings on steeper slopes	10.705(A)		✓
12.	Removes minimum density standards for duplexes in the SFR-4, 6, &10 zones.	10.708		✓
13.	Eliminated one-story restriction for townhomes within 20 feet of single family zoning.	10.712		✓
14.	Eliminated requirement that duplexes have to be divided by a lot line in the SFR-4 & 6 zones. Permits them in SFR zones if within lot area range.	10.713		✓
15.	Eliminated one-story restriction for multi-family buildings within 20 feet of single family zoning	10.714		✓
16.	Clarified that multi-family design standards apply to multi-family units (not townhomes)	10.716A	✓	

	Description of Amendment	Code Section	House Keeping Change	Other Change
17.	Reduced window inset from 3 inches to 1.5 inches in multi-family design standards	10.717(4)	✓	
18.	Added bike parking requirement with parking lots	10.747	✓	
19.	Changed wording of bike parking location	10.749		✓
20.	Added bike parking dimensional diagram	10.750(2)	✓	
21.	Added bike parking rack types and diagrams	10.750(6)		✓
22.	Corrected noise standard Code reference	10.752(B)(1)	✓	
23.	Added language to attached ADUs to provide for ADUs to be above or below an existing residence	10.821	✓	
24.	Added language to clarify conversion of existing space to an ADU does not have to be habitable space	10.821(B)(5)	✓	
25.	Clarified small food vendors are subject to drive-through restaurant parking	10.823	✓	

	Description of Amendment	Code Section	House Keeping Change	Other Change
26.	Clarified the amount of landscaping required for equipment related to wireless communication facilities	10.824(F)(2)(c)	✓	
27.	Changed setback and height allowance for multi-family buildings in commercial zones to match commercial standards	10.837		✓
28.	Corrected constraints analysis to allow City Engineer 10 days to review for completeness	10.933	✓	



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

RECEIVED

APR 03 2019

PLANNING DEPT.

LD Date: 4/3/2019

File Number: DCA-19-001

PUBLIC WORKS DEPARTMENT STAFF REPORT

**Development Code Amendment
Housekeeping & Other Regulatory Changes 2019**

Project: DCA-19-001, Is a land development code amendment to Chapter 10 of the Medford Municipal Code to make housekeeping corrections and clarifications along with other amendments including:

- Adding locational criteria for zone changes to SFR-4 (Single Family Residential – 4 dwelling units per gross acre).
- Adding a locational criterion for zone changes to SFR-10 (Single Family Residential – 10 dwelling units per gross acre).
- Removing the requirement that duplexes have to be divided by a lot line in the SFR-4 & SFR-6 zones.
- Changing the building height measurement method.
- Changing the residential standards in the commercial zones to follow commercial site development standards.
- Removing the special standard that limits attached housing to one story when within 20-feet of a single family zone.
- Removing the Conditional Use Permit requirement for boarding houses.
- Providing density and mixed-use flexibility for buildings originally built for residential in the commercial zones.
- Changing the bicycle parking locational requirement & adding bike parking rack types.
- Changing the building height allowance in the Heavy Commercial (C-H) zone to 55 feet for multi-family buildings.

Applicant: City of Medford

Planner: Planner, Sarah Sousa, Long Range Division

Public Works has no comments on the proposed amendment.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford
FROM: Rodney Grehn P.E., Water Commission Staff Engineer
SUBJECT: DCA-19-001
PROJECT: This Is a Land Development Code amendment to Chapter 10 of the Medford Municipal Code to make housekeeping corrections and clarifications along with other amendments.
DATE: April 3, 2019

RECEIVED
APR 03 2019
PLANNING DEPT.

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

CONDITIONS

1. No Conditions

COMMENTS

1. No Comments

Exhibit D



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 4/1/2019
Meeting Date: 4/3/2019

LD File #: DCA-19-001

Planner: Sarah Sousa

Applicant: City of Medford

Project Location: N/A

ProjectDescription: DCA-19-001, Is a land development code amendment to Chapter 10 of the Medford Municipal Code to make housekeeping corrections and clarifications along with other amendments including:

- Adding locational criteria for zone changes to SFR-6 (Single Family Residential – 6 dwelling units per gross acre).
- Adding a locational criterion for zone changes to SFR-10 (Single Family Residential – 10 dwelling units per gross acre).
- Removing the requirement that duplexes have to be divided by a lot line in the SFR-4 & SFR-6 zones.
- Changing the building height measurement method.
- Changing the residential standards in the commercial zones to follow commercial site development standards.
- Removing the special standard that limits attached housing to one story when within 20-feet of a single family zone.
- Removing the Conditional Use Permit requirement for boarding houses.
- Providing density and mixed-use flexibility for buildings originally built for residential in the commercial zones.
- Changing the bicycle parking locational requirement & adding bike parking rack types.
- Changing the building height allowance in the Heavy Commercial (C-H) zone to 55 feet for multi-family buildings.

Specific Development Requirements for Access & Water Supply

Conditions

Reference	Comments	Description
Other	<p>The criteria for side-yard setbacks needs to be amended to prevent detached single-family dwellings, duplex dwellings, and townhomes located on the downward slope side of a street to be built too dangerously close to eachother. As the code reads, the height for side-yard setback determination is measured at the front wall. On the downward slope side of a street structures may only appear to be a single story at the front wall (requiring a min. 4' setback), but may be three stories in back. Across the street (upward slope side) the same house would have a 10-12' setback. Taller residential structures need an increased setback to ladder for emergency rescue operations at required bedroom escape windows and the increased setback can reduce the threat of structure-to-structure ignition.</p> <p>Recommended language: ...Except for buildings located on a downward slope side of the street. In this case, the building height used to determine side-yard setbacks shall be measured from the lowest average contact ground level elevation at the back wall to the highest eave/top plate elevation.</p>	

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon 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 (fire 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 Oregon Fire Code.

Exhibit E

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 information provided only.

Design and installation shall meet the Oregon requirements of the International Fire, Building, Mechanical Codes and applicable NFPA Standards.

Medford Fire-Rescue, 200 S Ivy St. Rm 180, Medford OR 97501 541-774-2300

www.medfordfirerescue.org



Planning Commission

Minutes

From Study Session on **April 22, 2019**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
Jared Pulver
Jeff Thomas

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Sarah Sousa, Planner IV

Commissioners Absent

E. J. McManus, Excused Absence
Patrick Miranda, Excused Absence

Subject:

20.1 DCA-19-001 Housekeeping Amendments

Sarah Sousa, Planner IV reported that every year or two, the Planning Department brings forward housekeeping amendments to fix code errors and make clarifications. Also, add minor code changes to help meet the City's density requirements and remove housing barriers.

There is an entire list on pages 5 through 8 in the study session agenda packet of the code changes and whether it is a housekeeping change or clarification or another regulatory change.

Zone changes have to meet two main criteria. They have to be consistent with the General Land Use Plan designation and they have to meet facility adequacy. Many of the zones have locational requirements. Staff is now looking at adding locational criteria for SFR-4. SFR-4 is a maximum of 4 units per acre. As part of the urban growth boundary amendment, it now has to meet a minimum of 6 to 7 units per acre. The City has a lot of SFR-4 zoning and everything with that zone would remain. Properties proposed for zoning would have three ways to obtain that zone. 1) If at least 70% of the area proposed to be rezoned exceeds a slope of 12% or greater; 2) If area to be rezoned is within a wildfire hazard zone; or 3) If the property to be rezoned is not more than one gross acre in size.

Exhibit F

Vice Chair Foley asked, is that less than an acre to be rezoned or over an acre? Ms. Sousa responded that it is a gross acre or less. This can be reworded.

Chair McKechnie agreed that it needs to be reworded.

Commissioner Culbertson asked, has staff done an inventory throughout the City on affected properties that these criteria would apply? Ms. Sousa stated that staff would like to review what the average acreage size of properties zoned SFR-00 in the existing urban growth boundary. If there is something else the Planning Commission is interested in, that could be added.

Commissioner Culbertson thinks it more important to find which properties are zoned SFR-00 that may have a zone change that abuts SFR-4 that are now not able to do. Like community areas. The Springbrook project was SFR-6, the City reclassified part of it as high density. The neighbors did not want high density in their neighborhood. Originally it was all SFR-6. Projects getting more houses in tighter spacing some of the continuity of some neighborhoods may get disrupted.

Commissioner McFadden commented that it is only the SFR-00 zoning districts that are eligible. In the Southeast Plan there are a lot of SFR-4 that does not have to change that is grandfathered in unless they want to change it.

Commissioner Pulver is struggling on why the need for this. He thought with the urban growth boundary expansion they studied existing UGB and found the density in excess of the 6.7 requirement. All lands being brought in have to prove it will meet that requirement. It seems like they are already hitting the states mandate which in his opinion is excessive for this area. It seems to be wasting energy on a topic that does not need to be addressed.

Ms. Sousa continued that for zone changes to SFR-10 there is existing locational criteria but eliminate the requirement that at least one parcel that abuts a subject property is zoned SFR-10. Instead allow it if at least one parcel is within 200 feet of the subject property. The current language allows SFR-10 zoning area to be five acres or larger. It is proposed to reduce that threshold to 3 acres.

Commissioner Pulver asked, does urban residential and above include SFR-2, SFR-4, SFR-6 and SFR-10? Is medium MFR-15? Carla Paladino, Principal Planner responded yes. MFR-20 and MFR-30 are high.

Commissioner Pulver thinks SFR-10 should be in medium or getting rid of medium and just have high and low. Ms. Paladino stated that staff has discussed that but has not taken that step.

Commissioner Mansfield respectively disagrees. Mixed uses are the thing.

Commissioner McFadden's neighborhood is SFR-4 and within a block there are apartment complexes. He does not know if mixing is beneficial.

Commissioner Mansfield suggested start getting used to it.

Commissioner McFadden commented the state is pushing to get rid of zoning.

Commissioner Mansfield reported that Josephine County voted a majority to get rid of Senate Bill 100. It continued to pass in Jackson County. He is aware there are people on the other side.

Commissioner Culbertson went off point discussing the concept of Missing Middle Housing. Missing Middle Housing is a transformative concept that highlights the need for diverse, affordable housing choices in sustainable, walkable places. It came from Optico's and coined by the President of Optico's. The governor has a bill sitting on her desk that she will push through that incorporates the language of Missing Middle Housing.

He agrees with Commissioner Pulver that there is a lot of things that the City is complying with the states restrictions. It is his opinion that we are trying to jam something through he is not sure exists.

There is a 5 acre parcel on Gene Cameron that has come up for a subdivision. It goes between Lone Pine and comes out on Gene Cameron. It is like an island. What if that applicant were able to make their application for SFR-10 and met the criteria. It is completely surround by SFR-4. It creates an island within the City of nonconforming type of construction.

Commissioner Mansfield asked, would that be tragic? Commissioner Culbertson believes it would be misplaced.

Commissioner Pulver's issue is that it is a wide swath this can fit in urban residential.

Chair McKechnie is concerned with the 200 feet and wants to keep abuts adjoining property.

Chair McKechnie asked, is it physically possible to get 10 single family dwelling units on an acre? There needs to be a more creative way to do 10 units per acre that allows for more open space opposed to having everyone with a tiny postage stamp yard. Chair McKechnie suggested changing SFR-10 to R-10 and MFR-15 to R-15.

Ms. Sousa reported that most of the SFR-10 subdivisions are meeting more the SFR-6 detached density.

Vice Chair Foley likes getting rid of the single family part of SFR-10 and MFR-15 and being creative. That would flow with cottage housing. There may be developments that fit better into that concept that may or may not be all single family approach.

Ms. Paladino reported that staff has itemized their housing amendments. Future amendments will potentially modify how the density looks in terms of numbers. It would shift how they are named. SFR can be misleading. The R may be more appropriate. This round of amendments will not have that change. It will take more time and effort to modify.

Currently, duplexes are allowed in the SFR-4 and SFR-6 zones but they shall be divided by a lot line. Each unit has to be on an individual lot. It is proposed to remove that requirement so that a duplex can be on one lot in those zones, still subject to meeting density.

Chair McKechnie commented that if a duplex was on its own lot and ADU could be added to each side.

Commissioner McFadden asked, what sells better? Single property attached housing or duplex on a single lot? Commissioner Culbertson replied that it depends on who the buyer is. The vast majority of buyers in the FHA program single family detached or single family with lot line is what they will be able to purchase. They are typically not looking at it in the aspect of purchasing one half and rent the other half.

Residential units are allowed in the commercial zones subject to MFR-30 standards. The proposed change is that that density would still have to meet MFR-30 but the site development standards would follow the underlying commercial zone. That would include setbacks, lot coverage, and height allowances.

Chair McKechnie stated that there is a caption in that section that states within 150 feet of a residential zone the height is limited to 35 feet. Is that remaining? Ms. Sousa replied yes. That may change with the next housekeeping amendments.

Commissioner McFadden commented that there is a change that allows a 35 foot height to go 20 feet higher. Is that applicable to this commercial one?

Ms. Sousa reported that the height in most commercial zones is a maximum of 85 feet except if the structure is within 150 feet of a residential zoning district, boundary or special area designation then it is limited to 35 feet. In this round of amendments staff is not proposing to change that. For Heavy Commercial zone staff is proposing a 55 foot allowance for multifamily buildings unless they are within 150 feet of a residential zoning district it would be 35 feet.

Commissioner McFadden asked, is 20 feet higher a reasonable increase? Chair McKechnie replied that probably the idea is to avoid long canyons of buildings. You don't want a 55 foot building shadowing a single family home next to it.

Ms. Paladino stated that staff has not taken a hard look at the 35 foot within the 150 feet. It is on their list to do. Is the Planning Commission comfortable with staff moving forward with increasing the height without the other? Chair McKechnie responded they should do both.

Ms. Sousa asked, what about the solar? Chair McKechnie commented to put in and look at it.

Another change is how to measure building height for purposes of side and rear yard setbacks. The current measurement is from the average height between peak and eaves. The change would be to the top plate. This will allow for more steeply pitched roofs and will be easier to explain and administer.

Commissioner Pulver asked, did the Planning Commission discuss this several years ago? Was it an issue with Fire or administrative. Chair McKechnie responded that it was administrative. It had to do with a one story element next to a two story building. The two story would have to be counted as part of the separation.

Kelly Evans, Assistant Planning Director replied no the change was how to measure. It was using the front elevation of the building. The change was for a two story house with a one car garage. Instead of using the two story element for the one car garage side yard one could use the one car garage side.

It seems to Commissioner Pulver that there is more play with the proposed language.

The fire department has also requested that staff review building height measurements for properties that slope down from the street. The fire department has requested not to measure sloped properties from the front elevation because it does not provide an adequate setback for ladders for a two story house.

Staff is proposing for properties that slope downward from the street, the building height shall be measured from both the front and rear elevations as per the following: (1) The measurement of the front wall shall be calculated as listed above in subsection A. The measurement of the back wall shall be calculated measuring the vertical distance from the lowest contact ground level at the back wall of the building to the highest top plate. If the back elevation is higher than the front wall elevation by more than 3 feet, the rear elevation shall be used for purposes of side and rear yard setbacks.

Chair McKechnie asked, how many plans does the Planning Department receive that shows the ground elevation around the building? Computer generated does not

recognize that there is a foundation or a slope. Ms. Evans does not think this is uncommon.

Commissioner Culbertson asked, if this were to go into effect, how would it effect some of the subdivisions that are platted but not built out? If it went in would it have an effect of eliminating being able to build on a lot? Ms. Evans guess would be no because those lots are big. These lands are generally SFR-4 so the walls are sizeable. She does not think they would run into issues with the building envelopes. It could change the footprint of the house. The concern for her is that it will end up with a lot of nonconforming structures.

Commissioner Pulver asked, has the Fire Department provided recommendations? Ms. Paladino responded that the Fire Department is good with the language.

Commissioner Pulver asked, is there anything with the road grade or layout that would trigger fire sprinklers in the house? Chair McKechnie commented that was vetoed. Commissioner Pulver stated that fire sprinklers might be an option to alleviate everyone's needs.

Chair McKechnie reported that by doing this it creates a lot of nonconforming structures. If they come in for a renovation or addition permit does that create an Exception because their lot is nonconforming? Ms. Evans responded no. If adding on to an existing nonconforming building the addition would have to be conforming.

Removing special standard limits attached housing to one story if with 20 feet of a SFR zone. The current language reads: *"Those portions of any multiple-family dwelling located within 20 feet of any property line common with property containing single-family zoning shall not exceed one story."* Staff is proposing to remove that language because the building height allowance is the same for both SFR and multifamily zoning.

Bike parking has to be within 50 feet of the well-used entrance or closest automobile parking space. The proposed amendment is to delete within 50 feet, not farther from the entrance than the closest automobile parking space and bicycle parking may also be provided inside a building in suitable, secure and accessible locations.

Commissioner Pulver asked, is "near" enforceable? Eric Mitton, Deputy City Attorney responded "near" will be a tough fight. Every time they see one half way across the parking lot there will be questions as to how near. For a small parking lot, the far side of the parking lot can arguably be near. He is in favor of increasing the distance measurement. He thinks "near" is going to create a lot of fights because it is an extremely vague term. He likes getting rid of the requirement it is closer to the nearest parking space because there is potential ADA issues.

Commissioner Thomas asked, what is the requirement for bike parking in a commercial lot? Ms. Paladino reported that is based on the number of parking spaces.

Commissioner Thomas asked, does all commercial have bike parking? Ms. Paladino responded, yes. Commissioner Thomas's concern for making it so difficult with the requirement of where it is located is that developers will do the very minimum because of the bike parking. More bike parking is encouraged but yet the concern is where it is located. Ms. Paladino commented that staff is trying to make it easier.

Commissioner Pulver commented that maybe "near" is okay but that may cause them to be located in bad spots.

Chair McKechnie is in favor of getting rid of the required bike rack type. It is his opinion it is unnecessary. Ms. Paladino commented that came from the Bicycle Pedestrian Advisory Committee.

Allowing density/use flexibility for structures originally built for residential in commercial zones. The existing language is: *A structure in any commercial zone that was originally built as a single family home may be converted to a permitted use and then converted back to its original residential use subject to the requirements of the Building Code.* The proposed language is: *A existing structure in any commercial zone that was originally build for residential use may be converted to a permitted commercial use and then converted back to a residential use, subject to the requirements of the Building Code with the following allowances: a) The minimum density requirement does not have to be met; b) There may be a mix of residential and commercial uses within the same building without a required amount of square footage attributed to either.*

Commissioner Culbertson asked, the homes that have been built residential and have always maintained as residential is the process easy to get commercial zoning? Ms. Sousa commented that if the underlying designation is commercial it would require a general land use plan designation change and then a zone change. It is not easy. If it is zoned commercial the property can be use as commercial or residential.

This is tentatively scheduled to go to the Planning Commission on Thursday, June 13, 2019 and Thursday, July 11, 2019 to City Council.

Ms. Paladino asked, does the Planning Commission want staff to come back with the changes in another study session before the public hearing? The consensus of the Commission was favorable.

30. Adjournment

The meeting was adjourned at 1:08 p.m.

Submitted by:

Terri L. Richards

Recording Secretary



Medford City Council Study Session

Minutes

Excerpt from City Council Study Session on May 30, 2019
Medford Room, Medford City Hall
411 West 8th Street, Medford, Oregon

The Medford City Council Study Session was called to order at 6:00 p.m. in the Medford Room of Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearson, Kay Brooks (arrived at 6:30 p.m.), Tim D'Alessandro, Alex Poythress, and Kevin Stine

City Manager Brian Sjothun, Deputy City Attorney Eric Mitton, Deputy City Recorder Winnie Shepard

Councilmembers Dick Gordon, Eric Stark and Michael Zarosinski were absent.

Study Session reconvened at 6:55 p.m. with same members present.

Planner IV Sarah Sousa outlined proposed minor Code amendments regarding bicycle parking, supporting density and removing housing barriers. Staff sought input on these amendments from internal staff, Housing Advisory Commission, Planning Commission, Bicycle and Pedestrian Advisory Committee and Opticos Design, Inc.

Proposed changes to bicycle parking:

- Removing the requirement that bicycle parking had to be closer than the nearest automobile parking
- Requiring a bicycle parking diagram
- Providing bicycle rack standards

Proposed changes to building height measurement methods:

- Currently building height is determined from the peak and the eave to the ground. Proposed change to measure height from the top plate to the ground.
- For sloped properties, building height will be measured in both the front and rear. The greater elevation will apply for deterring the setback.

Proposed changes to the lot lines requirements for duplexes:

- Eliminating the requirement that a lot line divide a duplex in SFR-4 and SFR-6 zones.
- Reducing the minimum lot width for duplex lots in SFR-4 and SFR-6 zones.

Proposed change to remove restriction that limits attached housing to a one story home if it is within 20 feet of an SFR property. Building height is restricted to 35 feet for all residential zones, from single family to multi-family. Ms. Sousa provided an example that this restriction would not allow a two-story townhome within 20 feet of a detached single family home. A typical single family home requires a seven foot setback while that same size townhome would require a 20 foot setback. Staff proposed the same setbacks for buildings of the same height within the same zoning.

Proposed changes to multifamily residential standards in commercial zones:

- Revise to match setbacks and building height to the underlying commercial zone

Exhibit G

**Medford City Council Study Session Minutes
May 30, 2019**

- Commercial building height is 85 feet and typically has a 10' front setback

Proposed changes to the locational criteria for SFR-4 zoning to encourage density in specific areas:

- If 70% of the area proposed to be rezoned exceeds a slope of 12% or greater
- If it is within a wildfire hazard zone
- Property is not more than one gross acre in size
- If the property is within the Southeast Area Overlay

Mr. Brinkley advised that this revision would not eliminate existing SFR-4 zoning; it would apply to future zone changes only.

Proposed changes to SFR 10:

- Revise existing requirement that one parcel abutting the subject property is zoned SFR 10 to one parcel within 200 feet of the subject property is zoned SFR-10
- Revise the alternate requirement that the area to be re-zoned is five acres or larger to three acres or larger.

Ms. Sousa noted that properties located in commercial zones that were previously single family residences are allowed to convert use back and forth from single family use to commercial. Staff proposed additional changes to expand the non-conforming use:

- Eliminate the density requirement
- Eliminate the minimum square footage attributed to commercial versus residential use at a location

Mr. Brinkley stated that Planning will make revisions to density and zoning regulations as legally allowed and as Council directs. He also explained that there are pending state law changes which would allow quad-plexes within single family residence zoning.

There were no objections to considering these amendments on the July 18 agenda.

The meeting adjourned at 7:35 p.m.

Winnie Shepard, CMC
Deputy City Recorder



Planning Commission

Minutes

Excerpt From Study Session on **June 10, 2019**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

Mark McKechnie, Chair
Joe Foley, Vice Chair
David Culbertson
David McFadden
Bill Mansfield
E. J. McManus
Jared Pulver
Jeff Thomas

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Madison Simmons, Senior Assistant City Attorney
Sarah Sousa, Planner IV
Seth Adams, Planner III
Kyle Kearns, Planner II
Karl MacNair, Transportation Manager

Commissioners Absent

Patrick Miranda, Excused Absence

Subject:

20.1 DCA-19-001 Housekeeping Amendments

Sarah Sousa, Planner IV reported that she presented the 2019 Housekeeping and other regulatory code changes on April 22, 2019. Staff wanted to bring it back to quickly go over the changes since that meeting.

The housekeeping changes are mostly to fix code errors. While staff was making the code corrections they added code changes that address bike parking, promote density, and remove housing barriers.

Since the April 22nd study session staff presented the amendments to the Bicycle and Pedestrian Advisory Committee and to City Council at their May 30th study session.

The Commission was concerned that the previous proposal included language that bike parking must be **near** well used entrances. To be more clear and objective the 50 foot rule will remain of well used entrances. Staff is still proposing to eliminate the requirement that it has to be closer than the nearest automobile space.

There was concern with requiring certain types of bike racks as it might not allow more creative designs. Staff is now proposing language that requires that the racks provide two points of contact with the frame at least 6 inches apart and have a minimum height of 32 inches. Racks that meet those standards can be approved.

Ms. Sousa met with the Bicycle and Pedestrian Advisory Committee on May 13th and they are in support of these changes to bike parking.

At the Commission's study session there was concern about increasing the building height allowance for multifamily buildings in the Heavy Commercial zone. Staff feels this needs some more consideration before proceeding. This amendment has been taken off the list.

Staff is proposing to change the locational criteria for zone changes. In the SFR-4 zone, staff is adding locational criteria. Staff is seeing the need to keep this level of density in areas such as in the wildfire hazard zone as well as properties that have steeper slopes. This will encourage density in more appropriate areas while protecting areas with constraints. In keeping this zoning in place, one of these criterions would have to be met in order to obtain SFR-4 zoning in the future:

- If at least 70% of the area proposed to be rezoned exceeds a slope of 13% or greater:
- If area to be rezoned is within a wildfire hazard zone;
- If the property to be rezoned is not more than one gross acre in size; or
- If the property to be rezoned is within the Southeast Area Overly

The Commission brought up a concern with how this would affect the Southeast area. The properties in the Southeast are still eligible for the SFR-4 zoning if it is consistent with the Southeast Plan.

In SFR-10, staff is looking to eliminate the requirements that at least one parcel must abut another property zoned SFR-10 in order to obtain that zoning. Staff is proposing to allow it if at least one parcel is zoned SFR-10 within 200 feet of the subject property. In addition, the current language allows SFR-10 zoning if the area is five acres or larger. Staff is proposing to reduce that threshold to 3 acres. Staff wants to make the SFR-10 zone easier to obtain because not only does it encourage more density, it allows a mix of housing types and the City want to encourage that.

Commissioner Mansfield asked, why not eliminate the requirement? Ms. Sousa responded that at the study session with City Council on May 30th, the Council questioned why the density changes staff is proposing does not go further. Based on the Council's feedback, staff would like to get the Commission's opinion on three options to make the SFR-10 zone easier to obtain.

1. Remove all locational criteria for SFR-10 zone; or
2. Reduce the locational criteria to allow the SFR-10 zone if property is within 200 feet OR one acre or more; or
3. Keep the current proposal. If the property is within 200 feet OR 3 acres in size.

Last time Ms. Sousa went over the proposal to remove the requirement that duplexes have to be divided by a lot line in the SFR-4 and SFR-6 zones. Duplexes are allowed already in those zones but each unit has to be on an individual lot, which requires a land division. Staff proposes to remove the additional regulation in order to simplify the process. Staff is also proposing to allow duplexes in the SFR-4, SFR-6 and SFR-10 zones if the lot meets the lot range requirements, without having to meet the minimum density.

This will go to the Planning Commission hearing on June 27 and to the City Council hearing on July 18th.

Chair McKechnie asked, what has staff done with the revised bike rack standards? Ms. Sousa reported that the bike racks provide two points of contact with the frame at least 6 inches apart and have a minimum height of 32 inches.

Chair McKechnie asked, didn't staff say the bike racks could not be any further than the accessible spaces? Ms. Sousa stated no. The current language is that bike parking has to be closer than the nearest automobile space. Chair McKechnie asked, what is changing? Ms. Sousa reported that staff is eliminating that language and keeping that it has to be 50 feet of well used entrances. Chair McKechnie suggested 100 feet of well used entrances.

Commissioner McFadden commented that for the bike rack to be near the front entrance is for security.

Commissioner McKechnie asked, what is the reason you are taking out the building height allowance in Heavy Commercial to 55 feet for multifamily buildings? Ms. Sousa reported that the Commission has concerns and staff felt it needs more consideration before proceeding.

Commissioner Pulver does not know if it is staff, Council or both that are pushing hard to increase density. If currently the target is 6.6 there is a limited ability to do SFR-2. SFR-4 is the only one that is effectively below that standard. It is eliminating every residential zone that is below that. It does not allow the average, it will exceed it. It is his opinion that he does not think citizens are pushing for. He does not think it solves the affordability problem everyone wants to push. He is opposed to this entirely. He does not understand why it is necessary. If the market is there for SFR-4 putting additional restrictions is ridiculous.

Commissioner Mansfield suggested instead of the public demand being considered maybe educating the public as to why density is in the public interest. Maybe education for the Planning Commission as to why density is in the public interest as well.

Commissioner Pulver is not opposed to density in concept but he does not think SFR-4 are luxurious lots. By the time sidewalks, utility easements and the like are put on a lot for a single story home there is not much lot left.

Commissioner Thomas agrees that there needs to be more density. He thinks it is moving too fast. Staff talks about from 5 acres to 3 acres. That makes sense. The next conversation is get rid of it all together. If staff is wanting the community to buy into what is being done it makes sense to educate. There needs to be thought where the density goes to affect affordable housing. Getting rid of the standard without doing any education does not serve the purpose.

Commissioner McFadden does not know if he is against abutting properties in SFR-10. Not that they should all go on arterial streets but has it been analyzed where they should be located?

Chair McKechnie agrees with Commissioner Pulver. He is concerned this is doing a bunch of spot zoning without thought as to where density should be. There should be criteria where SFR-10 should go. It makes no sense to him that a parcel being rezoned needs to abut SFR-10. He is not sure 200 feet makes it better. He likes the area to be rezoned is three acres or larger. MFR-30 should be abutting a major collector or major arterial.

Commissioner Foley commented that the Planning Commission has discussed medium density. It makes more sense to put SFR-10 and MFR-15 together and call it medium density. There needs to be more planning where these are grouped. With this approach he can see staff will get a lot of pushback on infill.

Abutting makes sense to Commissioner McFadden because it is together and not impacting the older single family or historic ones around it.

Carla Paladino, Principal Planner wanted to make sure the Commissioners understand that there is an urban residential GLUP designation that allows for all the SFR zones. SFR-10 is lumped into that UR. SFR-10 allows single family, duplex and townhouses. On occasions multifamily (three or more attached) are seen in this zoning district. She is concerned that the Commission is over stating the density for SFR-10, when it is 10 units per acre, it not a huge amount. Being able to do different housing types is what staff is talking about. She feels they are mixing the multifamily standard, which is big apartment complexes, with what is happening in SFR-10.

In terms of 3 or more units the Commission and Council adopted interim residential standards for multifamily. Staff is protecting the look and feel of those neighborhoods with design and placement. They are incrementally making changes but hopefully making those neighborhoods livable. There is 58% of urban residential land in SFR-4. It is not going to keep hitting density targets in the future by continuing to go to SFR-4. SFR-4 now can and will stay. Where people want to change zones, staff is giving them flexibility and making sure the eastside in the high hazard zones are protected.

Kelly Evans, Assistant Planning Director reported that this is permissive, it is not a requirement. Currently, the code is structured that SFR-4 is the default zone in the UR GLUP designation. It has to be contiguous with 6 or 10 in order to get SFR-6 or SFR-10.

Commissioner Pulver commented that there is no longer a requirement to be adjacent to SFR-6. He does not believe the statement of SFR-4 being the default zone is true. Ms. Evans stated that SFR-6 was also a default zone. It was recently changed.

Commissioner Pulver asked, wasn't the figure at 6.8 when the studies were done as part of the UGB expansion? Ms. Paladino responded that is overall density. In 2036 it will be 7.6. Commissioner Pulver commented that every piece of land in urban reserve being brought into the UGB will have a requirement to hit that density mark. That will not be an issue. All they are talking about is infill projects. Ms. Paladino reported that the Regional Plan states that the entire City meets the 6.6.

Commissioner McManus is not confident of the removal of the locational criteria for SFR-6. When was the last time the Planning Commission and the City Council had a joint study session. He is not comfortable with the education internally. He thinks it is being done subjectively. Ms. Paladino commented that the last study session with the City Council was last September. Staff tries to hold them annually. Commissioner McManus would like a study session with Council on density.

Chair McKechnie's thoughts are to keep the 3 acre requirement. Skip the locational one but he thinks it ought to be between 200 to 500 feet of a major collector street for SFR-10.

Ms. Paladino stated that when bringing this forward to the Planning Commission on June 27th there will be three options.

Commissioner Pulver did not understand the information on duplexes. Is the idea that a standard lot in whatever zone it is, one can build a duplex and the lot does not need to be bigger than it would if it were a single family residential lot? Ms. Paladino replied yes. Commissioner Pulver has two concerns. One, a duplex on a single lot, particularly in SFR-10, could be tight. Second, it would be better if the duplexes were on separate lots. It would give the ability for ownership.

Commissioner McFadden asked, if a duplex is split by a property line can one build an ADU on both sides? Staff answered yes. Commissioner McFadden asked, if they are on the same lot, on both sides, one side? The answer to all three questions was no.

PLANNING COMMISSION MINUTES



MEDFORD
OREGON

Excerpt From Public Hearing on June 27, 2019

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Joe Foley, Vice Chair
David Culbertson
Bill Mansfield
David McFadden
E.J. McManus
Jared Pulver
Jeff Thomas (left at 7:44 p.m.)

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Doug Burroughs, Development Serv. Mgr.
Steve Parks, Deputy Fire Marshal
Terri Richards, Recording Secretary
Liz Conner, Planner II
Sarah Sousa, Planner IV
Kyle Kearns, Planner II
Seth Adams, Planner III

Commissioners Absent

Patrick Miranda, Excused Absence
Mark McKechnie, Chair, Excused Absence

50.5 DCA-19-001 An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC) to make housekeeping corrections and other changes related to housing and density. Applicant: City of Medford; Planner: Sarah Sousa.

Sarah Sousa, Planner IV reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Sousa gave a staff report. There are three options the Planning Commission needs to consider:

- 1) Remove all locational criteria for the SFR-10 zone; or
- 2) Reduce the locational criteria to allow the SFR-10 zone if a property is within 200 feet or if one acre or more (current requirement is abutting or 5 acres); or
- 3) Keep current proposal to allow SFR-10 zone if another property is within 200 feet of if the property is 3 acres or more.

Commissioner McFadden asked, does staff expect an answer on the three options this evening or is it something in the future? Ms. Sousa stated that staff would like the Planning Commission to choose one of the options to include with their recommendation to the City Council.

Commissioner Mansfield stated that it was clear from the study session that the Commission is not unanimous on the locational requirements for SFR-10. Someone needs to make a motion then discussion. Vice Chair Foley reported they need to have discussion first, open the public hearing then they can get to Commissioner Mansfield's statement. Vice Chair Foley agrees there has been dissension and there needs to be discussion.

Exhibit I

The public hearing was opened.

a. Jay Harland, 4497 Brqwnridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Harland repogted that if at least 70% on SFR-4 of the area proposed to be rezoned exceeds a slope of 12% or greater the 70% is high. Mr. Harland suggested adding 50% "or as approved in a neighborhood plan".

The public hearing was closed.

Main Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are satisfied or not applicable, initiates the amendment and forwards a favorable recommendation for approval of DCA-19-001 to the City Council per the staff report dated June 20, 2019, including Exhibits A through H, for the locational criteria for SFR-10 recommends Option 3 and the locational criteria for SFR-4 area be reduced from 70% to 50%.

Moved by: Commissioner McFadden

Seconded by: Commissioner Thomas

Commissioner Pulver recommended to eliminate all locational criteria being proposed for SFR-4. SFR-4 is an important zone. With the urbanization plans he proposes some of the locational criteria of MD-2 be eliminated to allow creativity. Still requiring the density requirement.

Commissioner Pulver proposed tabling the locational criteria for SFR-10. They have discussed moving SFR-10 into medium density classification and GLUP.

Commissioner Pulver stated that the duplex maximum density table Code Sections 10.309 and 10.310 allowing double density is excessive. He believes 1.5 times the maximum makes more sense.

Commissioner Pulver does not want to go in contrast with the Fire Department but the setback issue related to daylight basement homes using the back measurement seems excessive. The middle makes more sense. It is a safety issue and if the home builders agree then he is good with that.

Commissioner Pulver does not think detached duplexes should be permitted.

Amended Motion #1: Amend the main motion for the SFR-10 locational criteria by substituting Option 3 with Option 1.

Moved by: Commissioner Mansfield

Seconded by: Commissioner Pulver

Commissioner McFadden asked, are Options 1 and 3 opposite Option 2 in the SFR-10 locational criteria? He is not sure all areas should be opened for SFR-10. He does not like separating SFR-10. He cannot look at the three Options and figure out which one is the better answer.

Commissioner Pulver asked, does the current code read that a parcel has to abut SFR-10 and has to be 5 acres or greater? Ms. Sousa replied that it has to be one or the other of those two.

Commissioner Mansfield stated that his reason for selecting Option 1 instead of Option 3 is that it will advance the cause of increasing density.

Commissioner Culbertson thinks there could be an Option 4 that retain the code as it is. Reject all three options.

Ms. Sousa reported that another option would be to keep the abutting rule but reduce the acreage.

Roll Call Vote on Amended Motion #1: Motion failed, 1-6-0 with Commissioner Culbertson, Commissioner McFadden, Commissioner McManus, Commissioner Pulver, Commissioner Thomas and Vice Chair Foley voting no.

Commissioner Thomas asked, is it possible to make a motion to have no recommendation on the SFR-10 locational criteria Options to the City Council especially if there really is no agreement or if trying to put something together quickly. Mr. Mitton reported that is possible. There could be a motion to amend to remove any recommendation number and state the Planning Commission is moving it forward providing no feedback on the three options.

Commissioner Thomas has concerns with a motion on the fly without a lot of thought.

Commissioner Pulver does not know what the rest of the Commissioner's think. He would not mind if each Commissioner commented where they stand to see if there is any consensus. Mr. Mitton replied that is discussion and then the Commission could decide the motion to amend.

Commissioner McManus commented that he is not comfortable forwarding a favorable recommendation. As a collective body they need to understand where the goals are being met as a City regarding density.

Commissioner Thomas is not clear what direction the City Council wants from the Planning Commission to hit density goals and targets moving forward.

Vice Chair Foley is comfortable with Option 3. It is close to what is current. He likes the suggestion from Mr. Harland relating to SFR-4 allowing discussion on the new lands coming in and the density discussion around that. Making the SFR-4 criteria easier to manage than what was presented to the Commission. His suggestion had a lot of merit.

Commissioner McFadden would like more information on this before making a decision.

Commissioner Pulver commented that it needs more study. He is going with no recommendation on this particular portion of the proposed amendments.

Commissioner Culbertson is in favor of keeping the code the way it is currently. His concern is that if the Commission forwards a favorable recommendation to the City Council without a resolution on this portion they can pick and choose. It is either the Planning Commission does not forward a favorable recommendation and send it back to and come up with a good resolution or figure out some way to come up with a criteria that is acceptable to the Body. He is in favor of keeping the code the way it is and reducing the number of acreage that needs to go in.

Commissioner Mansfield has nothing further to add.

Chair Foley asked, is it correct that no matter what the Planning Commission does this evening this will be scheduled on the City Councils agenda whether they forward a favorable or unfavorable recommendation?

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Commissioner McFadden commented that there are other items besides the SFR-4 and SFR-10 issues.

Amended Motion #2: Make no changes to the SFR-10 locational criteria.

Moved by: Commissioner Pulver

Seconded by: Commissioner Culbertson

Roll Call Vote on Amended Motion #2: Motion failed, 3-4-0, with Commissioner Mansfield, Commissioner McManus, Commissioner Thomas and Vice Chair Foley voting no.

Amended Motion #3: Option 5 for the SFR-10 locational criteria is decrease the required acreage to 3 acres but require the property to abut another SFR-10 zone property.

Moved by: Commissioner Pulver

Seconded by: Commissioner Culbertson

Roll Call Vote on Amended Motion #3: Motion passed, 5-2-0, with Commissioner McManus and Commissioner Thomas voting no.

Amended Motion #4: Do not move forward with the locational criteria for SFR-4.

Moved by: Commissioner Pulver

Seconded by: Commissioner McFadden

Roll Call Vote on Amended Motion #4: Motion passed, 6-1-0, with Vice Chair Foley voting no.

Amended Motion #5: Sections 10.309 and 10.310 that the maximum density factors be decreased for SFR-4 from 8 to 6, SFR-6 from 12 to 9 and SFR-10 from 20 to 15. Instead of multiplying the maximum by a factor of 2 it is maximum of 1.5.

Moved by: Commissioner Pulver

Seconded by: Commissioner Culbertson

Commissioner Pulver's intent is recognizing they are smaller units. Double the maximum is an excessive strain on the zones.

Commissioner McManus asked Commissioner Pulver is the reduction in the unit and everything else is the same and he is fine with that? Commissioner Pulver shook his head yes.

Roll Call Vote on Amended Motion #5: Motion passed, 6-1-0, with Commissioner Mansfield voting no.

Amended Motion #6: Section 10.713 Duplex Dwellings there was an added detached dwelling section that should be stricken. He does not think that detached dwellings are the same thing as a duplex. It should not be allowed.

Moved by: Commissioner Pulver

Seconded by: None

Ms. Sousa commented that it was moved from the base of the table into the main body. The current language in the code allows two detached dwelling units in lieu of a duplex on an individual lot.

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June 27, 2019

Commissioner McFadden asked, it that an extension of the cottage housing? Ms. Sousa reported it is existing language. In SFR-10 if meeting the current density for two units they do not have to have an attached duplex they can have two detached homes.

Mr. Mitton reported that the key difference with cottage housing is this is describing two structures on a single lot owned by a single owner. Cottage housing has the possibility for separate ownership.

Mr. Mitton stated that this particular provision is not new it is moving a footnote to the main body. It is already in the code. Removing it from the code is not on the table. It has not been noticed to the public.

Mr. Mitton restated the current motion on the table. That based on the findings and conclusions that all of the applicable criteria are satisfied or not applicable, initiates the amendment and forwards a favorable recommendation for approval of DCA-19-001 to the City Council per the staff report dated June 20, 2019, including Exhibits A through H, for the locational criteria for SFR-10 Option 5 is recommended that decreases the acreage to 3 acres but maintains the abutting requirement as opposed to a distance requirement; the zone change locational requirements for SFR-4 be removed; Sections 10.309 and 10.310 the maximum density factors will be 1.5 times not 2 times so for SFR-4 it changes to 6, SFR-6 it changes to 9 and SFR-10 it changes to 15.

Roll Call Vote on the Main Motion: Motion passed, 7-0-0.

Submitted by:

Terri L. Richards
Recording Secretary

Joe Foley
Planning Commission Vice-Chair

Approved: July 11, 2018



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning Department

PHONE: (541) 774-2380

STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Consent Calendar

MEETING DATE: August 15, 2019

COUNCIL BILL 2019-92

A RESOLUTION establishing a public hearing date for the vacation of excess right-of-way for the Larson Creek Trail on a parcel located at 816 Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (SV-19-046).

SUMMARY AND BACKGROUND

Council is requested to consider a resolution establishing a public hearing date for the vacation of excess right-of-way for the Larson Creek Trail on a parcel located at 816 Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (SV-19-046).

PREVIOUS COUNCIL ACTIONS

On November 21, 2013, the City Council adopted Council Bill 2013-164, authorizing the taking permanent easements by eminent domain action to acquire needed property for the Larson Creek Trail Improvement Project between the existing Bear Creek Greenway to Ellendale Drive.

On November 20, 2014, the City Council approved Council Bill 2014-139, authorizing execution of Intergovernmental Agreement No. 30143 with the Oregon Department of Transportation (ODOT) for a grant in the amount of \$217,000. The purpose of the grant was to construct approximately 3,500 feet of multi-use asphalt trail for the Larson Creek Trail Segment II between Ellendale Drive and Black Oak Drive.

On January 17, 2019, the City Council adopted Council Bill 2019-05, awarding a construction contract to JRT Construction for the construction of Larson Creek Trail Segment II improvements from Ellendale Drive to Black Oak Drive.

ANALYSIS

Development of the Larson Creek Trail corridor was established as a priority in the Medford Transportation Plan in 2003. Larson Creek Trail is intended to provide an alternative pedestrian and bicycle route parallel to Barnett Road.

Through negotiations with the property owner, St. Mary's of Medford, Inc., the City of Medford agreed to vacate the existing dedication area of the second segment of the Larson Creek Trail project that was acquired for the original path layout through the subject parcel in lieu of a new permanent easement for the revised path location. The new layout will allow for smoother curve radii and better path geometry. As of the beginning of July, construction was about 60% complete and path paving was scheduled to begin at the end of August.

The applicant has requested that the Council initiate the Vacation process for the right-of-way as provided in MLDC 10.228(C) and ORS 271.130.



FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the resolution as presented.

Modify the resolution as presented.

Decline to approve the resolution as presented and direct staff regarding further action.

STAFF RECOMMENDATION

Staff recommends approval of the resolution, setting the public hearing date of September 19, 2019.

SUGGESTED MOTION

I move to approve the resolution setting the public hearing date of September 19, 2019.

EXHIBITS

Resolution

Applicant's Findings of Fact

Applicant's letter to City Council requesting initiation of the vacation

Legal description of the area to be vacated

Assessor's Map of the area to be vacated

Permanent Easement and map showing new location of trail segment

Vicinity Map

RESOLUTION NO. 2019-92

A RESOLUTION establishing a public hearing date for the vacation of excess right-of-way for the Larson Creek Trail on a parcel located at 816 Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (SV-19-046).

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

That a public hearing date shall be established for the vacation of excess right-of-way for the Larson Creek Trail on a parcel located at 816 Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district (SV-19-046).

PASSED by the Council and signed by me in authentication of its passage this _____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

BEFORE THE CITY COUNCIL FOR THE CITY OF MEDFORD,
JACKSON COUNTY, OREGON

FINDINGS OF FACT:

APPLICANT: City of Medford
411 W. 8th St.
Medford, Or. 97501

RECEIVED
JUN 19 2019
PLANNING DEPT.

PURPOSE OF APPLICATION:

The Larson Creek Trail Segment II Improvements were approved by the City of Medford City Council on November 20, 2014.

The overall purpose of the project is to provide an alternate pedestrian and bicycle route parallel to Barnett Road. Barnett Road right-of-way is limited in width, constrained by utility poles, and is predominantly developed. It is cost prohibitive to add bicycle lanes to the existing facility. A multi-use trail that links the Bear Creek Greenway (at the west end) to neighborhoods along Larson Creek and eventually North Phoenix Road (at the east end) was proposed in lieu of bike lanes along Barnett Road. The project will provide a safer, off-street travel alternative for bicycling and walking that maintains connections to key destinations within the community. Development of the trail corridor was established as a priority in the Medford Transportation Plan (TSP) in 2003.

Subsequent recommendations by the Medford Bicycle Advisory Committee confirmed the corridor as a high priority project and noted its importance as a non-motorized alternative to Barnett Road. In 2007, the City completed the Larson Creek Multi-Use Path Route Assessment which serves as the Master Plan for the project. The City completed the first segment of the trail (Bear Creek Greenway to Ellendale Drive) in 2014 and in 2015 began work for the second segment (Ellendale Drive to Black Oak Drive).

Through negotiations with St. Mary's of Medford Inc. the City of Medford agreed to vacate the existing dedication area for the Larson Creek Trail Segment II that was acquired for the original path layout through the St. Mary's property in lieu of a new permanent easement for the revised path location.

Attachments:

- Exhibit 1: Vicinity Map to Scale (1"=100').
- Exhibit 2: Legal Description of area to be vacated.
- Exhibit 3: Assessor's Map of the area to be vacated showing abutting and affected properties.
- Exhibit 4: A map identifying the required notification area along with typed mailing labels for each of the property owners within the notification area.
- Exhibit 5: A letter to the City Council, with exhibits, requesting initiation of the vacation.

APPLICABLE CRITERIA:

In order to approve a Vacation of a Public Right-of-Way, the applicant must submit findings addressing Section 10.228 of the Land Development Code. A review of Section 10.228(E) indicates that an application for a Vacation must contain the following:

- (1) A vicinity map drawn to scale identifying the proposed area of vacation.
- (2) Legal Description of the area to be vacated.

CITY OF MEDFORD
EXHIBIT #
File # SV-19-046

- (3) Assessor's Map of area to be vacated.
- (4) Findings of Facts that address the approval criteria in Section 10.228(D), Vacation Criteria.
- (5) Typed mailing labels for each property owner within 200-feet of the site.
- (6) A letter to the City Council requesting initiation of the vacation.

APPLICABLE CRITERIA:

Section 10.228(D) provides that the approving authority (City Council) shall only approve a request for a vacation if it finds that the vacation complies with subsections (1) and (2) or (3) below:

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
- (2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
- (3) If initiated by the Council, the applicable criteria found in ORS 271.130.

10.228(D)(1):

As the dedicated path area under consideration for vacation is not a public street right of way or alley right of way, the proposed vacation will have no effect on the Transportation System Plan.

10.228(D)(2):

Not applicable

10.228(D)(3):

Along with this application for dedication vacation, the applicant submitted a letter to the City Council, with exhibits, requesting initiation of the vacation per (MLDC) Section 10.228(C) and ORS 271.130. The application must therefore demonstrate compliance with the applicable criteria found in ORS 271.130, as follows:

- (1) Notice has been provided per ORS 271.110.
 - (2) The owners of a majority of the area affected have not objected in writing.
 - (3) For street vacations, the consent of the owners of all abutting properties must be obtained if the vacation will substantially affect the market value of such property.
- (1) Along with this vacation application, the applicant has provided a map indicating the required notification area along with the names and addresses of property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet of the site, including map and tax lot numbers typed on mailing labels, as required on the City application form and MLDC Section 10.228(E)(5). With this information, and by following its own rules for noticing of hearings, the City has met the noticing requirements of ORS 271.110.
 - (2) The noticing required by ORS 271.110 provides an opportunity for affected property owners to participate in the public hearing process for the proposed vacation and to submit letters in opposition to the proposed vacation should they so choose. As of the date of these findings the applicant is unaware of any opposition to the proposed vacations.
 - (3) As the proposed vacation is for a dedication and not for street right of way it is not expected to in any way affect the market value of abutting properties.

APPLICABLE CRITERIA:

In order to approve a request for vacation of the dedicated path area, the City Council must find that the applicant has made the requisite findings for a vacation. A review of the application and the above Findings of Fact with the supporting documentation attached, demonstrates that this application complies with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan; and since the vacation has been initiated by the Council, the application also complies with the applicable criteria found in ORS 271.130.

With this in mind, the applicant respectfully requests that the City of Medford vacate the existing dedication of path area as shown in the attached exhibits.

Sincerely,

Kenneth Parducci
CITY OF MEDFORD / PUBLIC WORKS ENGINEERING

May 9, 2019

Medford City Council
C/O City of Medford Planning Dept.
City of Medford
200 S. Ivy St.
Medford, OR. 97501

RECEIVED
JUN 19 2019
PLANNING DEPT.

RE: Request City Council initiate vacation process with St. Mary's of Medford Inc. for an existing dedication area for the Larson Creek Trail Segment II

Through negotiations with St. Mary's of Medford Inc. the City of Medford agreed to vacate an existing dedication area for the Larson Creek Trail Segment II that was acquired for the original path layout through the St. Mary's property in lieu of a new permanent easement for the revised path location.

The existing dedication area has been shown to be unnecessary and we request that the Council initiate the vacation process as provided for in Medford Land Development Code (MLDC) Section 10.228(C) and Oregon Revised Statute (ORS) 271.130.

Sincerely,

Kenneth Parducci
CITY OF MEDFORD / PUBLIC WORKS ENGINEERING

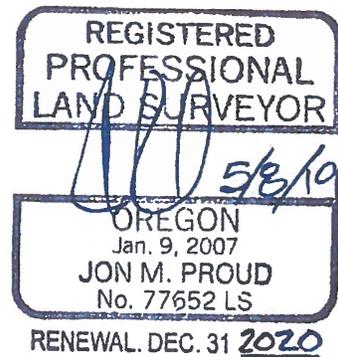
CITY OF MEDFORD
EXHIBIT #
File # SV-19-046

RECEIVED
JUN 19 2019
PLANNING DEPT.

EXHIBIT "A"

Description sheet for a tract of land to be vacated
M653 Larson Creek Trail 2
371W32AA within tax lot 400
R/W # 7593 (cross reference R/W #'s 5091, 7528)

All that Real Property dedicated to the City of Medford, a municipal corporation of the State of Oregon for public pedestrian and bicycle access way purposes as described in Jackson County Official Records as document number 2011-034199, recorded November 3, 2011.



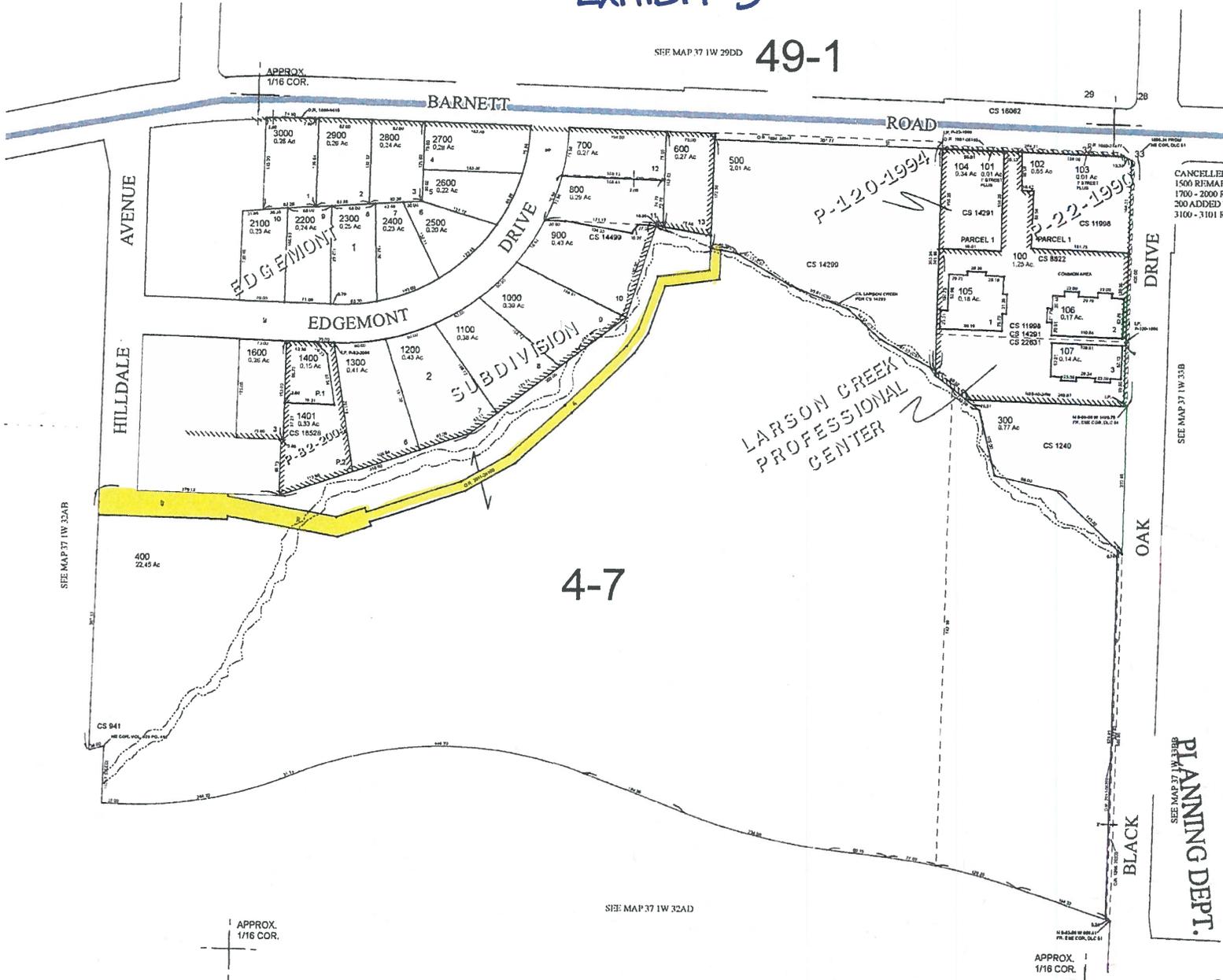
FOR ASSESSMENT AND TAXATION ONLY

N.E. 1/4 N.E. 1/4 SEC. 32 T. 37S. R. 1W. W.M.
JACKSON COUNTY
1" = 100'

37 1W 32AA
MEDFORD

EXHIBIT 3

SRR MAP 37 1W 29DD 49-1



CANCELLED TAX LOT NUMBERS
1500 REMAPPED TO 371W32AB
1700 - 2000 REMAPPED TO 371W32AB
200 ADDED TO 100
3100 - 3101 REMAPPED TO 371W32AB

RECEIVED
JUN 19 2019
PLANNING DEPT.
SEE REF. MAP 37 1W 31B

37 1W 32AA
MEDFORD
NEW MAP October 12, 2018
REV December 3, 2018

Assessors Map - Page 1 of 1

Page 141

CITY OF MEDFORD
EXHIBIT #
SV-19-046

GIS DATA
02/01/2019 1:03:50 PM
boudhann



01841310201900011210040044

I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Christine Walker - County Clerk

CITY OF MEDFORD
R/W #7528

PERMANENT EASEMENT

St. Mary's of Medford Inc., does hereby grant unto the City of Medford, a municipal corporation of the State of Oregon, a permanent easement to construct a path and maintain slopes, upon, over, under, and across the following described property:

PARCEL 1 – Permanent Easement (See attached Exhibit A, which is incorporated by this reference)

It is understood that the permanent easement herein granted does not convey any right, or interest in the above described Parcel 1, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way, as granted herein above. It is also understand that Grantor shall not place or erect any buildings or structures upon the easement area without the written consent of the Grantee.

The true and actual consideration for this dedication is \$0.00 and further valuable consideration in conjunction with the Larson Creek Trail Improvements Project Segment II (Ellendale Dr. to Black Oak Dr.) (M653) located at 371W32AA TL400 in Medford, Oregon, 97504.

IN WITNESS HEREOF, signed this 16TH day of NOVEMBER, 2018



[Signature]
St. Mary's of Medford Inc.

STATE OF OREGON
(County of Jackson) ss.

On the 16 day of November, 2018, personally appeared before me Frank Phillips, and acknowledged the foregoing instrument to be their voluntary act and deed.

[Signature]
Notary Public



EXHIBIT A

M653 LARSON CREEK TRAIL 2
CITY OF MEDFORD
371W32AA
T.L. 400
R/W# 7528

A PARCEL OF LAND LYING IN THE NORTHEAST 1/4 OF SECTION 32, TOWNSHIP 37 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON AND BEING A PORTION OF THAT REAL PROPERTY DESCRIBED IN THE DEED TO ST. MARY'S OF MEDFORD, INC., RECORDED FEBRUARY 26, 2015 AS INSTRUMENT NUMBER 2015-005474 OF THE JACKSON COUNTY OFFICIAL RECORDS, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PARTITION PLAT P-25-2002; THENCE N 88°23'01" W A DISTANCE OF 60.29 FEET ALONG THE SOUTH LINE OF HILLDALE AVENUE TO THE NORTHWEST CORNER OF SAID INSTRUMENT NUMBER 2015-005474 AND THE POINT OF BEGINNING; THENCE ALONG THE NORTHERLY LINE OF SAID INSTRUMENT NUMBER 2015-005474 AND THE SOUTHERLY LINE OF PARTITION PLAT P-25-2002, S 88°23'01" E (EAST PER PARTITION PLAT P-25-2002) A DISTANCE OF 279.41 FEET; THENCE LEAVING SAID NORTH LINE OF INSTRUMENT NUMBER 2015-005474 AND THE SOUTH LINE OF PARTITION PLAT P-25-2002, S 30°36'14" E A DISTANCE OF 17.51 FEET; THENCE S 79°44'36" E A DISTANCE OF 84.11 FEET; THENCE N 60°02'56" E A DISTANCE OF 9.18 FEET; THENCE N 73°12'37" E A DISTANCE OF 92.96 FEET; THENCE N 80°58'29" E A DISTANCE OF 91.25 FEET; THENCE N 63°48'11" E A DISTANCE OF 51.59 FEET; THENCE N 46°47'05" E A DISTANCE OF 208.35 FEET; THENCE N 39°27'05" E A DISTANCE OF 31.11 FEET; THENCE N 52°21'41" E A DISTANCE OF 70.51 FEET; THENCE N 62°32'23" E A DISTANCE OF 27.62 FEET; THENCE N 29°18'10" E A DISTANCE OF 16.43 FEET; THENCE N 53°12'26" E A DISTANCE OF 37.05 FEET; THENCE N 62°45'03" E A DISTANCE OF 41.02 FEET; THENCE N 84°56'28" E A DISTANCE OF 55.18 FEET; THENCE S 85°11'56" E A DISTANCE OF 36.64 FEET; THENCE N 70°57'12" E A DISTANCE OF 46.13 FEET, TO THE NORTH LINE OF SAID INSTRUMENT NUMBER 2015-005474 BEING THE CENTERLINE OF LARSON CREEK AS SURVEYED PER SURVEY NUMBER 14299; THENCE ALONG THE CENTERLINE OF LARSON CREEK AS SURVEYED PER SURVEY NUMBER 14299, S 59°46'58" E (S 61°23'51" E PER SURVEY NUMBER 14299) A DISTANCE OF 0.18 FEET; THENCE S 68°04'46" E (S 69°41'39" E PER SURVEY NUMBER 14299) A DISTANCE OF 24.20 FEET; THENCE LEAVING SAID LARSON CREEK, S 70°57'12" W A DISTANCE OF 54.52 FEET; THENCE S 01°17'48" W A DISTANCE OF 5.36 FEET; THENCE S 86°50'19" W A DISTANCE OF 20.22 FEET; THENCE N 81°20'21" W A DISTANCE OF 33.04 FEET; THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD TO WHICH BEARS S 85°06'30" W 22.22 FEET) A DISTANCE OF 22.41 FEET; THENCE S 72°16'16" W A DISTANCE OF 60.12 FEET; THENCE ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT (THE CHORD TO WHICH BEARS S 55°36'24" W 28.68 FEET) A DISTANCE OF 29.08 FEET; THENCE S 38°56'32" W A DISTANCE OF 14.06 FEET; THENCE ALONG THE ARC OF A 90.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD TO WHICH BEARS S 42°45'23" W 11.97 FEET) A DISTANCE OF 11.98 FEET; THENCE S 46°34'13" W A DISTANCE OF 74.94 FEET; THENCE ALONG THE ARC OF A 110.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT (THE CHORD TO WHICH BEARS S 55°46'31" W 35.19 FEET) A DISTANCE OF 35.34 FEET; THENCE S 57°51'31" W A DISTANCE OF 28.64 FEET; THENCE S 46°47'05" W A DISTANCE OF 207.17 FEET; THENCE S 63°13'44" W A DISTANCE OF 38.05 FEET; THENCE S 79°00'41" W A DISTANCE OF 101.56 FEET; THENCE S 65°27'26" W A DISTANCE OF 64.47 FEET; THENCE S 54°48'22" W A DISTANCE OF 30.44 FEET; THENCE N 59°59'14" W A DISTANCE OF 25.65 FEET; THENCE N 79°44'36" W A DISTANCE OF 86.99 FEET; THENCE S 45°23'32" W A DISTANCE OF 18.98 FEET; THENCE N 79°44'36" W A DISTANCE OF 55.56 FEET; THENCE N 88°23'01" W A DISTANCE OF 217.54 FEET, TO A POINT ON THE WEST LINE OF SAID INSTRUMENT NUMBER 2015-005474; THENCE ALONG SAID WEST LINE N 01°36'59" E A DISTANCE OF 40.00 FEET, TO THE POINT OF BEGINNING.

THIS PARCEL OF LAND TO WHICH THIS DESCRIPTION APPLIES CONTAINS 31,956 SQUARE FEET, MORE OR LESS.

BEARINGS BASED ON OREGON STATE PLANE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM (NAD) 83(2011) EPOCH 2010.

THE GRAPHIC DEPICTION OF THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" ATTACHED HERETO.

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	29.08'	50.00'	33°19'44"	S 55°36'24" W	28.68'
C2	11.98'	90.00'	7°37'41"	S 42°45'23" W	11.97'
C3	35.34'	110.00'	18°24'36"	S 55°46'31" W	35.19'

- LEGEND**
-  PATH EASEMENT (AREA DESCRIBED IN EXHIBIT A)
 -  JACKSON COUNTY OFFICIAL RECORDS
 -  PROPERTY LINE
 -  DESCRIBED EASEMENT LINE

EDGE MONT
SUBDIVISION

EDGE MONT
SUBDIVISION

SEE SHEET 1

371W32AA TL400
JCOR 2015-005A-7A

LENGTH 22.41'
RADIUS 50.00'
DELTA 25°40'28"
BEARING S 85°06'30" W
CHORD 22.22'



CITY OF MEDFORD - SURVEYING DEPARTMENT			
EXHIBIT "B"			
M-653 LARSON CREEK TRAIL 2			
PATH EASEMENT			
WRITTEN DESCRIPTION ATTACHED AS EXHIBIT "A"			
DRAWN BY:	SPM	DATE	10-30-18
CHECKED BY:	JP	DATE	10-30-18
			PROJECT NO
			M-653
			SHEET NO.
			2 OF 2

371W32AA TL 400



Project Name:

City of Medford

Map/Taxlot:

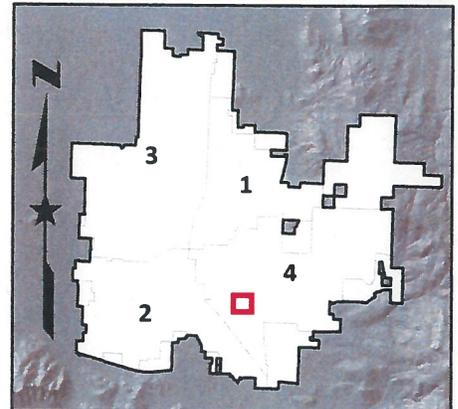
371W32AA



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

07/05/2019





AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Public Works Director

AGENDA SECTION: Consent Calendar
MEETING DATE: August 15, 2019

COUNCIL BILL 2019-93

AN ORDINANCE authorizing a contract with Univar Solutions for supply and delivery of sodium hypochlorite and sodium bisulfite, in the amount of \$193,200.00, for use at the Regional Water Reclamation Facility.

SUMMARY AND BACKGROUND

Council is requested to consider approval to award a one year contract in the amount of \$193,200.00 to Univar Solutions to supply and deliver sodium hypochlorite and sodium bisulfite at the Regional Water Reclamation Facility (RWRF) under the special procurement rules outlined in ORS 279B.085.

The City's National Pollutant Elimination System (NPDES) Permit issued by the Oregon Department of Environmental Quality requires water be disinfected prior to discharge to the Rogue River and the RWRF meets this requirement through chlorination and dechlorination. Sodium hypochlorite and sodium bisulfite are the chemicals that are used for chlorination and dechlorination of treated effluent prior to discharge.

PREVIOUS COUNCIL ACTIONS

On June 6, 2019, Council approved Council Bill 2019-45 adopting the budget for the City of Medford for the Biennium commencing July 1, 2019.

ANALYSIS

Quotes were received from Cascade Columbia Distribution Company, Hasa Inc., Northstar Chemical, and Univar Solutions. Univar Solutions is the apparent low bidder with a quote of \$118,800 for sodium hypochlorite and \$74,400 for sodium bisulfite for a total of \$193,200.

The total amount of the contract is greater than \$150,000 and would typically require formal bidding per ORS 279B.055 "Competitive Sealed Bidding". That process was not used because historically one vendor has not been the low bidder on both chemicals which has resulted in two separate contracts which are both below the threshold for competitive sealed bidding. In this instance, Univar was low bidder on both chemicals and staff determined one contract should be issued for both chemicals.

ORS 279B.085 allows awarding of a contract, on a one-time basis, where awarding the contract is "unlikely to encourage favoritism" or "to substantially diminish competition for public contracts" and "is reasonably expected to result in substantial cost savings to the contracting agency or to the public".

Award of this contract is unlikely to encourage favoritism or substantially diminish competition because the original request for quotes was sent to the four companies that are known to be capable



AGENDA ITEM COMMENTARY

of providing the chemicals in Oregon. In addition, the solicitation made clear that each chemical was being bid separately, effectively using one solicitation for two procurements.

It is reasonably expected that a substantial cost savings to the City will be gained by awarding the contract under the ORS 279B.085 rules because at this time all of the companies know their competitor's prices. So re-bidding the chemicals using the competitive sealed bidding process will likely result in increased prices to the City.

In the future, this procurement will be made by competitive sealed bidding to account for the possibility of one bidder being the low bidder on both chemicals.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Funds for this contract are included in the City of Medford adopted Biennial Budget 2019-2021 on page 9-39, 'Materials & Services'.

TIMING ISSUES

This contract will begin on August 15, 2019.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance.
- Deny the ordinance and provide direction to staff regarding compliance with the NPDES permit.

STAFF RECOMMENDATION

Approve the ordinance for a contract with Univar Solutions.

SUGGESTED MOTION

I move to approve the ordinance for a contract in the amount of \$193,200.00 to Univar Solutions for sodium hypochlorite and sodium bisulfite.

EXHIBITS

- Ordinance
- Request for Quotes
- Bid Summary
- Contract on file in the City Recorder's Office

ORDINANCE NO. 2019-93

AN ORDINANCE authorizing a contract with Univar Solutions for supply and delivery of sodium hypochlorite and sodium bisulfite, in the amount of \$193,200.00, for use at the Regional Water Reclamation Facility.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the contract with Univar Solutions for supply and delivery of sodium hypochlorite and sodium bisulfite, in the amount of \$193,200.00, for use at the Regional Water Reclamation Facility is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor

Dustin L. Hagemann

From: Ed D. Sturtevant
Sent: Wednesday, June 5, 2019 1:43 PM
To: Dustin L. Hagemann
Subject: FW: Pricing for Bulk Chemical

From: Ed D. Sturtevant [mailto:Ed.Sturtevant@cityofmedford.org]
Sent: Friday, April 12, 2019 1:41 PM
To: SDebellis@northstarchemical.com; Jennifer Perras <jennifer.perras@univar.com>; Lance Jones <lancej@cascadecolumbia.com>; Cindy Yost <cyost@hasapool.com>
Subject: Pricing for Bulk Chemical

Hello,

I am requesting price quotes for the following chemicals for the period of July 1, 2019 through June 30, 2020?

Sodium Hypochlorite

120,000 Gallons/Year delivered
Delivery volume is approximately 4,800 Gallons/Load, approximately every two weeks.
12.5 – 15% "filtered" Sodium Hypochlorite

Sodium Bisulfite

40,000 Gallons/Year delivered
Delivery volume is approximately 4,800 Gallons/Load, approximately every 5.5 weeks.
38-40% Sodium Bisulfite

Shipments shall be made with equipment in good working condition. Off-Loading requires 2 inch hose, 20 feet long, with camlock fittings and truck air compressor. All deliveries must be made Monday through Friday between the hours of 06:00 and 14:00.

Please quote your lowest price for each chemical to be delivered F.O.B Destination.
The right is reserved to accept or reject quotations on each item SEPARATELY OR AS A WHOLE.

Thank you for your time.

Sincerely,

Edward Sturtevant
Water Reclamation Division
Lab Supervisor
1100 Kirtland Road
Central Point, OR 97502
OFC 541-774-2753
Fax 541-774-2797



CITY OF MEDFORD
 QUOTE SUMMARY
 for July 1, 2019 to June 30, 2020

Sodium Hypochlorite and Sodium Bisulfite

29-May-19

ITEM	QTY	UNIT	DESCRIPTION
------	-----	------	-------------

Note: Quantities are approximate

1	120,000	Gallons	12.5% Sodium Hypochlorite
2	40,000	Gallons	38 - 40% Sodium Bisulfite
3	120,000	Gallons	12.5% Low Sodium Hypochlorite

ITEM	Cascade Columbia	COST/GALLON	COST/QUANTITY	
1	Cascade Columbia	1.550	\$186,000.00	
2	Cascade Columbia	No Quote	No Quote	

ITEM	UNIVAR	COST/GALLON	COST/QUANTITY	
1	UNIVAR Bleach	\$0.990	\$118,800.00	*
2	UNIVAR SBS	\$1.860	\$74,400.00	*

ITEM	NORTHSTAR	COST/GALLON	COST/QUANTITY	
1	NORTHSTAR	No Quote	No Quote	
2	NORTHSTAR	\$2.070	\$82,800.00	

ITEM	HASA	COST/GALLON	COST/QUANTITY	
1	HASA	\$1.090	\$130,800.00	
2	HASA	NO Quote	No Quote	
3	HASA	\$1.17	\$140,400.00	



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning

AGENDA SECTION: Ordinances and Resolutions

PHONE: (541) 774-2380

MEETING DATE: August 15, 2019

STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

COUNCIL BILL 2019-94

A RESOLUTION granting an appeal and reversing the Site Plan and Architectural Commission's decision to deny. (AC-19-028)

SUMMARY AND BACKGROUND

On July, 18, 2019, the Council held a public hearing and considered an appeal of the Site Plan and Architectural Commission (SPAC) decision to deny plans for the construction of a coffee kiosk and convenience store with a car wash and gas pumps at Springbrook Road and McAndrews Road (File No. AC-19-028). After hearing testimony, the Council approved the appeal and reversed the decision of the Site Plan and Architectural Commission. In its decision, the Council accepted the applicant's 30-day extension and directed staff to coordinate with the applicant to refine conditions of approval.

The issue now before the Council is whether the Findings of Fact included in Resolution 2019-65 accurately reflect the verbal decision of July 18, 2019. The Council may not reconsider its decision to approve the appeal.

PREVIOUS COUNCIL ACTIONS

On December 4, 2014, the City Council adopted Ordinance 2015-154 changing the General Land Use Plan (GLUP) Map designation of the subject property from UR (Urban Residential) to CM (Commercial). The change was part of the City's Urban Growth Boundary amendment project.

On July 18, 2019, Council held a public hearing, approved the appeal, and reversed the decision of the Site Plan and Architectural Commission.

ANALYSIS

The Council determined that SPAC improperly applied the use of the compatibility criterion and lacked findings to support its decision. The Council's findings are included in the attached resolution.

Staff met with the applicant on July 23, 2019, to work on refining conditions of approval as directed. The applicant is in agreement with the conditions with the exception of the operating hours.

The applicant has requested that the convenience store and gas pumps be allowed to close at 11:00 p.m. or midnight and that the car wash be allowed to operate between 8:00 a.m. and 8:00 p.m. (The initial SPAC motion to approve included 6:00 a.m. to midnight and 8:00 a.m. to 8:00 p.m., respectively. An amendment limited store hours to 10:00 p.m.) It should be noted that the Site Plan and Architectural Commission has authority to modify conditions of approval in a public hearing process.



The following conditions of approval have been added to mitigate the impacts of glare, noise, traffic safety, and odor. The complete list of conditions of approval is attached.

- Prior to the issuance of the first building permit for vertical construction, the applicant shall submit a photometric analysis demonstrating compliance with MLDC 10.764 Glare.
- Operating hours for the convenience store, gas station and coffee kiosk are limited to 6:00 a.m. to 10:00 p.m.
- Operating hours for the car wash are limited to 8:00 a.m. to 6:00 p.m.
- Prior to the issuance of the first building permit for vertical construction, the applicant shall receive the approval of the City Transportation Manager for a traffic study analyzing the safety of the ingress/egress locations. The analysis shall include left turn movements.
- The applicant shall construct an 8-foot buffer wall on the northerly and easterly property lines.
- Prior to the issuance of the first building permit for vertical construction, the applicant shall provide revised landscape plan that includes the following:
 - a mix of conifer and deciduous trees in the required buffer yard;
 - a detail for an 8-foot buffer wall on the northerly and easterly property lines; and
 - screening and protection from glare along the street frontages, including a wall (maximum three feet in height).
- Prior to the issuance of the first building permit for vertical construction, the applicant shall submit a noise study demonstrating compliance with the noise standards in MLDC 10.752 et seq.
- Prior to the issuance of the first building permit for vertical construction, the applicant shall submit a revised landscape plan demonstrating compliance with the bufferyard standards in MLDC 10.790(E)(1)(a).
- Prior to the issuance of the Certificate of Occupancy for the fuel station, install Stage I and II vapor recovery systems per OAR 340-216, OAR 340-244-232 and OAR 340-242-500.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None identified.

TIMING ISSUES

Under Medford Land Development Code (MLDC) Section 10.182(B)(1), the approving authority shall take final action on an application within 120 days after the application is deemed complete. ORS 227.178(1) further requires that, “. . . the governing body of a city . . . shall take final action on an application . . . including resolution of all appeals . . . within 120 days after the application is deemed complete.”

The 120th day for this application was July 20, 2019; however, the applicant extended the 120-day period by 30 days in order to finalize the conditions of approval. The 120th day for this application is now August 19, 2019. The City Council must render its decision by that date.



COUNCIL OPTIONS

Approve the resolution.
Modify the resolution.

STAFF RECOMMENDATION

Staff recommends the Council approve the resolution approving the appeal and reversing the Site Plan and Architectural Commission decision to deny AC-19-028.

SUGGESTED MOTION

I move to approve the resolution approving the appeal and reversing the Site Plan and Architectural Commission decision to deny AC-19-028.

EXHIBITS

Resolution
Conditions of Approval
Proposed Findings of Fact

RESOLUTION NO. 2019-94

A RESOLUTION reversing and modifying the Site Plan and Architectural Commission's decision to deny plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district.

WHEREAS, on February 12, 2019, Double R Products (Applicant) submitted a Site Plan and Architectural Review application to construct a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at the northeasterly corner of Springbrook Road and E McAndrews Road (file no. AC-19-028); and

WHEREAS, on May 3 and May 17, 2019, the Site Plan and Architectural Commission held duly noticed public hearings and testimony was taken by the Commission on the application AC-19-028; and

WHEREAS, on June 7, 2019, the Site Plan and Architectural Commission adopted the final order for denial of the application AC-19-028; and

WHEREAS, applicant Springbrook Corners LLC then appealed the Site Plan and Architectural Commission decision to deny AC-19-028 to the City Council, and the matter was heard on July 18, 2019, at which time the City Council reviewed the applicable criteria, heard legal arguments, and voted to reverse and modify the Site Plan and Architectural Commission's decision; and now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section 1. The City Council hereby reverses and modifies the Site Plan and Architectural Commission's decision to deny plans for the construction of a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot car wash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district.

Section 2. This decision is based upon the Findings of Fact and Conclusion of Law attached hereto as Exhibit A and incorporated by reference.

PASSED by the Council and signed by me in authentication of its passage this ___ day of August, 2019.

ATTEST: _____
City Recorder

Mayor

EXHIBIT A-1
Circle K Mini Store and Car Wash
AC-19-028
Conditions of Approval
May 10, 2019

As amended by City Council August 15, 2019
(Amendments are in **bold**.)

DISCRETIONARY CONDITIONS

1. Prior to any site disturbance taking place, the applicant shall coordinate with the U.S. Fish & Wildlife or Oregon Fish & Wildlife Department regarding the protection status of the Red-tailed Hawk/Hawk Nest.
2. The applicant shall locate the coffee kiosk in a manner that will allow vehicle stacking for a minimum of seven cars for each window.
3. Remove the trash enclosure on the northeasterly portion of the site. The enclosure location will be considered with the final development plan for the future retail building.
4. **Prior to the issuance of the first building permit for vertical construction, the applicant shall submit a photometric analysis demonstrating compliance with MLDC 10.764 Glare.**
5. **Operating hours for the convenience store, gas station and coffee kiosk are limited to 6:00 a.m. to 10:00 p.m.**
6. **Operating hours for the car wash are limited to 8:00 a.m. to 6:00 p.m.**
7. **Prior to the issuance of the first building permit for vertical construction, the applicant shall receive the approval of the City Transportation Manager for a traffic study analyzing the safety of the ingress/egress locations. The analysis shall include left turn movements.**
8. **The applicant shall construct an 8-foot buffer wall on the northerly and easterly property lines.**
9. **Prior to the issuance of the first building permit for vertical construction, the applicant shall provide revised landscape plan that includes the following:**
 - a. **a mix of conifer and deciduous trees in the required buffer yard;**
 - b. **a detail for an 8-foot buffer wall on the northerly and easterly property lines; and**
 - c. **screening and protection from glare along the street frontages, including a wall (maximum three feet in height).**

Exhibit A-1
Circle K Mini Store and Car Wash
File No. AC-19-028
Conditions of Approval
Revised by City Council August 15, 2019

- 10. Prior to the issuance of the first building permit for vertical construction, the applicant shall submit a noise study demonstrating compliance with the noise standards in MLDC 10.752 et seq.**

CODE REQUIRED CONDITIONS

Prior to the issuance of the first building permit for vertical construction, the applicant shall:

11. Submit a revised site plan showing all required internal pedestrian connections and crosswalks in compliance with MLDC 10.772 through 10.776.
12. Comply with all conditions stipulated by the Public Works Department (Exhibit K).
13. Comply with all conditions stipulated by the Medford Water Commission (Exhibit M).
14. Comply with all conditions stipulated by the Medford Fire Department (Exhibit O).
15. Comply with the comments received from the Rogue Valley Transportation District (Exhibit P).
16. Comply with all applicable comments from the Rogue Valley International-Medford Airport (Exhibit R).
17. Comply with the condition stipulated by the Medford Irrigation District (Exhibit S).
- 18. Submit a revised landscape plan demonstrating compliance with the bufferyard standards in MLDC 10.790(E)(1)(a).**
- 19. Prior to the issuance of the Certificate of Occupancy for the fuel station, install Stage I and II vapor recovery systems per OAR 340-216, OAR 340-244-232 and OAR 340-242-500.**

BEFORE THE CITY COUNCIL FOR THE CITY OF MEDFORD, OREGON

In the Matter of Circle K Mini)	Findings of Fact and Conclusions of Law
Store and Car Wash;)	Reversing and Modifying AC-19-028
)	Site Plan and Architectural Commission
Double R Products,)	Decision
)	
Applicant, and)	AC-19-028
)	
Springbrook Corners LLC,)	
)	
Appellant.)	
_____)	

I. Facts

The application at issue in this appeal is a site plan and architectural review of plans to construct a 370 square foot coffee kiosk, a 3,300 square foot convenience store, and 1,304 square foot carwash and gas pumps on approximately 2.5 acres located at 1380 Springbrook Road within the C-C (Community Commercial) zoning district (37W20AB3500). (File No. AC-19-028).

The Site Plan and Architectural Commission (hereinafter “SPAC”) denied the application, relying on the compatibility criterion of the site plan and architectural review criteria in Medford Municipal Code 10.200(E):

The Site Plan and Architectural Commission shall approve a site plan and architectural review application for a commercial or industrial development, if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria * * * The proposed development is compatible with uses and development that exist on adjacent land[.]

Appellant, owner of the property subject to the application, timely appealed the SPAC decision.

On July 18, 2019, the City Council held its local appeal hearing under Medford Municipal Code 10.140. Notice of the appeal hearing was mailed to persons who had previously appeared, and the Council gave those with standing the chance to speak.

II. Introduction

As a threshold question, the City Council finds that Appellant's notice of appeal was procedurally sufficient and that the appeal should be heard on the merits.

The Council finds that the SPAC decision erred in law and was not supported by substantial evidence in the record in its application of the compatibility criterion.

As to uses and development on adjacent land, Council finds that development to the north, east, and west is single-family residential. Development to the south is commercial, and is occupied by Bonaventure of Medford, a four-story senior living development.

Council also notes that both of the streets on which the subject site fronts are heavily traveled, and the intersection at which the subject site is located currently experiences approximately 22,000 trips per day, and that preexisting level of traffic is relevant to the compatibility criterion.

Council finds that the development can be made compatible with the surrounding development through conditions including buffering, screening, an eight-foot wall on the northern and eastern sides of the property, a three-foot fence on the western and southern sides of the property, limited hours of operation that would prevent the coffee kiosk, convenience store, and gas station from operating through the night, and limited hours of operation that would prevent the car wash from operating in the evening or night. The fencing and vegetation buffer will mitigate visual impacts, reduce noise from the site, and help block headlight glare from the sight from disturbing adjacent development. The hours of operation for the convenience store, coffee kiosk, and gas station will help prevent noise in the night that could disturb sleeping residents, and will eliminate the possibility of crime that 24-hour businesses can sometimes attract. The more limited hours of operation for the car wash will prevent noise disturbances from the drying fans for nearby residential development during dinner and evening times. A complete list of the specific conditions imposed to establish compatibility can be found in Exhibit A-1; those conditions are adopted by reference herein.

III. First Assignment of Error

Appellant's first assignment of error is that "SPAC violated the Medford Land Development Code by misapplying the compatibility standards set out in MLDC §10.200."

Council concurs that the SPAC misapplied the compatibility criterion. The question for the compatibility criterion is not whether the use itself is incompatible with adjacent development—that is a question of zoning, not of site planning—but instead whether the site plan and architecture of that development is compatible with adjacent development. Site plan review generally consists of the following:

Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

MLDC 10.200(A). SPAC, for all intents and purposes deemed the use itself incompatible regardless of the site plan. The compatibility criterion of site plan and architectural review should instead be used to evaluate whether the site plan is compatible with adjacent development, not whether a permitted zoned use is compatible with adjacent development. For these reasons, Council finds that SPAC erred by misapplying the compatibility standards set out in MLDC §10.200.

IV. Second Assignment of Error

Appellant's second assignment of error is that "SPAC exceeded its jurisdiction by interpreting MLDC §10.200 to allow it to deny a use allowed under the zone."

For the reasons set forth in Sections II and III, above, Council finds that in effectively determining that a permitted use was incompatible with adjacent development, not because of the application's site plan, but because of the use itself, SPAC exceeded its jurisdiction.

V. Third Assignment of Error

Appellant's third assignment of error is that "SPAC's decision fails to include appropriate findings of fact and conclusions of law to support its denial."

This assignment of error is based upon *Conser and Sons, LLC v. City of Millersburg*, 65 Or LUBA 1 (2016). In that case, the city denied an application without explaining the reasoning why the project failed to meet the approval criteria. The *Conser* case does not require that a reviewing body explain exactly what would need to be changed in order to obtain approval. Instead, it must simply articulate the reasoning why the reviewing body determined that the approval criteria were not met.

In the situation at hand, however, a distinction must be drawn between (1) a denial based upon a legally improper application of the approval criteria, and (2) an unexplained denial. As shown by Appendix 2 to the notice of appeal itself, SPAC members articulated the basis for their "no"

votes. Whether or not the SPAC Commissioners' reasoning was legally permissible, the decision was not unexplained. As such, Council denies the third assignment of error.

VI. Fourth Assignment of Error

Appellant's fourth assignment of error is that "There is [no] substantial evidence in the record to support the denial of AC-19-028."

First, the SPAC findings state that "The Site Plan and Architectural Commission finds that the car wash and gas station cannot be adequately screened to mitigate the impacts of dissimilar uses." Council concurs that there is no evidence that an eight foot fence, vegetation screening within a buffer, and limited hours of operation cannot adequately screen these two uses.

Second, the SPAC findings state that "Aesthetically a gas pump is not something that matches the residential housing across from the project." Council concurs that there is no substantial evidence in the record that a gas pump, complete with fencing, vegetation screening, and buffering, is irreconcilably incompatible with adjacent development already including a 22,000-trip-per-day intersection and a four-story senior living facility.

Finally, the SPAC findings state that "The Commission finds that the intensity of the proposed uses is incompatible with uses on surrounding property." Council notes that "intensity" is vague, ambiguous, and relatively unexplained in this context. Council also notes that there is no evidence in the record that the intensity of use on the site is inherently incompatible with existing development, given that the adjacent intersection is already intensely used, including approximately 22,000 trips per day, and the development (including its fencing and vegetation screening) will improve buffering between the intersection itself and the residential development to the intersection's north and east.

As such, Council finds that there was no substantial evidence in the record to support the denial of AC-19-028.

VII. Conclusion

For the reasons stated herein, the City Council of the City of Medford finds that SPAC committed legal error and that its decision was not supported by substantial evidence in the record in its decision to deny the site plan and architectural review application (AC-19-028) on the basis of the compatibility criterion. Council denies the third assignment of error and grants the first, second, and fourth assignments of error. Council reverses SPAC's denial of AC-19-028, and modifies the decision to include conditions of approval, adopted by reference herein, that render the application compatible with uses and development that exist on adjacent land.

Findings of Fact and Conclusions of Law
Circle K Mini Store and Car Wash
File No. AC-19-028
Revised by City Council August 15, 2019

Dated this ____ day of August, 2019.

Gary H. Wheeler, Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works

AGENDA SECTION: Ordinances and Resolutions

PHONE: (541) 774-2114

MEETING DATE: August 15, 2019

STAFF CONTACT: Cory Crebbin, P.E., Public Works Director

COUNCIL BILL 2019-95

AN ORDINANCE authorizing execution of a Jurisdictional Exchange Agreement in the amount of \$300,000 between the City of Medford and Jackson County to provide roadway maintenance and improvements on 17 roadway sections.

SUMMARY AND BACKGROUND

Council is requested to consider a Jurisdictional Exchange Agreement with Jackson County for 17 roadway segments in Medford. Jackson County will pay the City \$300,000 for roadway maintenance and improvements.

When the road is brought to City standards the City has historically accepted jurisdiction. The list included in this jurisdictional exchange agreement has 17 roadway sections; 14 of which meet City standards and three unimproved or partially improved sections. The unimproved and partially improved sections include Normil Terrace, Annapolis Drive and Cadet Drive, all located east of Foothill Road. The County is providing a one-time payment for approximately 20-years of pavement maintenance for these suburban streets.

Normally the City does not take jurisdiction of unimproved roads, but the County will not allow further development until a second access is available from Normil Terrace. This could create a development moratorium unless the City takes jurisdiction. The County funds can be combined with any mitigation payment the development incurs to make improvements on Normil Terrace.

PREVIOUS COUNCIL ACTIONS

From time to time the City accepts jurisdiction of public roads from Jackson County. Examples of these include:

On June 4, 2009, Council approved Council Bill 2009-121 transferring jurisdiction of West Main Street, from Lewis Avenue to the western City limits, 150 feet west of Renault Avenue.

On July 1, 2010, Council approved Council Bill 2010-154 transferring jurisdiction of Ross Lane North in areas from Main Street to Oregon State Highway 238, and West McAndrews Road.

ANALYSIS

Many of these roads have been improved to City standards and should be accepted by the City. Normil Terrace is currently preventing development of a large parcel of land zoned for residential development. If the jurisdictional exchange does not include Normil Terrace, then the County will not approve further development on any land that takes access from Normil Terrace. This could create a development moratorium.



FINANCIAL AND/OR RESOURCE CONSIDERATIONS

All road sections included in the jurisdictional exchange, with the exception of Normil Terrace, Annapolis Drive and Cadet Drive, have recently been improved and require little or no maintenance at this time. Several of these roads were improved as conditions of approval for new development that has added new revenue streams to the street utility fund. This fund is responsible for maintenance of City streets and will support the new streets as maintenance becomes necessary.

Jackson County is providing \$300,000 for future maintenance of Normil Terrace, Annapolis Drive and Cadet Drive. The dollar amount is based on providing two overlays at current costs, which equates to at least 20-years of maintenance for said sections. The money will be used to support maintenance and future mitigation improvements as development occurs at the end of Cadet Drive.

TIMING ISSUES

The County no longer maintains the fully improved roads within the City and eventually this will cause performance issues and long-term financial impacts to the public if left unattended. The immediate timing issues revolve around development at the end of Cadet Drive that had been delayed going to the Planning Commission. The applicant can only postpone their project for approximately one more month before they will need to have a hearing and their decision to move forward hinges on the outcome of this jurisdictional exchange.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance and provide direction to staff on how to proceed with development requests at the end of Cadet Drive.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve a Jurisdictional Exchange Agreement with Jackson County for 17 roadway segments in Medford.

EXHIBITS

Ordinance

Map

Jurisdictional Exchange Agreement on file in the City Recorder's Office

ORDINANCE NO. 2019-95

AN ORDINANCE authorizing execution of a Jurisdictional Exchange Agreement in the amount of \$300,000 between the City of Medford and Jackson County to provide roadway maintenance and improvements on 17 roadway sections.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a Jurisdictional Exchange Agreement in the amount of \$300,000 between the City of Medford and Jackson County to provide roadway maintenance and improvements on 17 roadway sections, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of August, 2019.

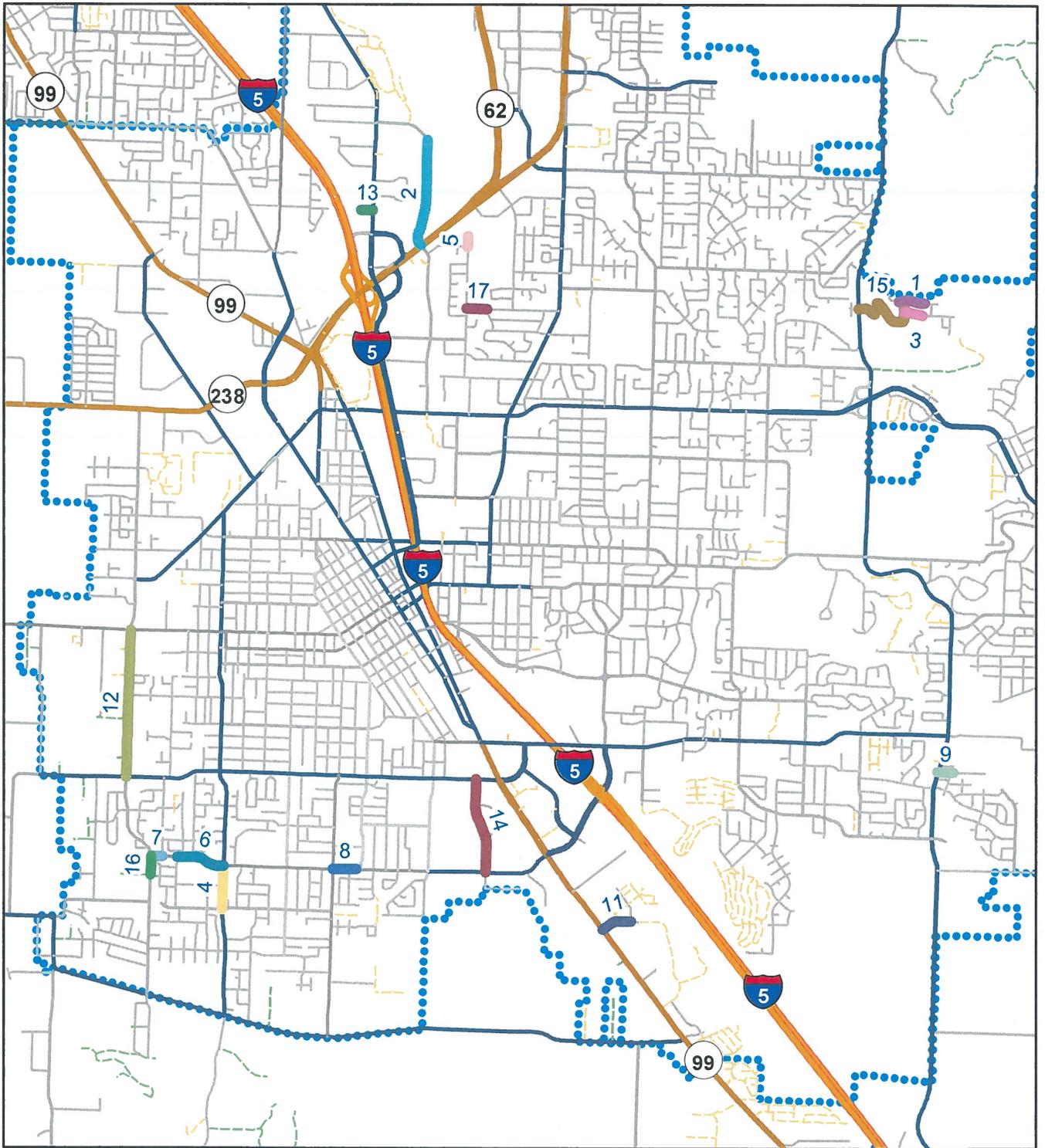
ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019.

Mayor

Exhibit A



Legend

JX_Number, JX_Desc

- | | |
|---|---|
| 1, Annapolis Drive (125' West of Normil Terrace to 625' East of Normil Terrace) | 9, Harbrooke Road (N. Phoenix Rd. to 370' East) |
| 2, Bullock Road (OR Hwy 62 to 3050' Northerly) | 10, Hillcrest Road (Monterey Dr. to 1500' West of Cherry Ln.) |
| 3, Cadet Drive (Normil Terrace to 550' East) | 11, Lowry Lane (OR Hwy 99 to 850' Easterly) |
| 4, Columbus Ave. (Garfield St. to Diamond St.) | 12, Lozier Lane (West Main St. to Stewart Ave.) |
| 5, Corona Ave. (Hilton Rd. to 700' North) | 13, Midway Road (Biddle Rd. to 700' West) |
| 6, Cunningham Ave. (Columbus Ave. to Warren Way) | 14, Myers Lane (Stewart Ave. to Garfield St.) |
| 7, Cunningham Ave. (Orchard Home Dr. N. to Orchard Home Dr. S.) | 15, Normil Terrace (Foothill Rd. to Annapolis Dr.) |
| 8, Garfield Street (Kings Hwy. to 625' East) | 16, Orchard Home Drive (Cunningham Ave. to Westwood Dr.) |
| | 17, Roberts Road (Corona Ave. to Serenity Dr.) |