

PLANNING COMMISSION AGENDA APRIL 11, 2019



Commission Members

David Culbertson
Joe Foley
Bill Mansfield
David McFadden
Mark McKechnie
E. J. McManus
Patrick Miranda
Jared Pulver
Jeff Thomas

Regular Planning Commission meetings
are held on the second and fourth
Thursdays of every month
Meetings begin at 5:30 PM

City of Medford
City Council Chambers
411 W. Eighth Street, Third Floor
Medford, OR 97501
541-774-2380



Planning Commission

Agenda

Public Hearing

April 11, 2019

5:30 PM

**Council Chambers, City Hall, Room 300
411 West Eighth Street, Medford, Oregon**

-
- 10. Roll Call**
- 20. Consent Calendar/Written Communications (voice vote)**
- 20.1 LDS-18-160** Final Order of a tentative plat for a six lot subdivision on approximately 3.08 acres within the SFR-2 (Single Family Residential – 2 dwelling units per gross acre) zoning district, located on Roxy Ann Road directly south of Autumn Park Drive (371W23DD TL 1800). Applicant: Rita Vinatieri; Agent: Neathamer Surveying Inc.; Planner: Liz Conner.
- 20.2 LDP-18-172 / ZC-18-173 / E-19-030** Final Orders of a request for tentative plat approval of a proposed three-lot partition on a 0.52-acre parcel located at 1485 Kings Highway within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district and a request for a zone change from SFR-4 to SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) and a request for an Exception to allow for 5 parcels to receive access from a Minimum Access Easement (372W36DA801). Applicant/Agent: Larry Denn Construction; Planner: Steffen Roennfeldt.
- CUP-19-017** Request for a Conditional Use Permit (CUP) in order to operate a multi-purpose neighborhood center, consisting of programs providing mentoring for youth and their families, at an existing building located at 1241 West 8th Street in the MFR-20 (Multi-Family Residential, twenty dwelling units per gross acre) zoning district (372W25CA11200). Applicant: Youth 71 Five Ministries; Planner: Dustin Severs.
- 30. Minutes**
- 30.1** Consideration for approval of minutes from the March 28, 2019, hearing.
- 40. Oral and Written Requests and Communications**
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**
- 50. Public Hearings**
Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**
- Continuance Request**
- 50.1 ZC-18-189** Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400); Applicant: Jane Erin Griffin-Hagle; Planner: Dustin Severs. **The applicant has requested to continue this item to the Thursday, April 25, 2019 Planning Commission meeting.**

Old Business

- 50.2 **LDS-19-008 / ZC-19-009 / E-19-010** Consideration of a request for tentative plat approval for Delta Estates – Phases 6-9, a proposed 166-lot residential subdivision on two parcels totaling 31.64 acres; including a request for a change of zone for proposed Phases 6-8, totaling 22.64-acres, and an additional 0.14-acres of the adjacent Phase 5, from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to SFR-6 (Single Family Residential, six dwelling units per gross acre); and a request for an Exception in order to allow a distance less than 200 feet between two intersections. The property is located east of Cheltenham Way and north of McLoughlin Drive in the SFR-10 zoning district (371W08 1103 & 1104). Applicant: Hayden Homes, LLC; Agent: CSA Planning Ltd; Planner: Dustin Severs.

New Business

- 50.3 **CP-19-021 / ZC-19-020** Request for a minor General Land Use Plan (GLUP) amendment to reclassify two contiguous parcels totaling 1.57-acres, located at the southwest corner of Stewart Avenue and South Columbus Avenue, and currently containing nine dwelling units, from Urban Residential (UR) to Urban Medium Density Residential (UM); along with an associated request to rezone the parcels from SFR-10 (Single-Family Residential, ten dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) (371W36BC TL 100 & 200). Applicant: Columbia Care Services, Inc.; Agent: Richard Stevens & Associates Inc.; Planner: Dustin Severs.
- 50.4 **DCA-18-179** A Development Code Amendment to update the standards related to level-of-service, modify the roadway cross sections, and incorporate legacy street standards to reflect changes adopted in the 2018-2038 Transportation System Plan. Applicant: City of Medford; Planner: Carla Paladino.
- 50.5 **LDS-19-018** Consideration of tentative plat approval for the DeClans Landing Subdivision – a proposed 2-phased, 7-lot residential subdivision to be developed as townhouse lots, on a 1.12-acre parcel located at 738 N Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W23DD1300). Applicant: Glen Clark; Agent: Scott Sinner Consulting, Inc.; Planner: Dustin Severs.

60. Reports

60.1 Site Plan and Architectural Commission

60.2 Transportation Commission

60.3 Planning Department

70. Messages and Papers from the Chair

80. Remarks from the City Attorney

90. Propositions and Remarks from the Commission

100. Adjournment

**BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD**

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF

VINATIERI HEIGHTS SUBDIVISION

[LDS-18-160]

)
) **ORDER**
)

ORDER granting approval of a request for tentative plat for *Vinatieri Heights Subdivision*, described as follows:

A six lot subdivision on approximately 3.08 acres within the SFR-2 (Single Family Residential – 2 dwelling units per gross acre) zoning district, located on Roxy Ann Road directly south of Autumn Park Drive (371W23DD TL 1800).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *Vinatieri Heights Subdivision*, as described above, with the public hearing a matter of record of the Planning Commission on March 28, 2019.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *Vinatieri Heights Subdivision*, as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *Vinatieri Heights Subdivision*, stands approved per the Planning Commission Staff Report dated March 21, 2019, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Staff Report dated March 21, 2019.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.202(E) Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 11th day of April, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

**BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD**

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR)

LARRY DENN)

[LDP-18-172])

ORDER

ORDER granting approval of a request for tentative plat approval of File No. LDP-18-172, as follows:

Tentative plat approval of a proposed three-lot partition on a 0.52-acre parcel located at 1485 Kings Highway within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district and a request for a zone change from SFR-4 to SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) and a request for an Exception to allow for 5 parcels to receive access from a Minimum Access Easement (372W36DA801).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval described above, with a public hearing a matter of record of the Planning Commission on March 28, 2019; and
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare the final orders with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Larry Denn, stands approved per the Commission Report dated March 28, 2019, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Commission Report dated March 28, 2019.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.202(E) Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 11th day of April, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

**BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD**

IN THE MATTER OF PLANNING COMMISSION FILE ZC-18-173 APPLICATION)
FOR A ZONE CHANGE SUBMITTED BY LARRY DENN) **ORDER**

ORDER granting approval of a request for a zone change for *Larry Denn*, described as follows:

A zone change from SFR-4 to SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre), tentative plat approval of a proposed three-lot partition on a 0.52-acre parcel located at 1485 Kings Highway within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district.

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning for *Larry Denn*, as describe above; and

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Commission Report dated March 28, 2019, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON, that:

The zoning of the following described area within the City of Medford, Oregon:

37 2W 36DA Tax Lot 801

is hereby changed as described above.

Accepted and approved this 11th day of April, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



After recording return to:
 Larry Denn Construction, Inc.
 Attn: Larry A. Denn
 765 Sterling Street
 Jacksonville, OR 97530

Until a change is requested, all tax statements shall be sent to the following address:
 Larry Denn Construction, Inc.
 Attn: Larry A. Denn
 765 Sterling Street
 Jacksonville, OR 97530

Jackson County Official Records 2007-037343
 R-WD
 Crit=1 Str=6 HELMANC 08/08/2007 08:00:00 AM
 \$5.00 \$5.00 \$5.00 \$11.00 Total:\$26.00



01279822200700373430010011
 I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the County records.
 Kathleen S. Beckett - County Clerk

RECEIVED

NOV 09 2018
 PLANNING DEPT.

Exhibit "B"

STATUTORY WARRANTY DEED

Lincoln C. Banry and Laura D. Banry, Grantor, conveys and warrants to
 ** LARRY A. DENN CONSTRUCTION, INC. AN OREGON CORPORATION **
 , Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Parcel No. Two (2) of Partition Plat No. P-4-2006, recorded January 12, 2006, in Record of Partition Plats in Jackson County, Oregon, and filed as Survey No. 19029, in the Office of the County Surveyor.

Account 10982830, Levy Code 49-01, Map 372W36 DA 801

Tax Account No. 1-098283-0

This property is free of encumbrances, EXCEPT:
 SEE EXHIBIT "A" WITH EXCEPTIONS
 The true consideration for this conveyance is \$175,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 197.352. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.
 BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated 10th day of August, 2007

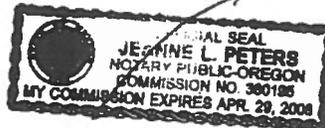
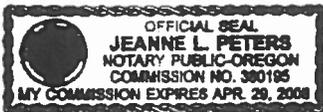
Lincoln C. Banry

Laura D. Banry

STATE OF OREGON
 COUNTY OF Jackson
 The foregoing instrument was acknowledged before me this 10th day of August, 2007 by Lincoln C. Banry and Laura D. Banry.

Notary Public State of Oregon
 My commission expires: 4/29/08

Order No. 44g0444988



Warranty Deed
 ORRQ 6/2005; Rev. 1/2006

7

BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR)

LARRY DENN)

[E-19-030])

ORDER

ORDER granting approval for a request of an exception for *Larry Denn*, as described below:

Requesting an exception to allow for 5 parcels to receive access from a Minimum Access Easement on a 0.52-acre parcel located at 1485 Kings Highway within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.186; and
2. The Medford Planning Commission has duly held a public hearing on the exception for *Larry Denn*, as described above, with the public hearing a matter of record of the Planning Commission on March 28, 2019.
3. At the public hearing on said exception, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted exception approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for *Larry Denn*, as described above, stands approved per the Commission Report dated March 28, 2019, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for exception approval is hereafter supported by the findings referenced in the Commission Report dated March 28, 2019.

BASED UPON THE ABOVE, the Planning Commission determined that the exception is in conformity with the provisions of law and Section 10.186(B) criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 11th day of April, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



COMMISSION REPORT

for a Type III quasi-judicial decision: **Zone Change, Partition & Exception**

Project Larry Denn Partition
 Applicant/Agent: Larry Denn Construction, Inc.

File no. LDP-18-172/ZC-18-173 & E-19-030

Date March 28, 2019

BACKGROUND

Proposal

Consideration of a request for tentative plat approval of a proposed three-lot partition on a **0.70-acre** parcel located at 1485 Kings Highway within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district and a request for a zone change from SFR-4 to SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) and a request for an Exception to allow for 5 parcels to receive access from a Minimum Access Easement.

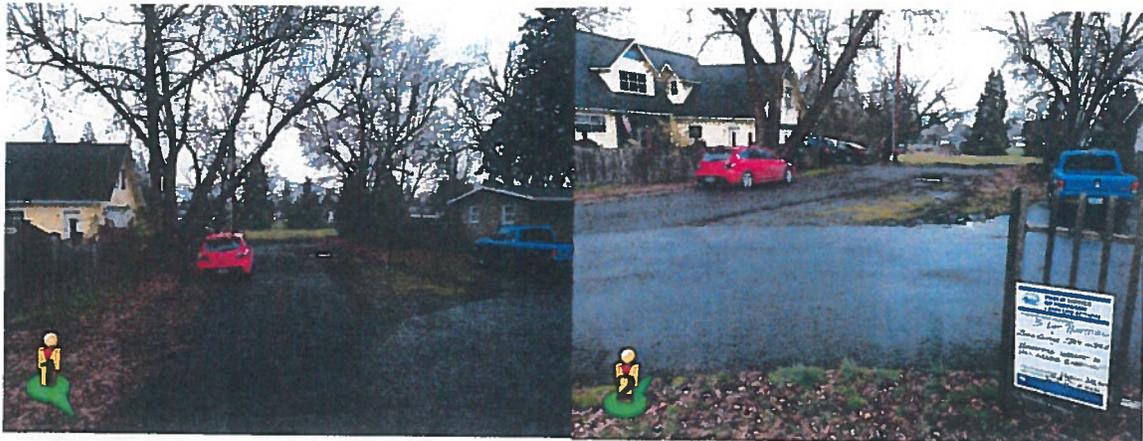
Vicinity Map



Aerial Map



Site Visit



These photos were taken from Kings Highway on March 7, 2019.

Subject Site Characteristics

Zoning	SFR-4	Single Family Residential – 2.5 to 4 dwelling units per gross acre
GLUP	UR	Urban Residential
Use	Vacant	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-00 (Single Family Residential – 1 dwelling unit per parcel)
	Use:	low density residential
<i>South</i>	Zone:	SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) & SFR-00
	Use:	Low density residential
<i>East</i>	Zone:	SFR-6
	Use:	vacant
<i>West</i>	Zone:	SFR-00 & SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre)
	Use:	Mobile home park and low density residential

Related Projects

LDP-06-134	Banry Partition (created subject parcel)
PA-17-068	Pre-Application for this project

Applicable Criteria

Medford Municipal Code §10.204, Zone Change

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 over the locational criteria below.*

- (b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist:*

- (i) *At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or*
- (ii) *The area to be re-zoned is five acres or larger; or*
- (iii) *The subject property, and any abutting parcel(s) that is (are) in the same General Land Use Plan Map designation and is (are) vacant, when combined, total at least five acres.*

(3) *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.*

(a) *Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*

(b) *Adequate streets and street capacity must be provided in one (1) of the following ways:*

(i) *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*

(ii) *Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*

(iii) *If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:*

(a) *the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*

(b) *when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of*

the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation, returned to the Planning Department, and may include, but are not limited to the following:
 - (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,*
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.**

Medford Municipal Code §10.170(D), Partition Tentative Plat

The Planning Director shall not approve any tentative partition plat unless they can determine that the proposed land partition, together with the provisions for its design and improvement:

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the approving authority determines it is in the public interest to modify the street pattern;*
- (4) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;*
- (5) Will not cause an unmitigated land use conflict between the land partition and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

Medford Municipal Code §10.186(B) Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.*
- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.*
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.*
- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the*

standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Corporate Names

Trevor Denn is the Registered Agent for Larry A. Denn Construction, Inc. according to the Oregon Secretary of State Business Registry. Larry Denn is listed as the President, Elba Denn is listed as the Secretary.

ISSUES AND ANALYSIS

Background/Proposal

The subject parcel was created through partition (File Number LDP-06-134) in 2006 as 0.7-acre parcel designated as Reserve Acreage. It is currently vacant.

This project proposes to rezone the parcel from SFR-4 to SFR-6 and to create three parcels which will all be accessed via a Minimum Access Easement from Kings Highway. An Exception to the Minimum Access Easement standards is requested because a total of five dwelling units are proposed to take access of the same access point.

Zone Change Criteria Compliance

GLUP/TSP Consistency

The General Land Use Plan (GLUP) designation for the subject site is UR (Urban Residential), and according to the General Land Use Plan Element of the Comprehensive Plan, the proposed SFR-6 zoning district is a permitted zone within the UR GLUP designation.

The Transportation System Plan (TSP) serves as a blueprint to guide transportation decisions as development occurs in the City. A traffic Impact Analysis (TIA) is required when an application has the potential of generating more than 250 net Average Daily Trips (ADT). The Public Works Department has determined that the subject property, fully built-out, would not exceed this 250 ADT threshold, and therefore a TIA was not required.

It can be found that the applicant's findings adequately demonstrate that the proposed zone change is consistent with the goals outlined in the City's Comprehensive Plan and TSP, and accordingly, this demonstration of consistency assures compliance with the Oregon Transportation Planning Rule.

Facility Adequacy

MLDC 10.204(3) requires demonstration that Category A facilities (storm drainage, sanitary sewer, water and streets) must already be adequate in condition, capacity and

location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

The agency comments included in Exhibits I to R, demonstrate that with the imposition of the conditions of approval contained in Exhibit A, Category A facilities can be made to the adequate to serve the property.

Locational Criteria

The site meets the locational criterion as it abuts SFR-6 to the south and east.

Land Division Criteria Compliance

Density

The subject site consists of a unit of land that is 0.73 gross acres. Pending the zone change approval from SFR-4 to SFR-6, the density calculation (Exhibit U) for the site and the table below shows that the density is between three and four dwelling units. The applicant is requesting a three lot partition which is within the density range permitted for this unit of land.

Density Table		
SFR-6	Allowed	Proposed
4 to 6 dwelling units per gross acre	3 minimum / 4 maximum	3 parcels

Dimensional Standards

As shown in the Dimensional Standards Table below, it can be found that the three proposed lots identified on the submitted tentative plat meet all the dimensional standards for the SFR-6 zoning district as found in Article V of the Medford Land Development Code.

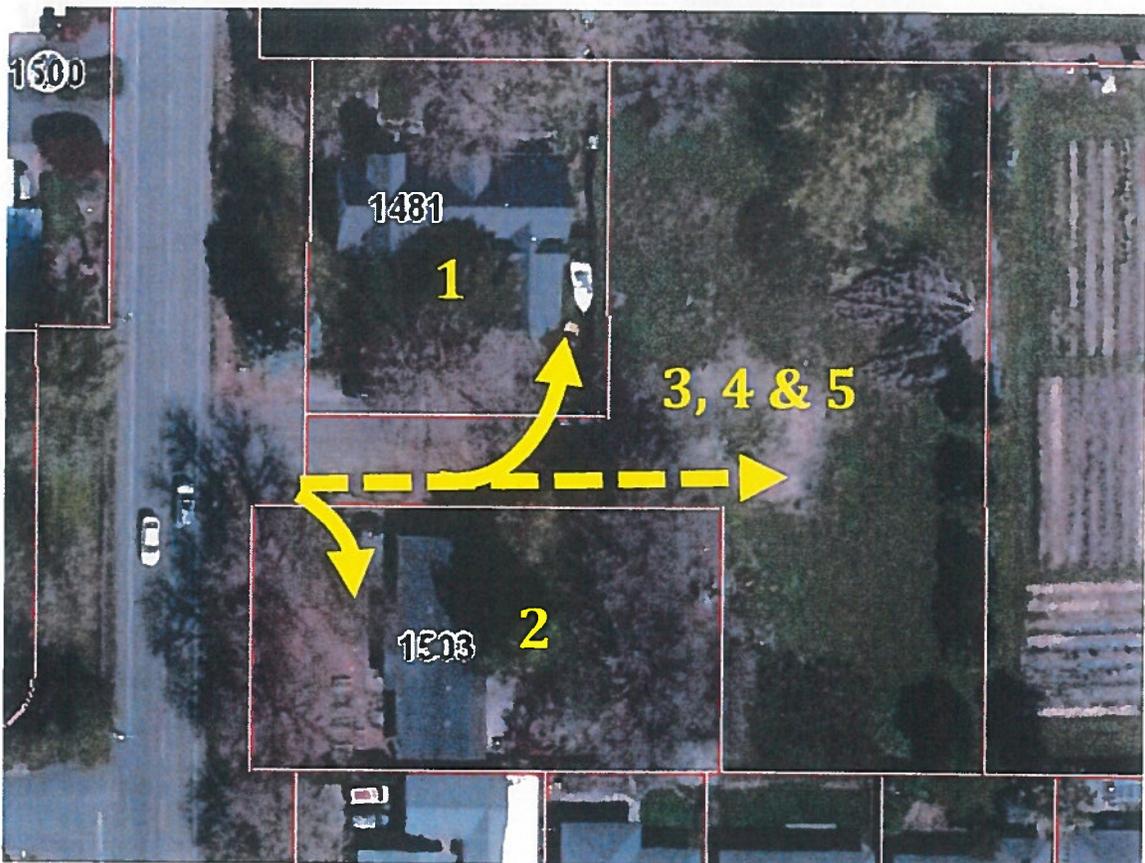
Dimensional Standards Table				
SFR-6	Lot Area (square feet)	Minimum Lot Width	Minimum Lot Depth	Minimum Lot Frontage
Required	4,500 to 12,500	50 feet	90 feet	30 feet
Proposed	9,098, 13,456 & 8,090	130, 80.5 & 90 feet	70, 233 & 90 feet	30, 30+ & 30 feet

Parcel 2 is proposed to be 13,456 square feet in size which is 956 square feet over the maximum lot size allowed. However, MLDC 10.702(3)(b) states that *“A new residential lot may exceed the maximum lot area only under the following circumstances: (a) When an existing residence and associated yard area, containing improvements and established landscaping, occupy a larger area; or (b) when a portion of the lot is unbuildable for a reason beyond the control of the developer (i.e., due to creeks, oversized easements, etc.); the additional acreage, or fraction thereof, may not exceed the amount of unbuildable area.”* In this case, large parts of proposed Parcel 2 are unbuildable due to the necessary Minimum Access Easement. The Easement covers approximately 4,911 square feet, leaving an actual lot size of 8,545 square feet which falls within the minimum and maximum allowable lot sizes for SFR-6.

It can be found that the three proposed lots identified on the submitted tentative plat meet all the dimensional standards for the SFR-6 zoning district as found in Article V of the Medford Land Development Code.

Access

The existing residences at 1481 and 1503 Kings Highway take access (see arrows below) from Kings Highway – classified as a Minor Arterial Street.



Access to the three parcels to be created are proposed to use the same Minimum Access Easement (MAE) which would put the total number of dwelling units to take access from the MAE to five. MLDC 10.430A restricts the maximum number of dwelling units that take access from a MAE to three, which is why an Exception request is attached to this land partition.

Exception Criteria Compliance

As mentioned above, the applicant is requesting relief from the maximum number of dwelling units allowed to take access from a Minimum Access Easement. The applicant's submitted findings state the following:

The subject property only has 30-feet of existing frontage along Kings Highway and, therefore, a Minimum Access Easement is the only approved street standard for ingress and egress to the rear of the parcel. A standard City Street is not an option because the property's proximity to Halvorsen Street (105 feet) would violate Section 10.426(C) maximum Block Length of the City Code based on Table 10.426-1. (...) Moving the existing accesses would result in additional single family driveways on an arterial street (Kings Highway) and MLDC 10.550 prohibits direct access from an arterial roadway unless no alternative exists. Therefore, requiring that the existing adjacent tax lots be included in the maximum 3 dwelling units for a MAE creates an undue hardship on the owner as the subject property would not be dividable.

Staff concurs with the applicant's findings. Infill developments on vacant, developable land are often constrained by historic development patterns, making it difficult to develop a site to maximum density. In the interest of promoting greater housing density and efficient use of land within the City – as identified in the Housing Element of the Medford Comprehensive Plan and Goal 10 of the Oregon Statewide Planning Goals – allowing exceptions for infill projects that do not adhere to the strict standards of the Code is often necessary in order to accommodate needed population growth within the City's existing Urban Growth Boundary.

New Exhibits

Prior to the Planning Commission public hearing on March 28, 2019, staff received two letters (Exhibits W & X) from adjacent property owners. The applicant addressed the issues raised in the letters at the public hearing.

Committee Comments

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

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibits F, G & H) and recommends the Commission adopt the findings as presented.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of LDP18-172, ZC-18-173 & E-19-030 per the staff report dated March 21, 2019, including Exhibits A through P with the following considerations:

- Approval of Exception request will allow all five parcels to be served by the same Minimum Access Easement.

EXHIBITS

- A Conditions of Approval, dated March 21, 2019
- B Land Partition Tentative Plat, received November 9, 2018
- C Assessor Map, received November 9, 2018
- D Aerial, received November 9, 2018
- E Statutory Warranty Deed, received November 9, 2018
- F Applicant's Findings of Fact re: Zone Change, received November 9, 2018
- G Applicant's Findings of Fact re: Land Partition, received November 9, 2018
- H Applicant's Findings of Fact re: Exception, received February 14, 2019
- I Public Works Department Staff Report for Partition & Zone Change, dated December 19, 2019
- J Public Works Department Staff Report for Exception, dated March 6, 2019
- K Medford Water Commission Memo for Partition & Zone Change, dated December 19, 2018
- L Medford Water Commission Memo for Exception, dated March 6, 2019
- M Medford Fire Rescue Land Development Report for Partition & Zone Change, dated December 13, 2018
- N Medford Fire Rescue Land Development Report for Exception, dated February 22, 2019
- O Medford Building Department Memo for Partition & Zone Change, dated December 18, 2018
- P Medford Building Department Memo for Exception, dated March 6, 2019
- Q Rogue Valley Sewer Services Memo, dated December 12, 2018
- R Jackson County Roads Memo, dated December 12, 2018
- S Address Technician Staff Memo, dated December 17, 2018
- T City Surveyor Memo, dated December 5, 2018
- U Density Calculation, dated December 14, 2018
- V Partition Plat No P-4-2006, dated October 31, 2005
- W Letter from Edwin C. DeLong, received March 26, 2019

- X Letter from Cheryl and Edwin DeLong, received March 26, 2019
Vicinity map

PLANNING COMMISSION AGENDA:

MARCH 28, 2019
APRIL 11, 2019

MARK MCKECHNIE, CHAIR

RECEIVED

MAR 26 2019

3/25/2019

PLANNING DEPT.

Dear Medford Planners,

If you decide to allow development on file number LDP-18-172, ZC-18-173 E-19-030 please take the following steps to mitigate the impact to our community:

- ① Respect the Urban Tree Canopy by leaving the row of large Incense Cedar Trees on SE fence
- ② Side Walks and No Parking Signs on Access Road
- ③ An 8 foot Wall along property boundaries for 1503 Kings Hwy with an access gate to the back of our property

Thank-you for your consideration

Respectfully Submitted,

Edwin Craig Delong MA
1503 Kings Hwy
Medford

RECEIVED

MAR 26 2019

PLANNING DEPT.

March 25, 2019

Dear Medford Planning Commission,

This letter is in regard to a notice we received about File No. LDP-18-172/ZC-18-173 E-19-030. We have owned our home at 1503 King's Hwy for 5 years and along with our neighbors at 1481 King's Hwy, we will be severely impacted by any zoning change to the subject adjacent property. Our strong opposition to any zoning change and easement exemption to this adjacent property is based on several factors.

Traffic Safety. Turning this minimum easement driveway in to a two lane road to service the construction and development of three properties will create extreme traffic safety hazards. The two existing properties are occupied by families with young children and family visitors. The current parking allowances for the five bedroom home at 1481 will be diminished to a tight two car parking spot. In addition, placement of trash cans on King's Hwy is already congested due to the proximity of the entrance to the mailboxes. Residents are exposed to the speeding drivers of King's Hwy while placing their trashcans. We have witnessed many close calls with accidents at all of the neighboring roads and driveways intersecting King's Hwy as this is a point of acceleration for drivers coming from both directions. Removing the easement and increasing that traffic population on this small driveway by 2/3 does not seem appropriate.

Detriment to adjacent Natural Resources. Increasing the construction and road paving on subject lot will significantly impact the well established and growing Access Garden at the Rogue Valley Christian Church. Increased construction will completely destroy the habitat for the raptors and songbirds that keep the insects and rodents in check at the Access Garden. Other development in the neighborhood has destroyed habitat, and at least 7 mature trees will be removed in order for this increased construction to take place. The added dust, diesel fumes and noise throughout construction will have many negative impacts on the garden produce and the team of devoted volunteers who manage it year round. Construction of three houses and paved driveways on the .5 acre lot will also add to the heat island instead of supporting the neighboring Access Garden with some adjacent green space. Three houses will also contribute more to the light pollution and intrusion on privacy.

Incongruent with current zoned status as being in a Historic District. All of the neighboring properties are single family with yards. Cramming 3 new houses on to a .5 acre property and putting the existing neighbors through extreme upheaval does not support the values we hold as property owners. Our choice to purchase our property was based on the knowledge that only one house could be constructed on the adjacent lot.

We appreciate the opportunity to express our concerns to you and have them on the Public Record.

Sincerely,

Cheryl and Edwin DeLong 1503 King's Hwy Medford, OR 97501

Cheryl DeLong
Edwin DeLong

CITY OF MEDFORD
EXIST # X
File # LDP-18-172-ZC-18-173
E-19-030

**BEFORE THE MEDFORD PLANNING COMMISSION
STATE OF OREGON, CITY OF MEDFORD**

IN THE MATTER OF PLANNING COMMISSION FILE CUP-19-017 APPLICATION FOR A)
CONDITIONAL USE PERMIT SUBMITTED BY YOUTH 71 FIVE MINISTRIES) **ORDER**

ORDER granting approval of a request for a conditional use permit for *Youth 71 Five Ministries*, described as follows:

A Conditional Use Permit (CUP) in order to operate a multi-purpose neighborhood center, consisting of programs providing mentoring for youth and their families, at an existing building located at 1241 West 8th Street in the MFR-20 (Multi-Family Residential, twenty dwelling units per gross acre) zoning district (372W25CA11200).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.184; and,
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for a conditional use permit for *Youth 71 Five Ministries*, as described above, with a public hearing a matter of record of the Planning Commission on March 28, 2019.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and,
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted a conditional use permit for *Youth 71 Five Ministries*, as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the conditional use permit.

THEREFORE LET IT BE HEREBY ORDERED that the application for *Youth 71 Five Ministries*, as described above, stands approved in accordance per the Commission Report dated March 28, 2019.

AND LET IT FURTHER BE OF RECORD that the action of the Planning Commission in approving this request for *Youth 71 Five Ministries*, as described above, is hereafter supported by the findings referenced in the Planning Commission Report dated March 28, 2019.

Accepted and approved this 11th day of April, 2018.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



PLANNING COMMISISON REPORT

for a Type-III quasi-judicial decision: **Conditional Use Permit**

Project 71Five Center
Applicant: Youth 71Five Ministries

File no. CUP-19-17

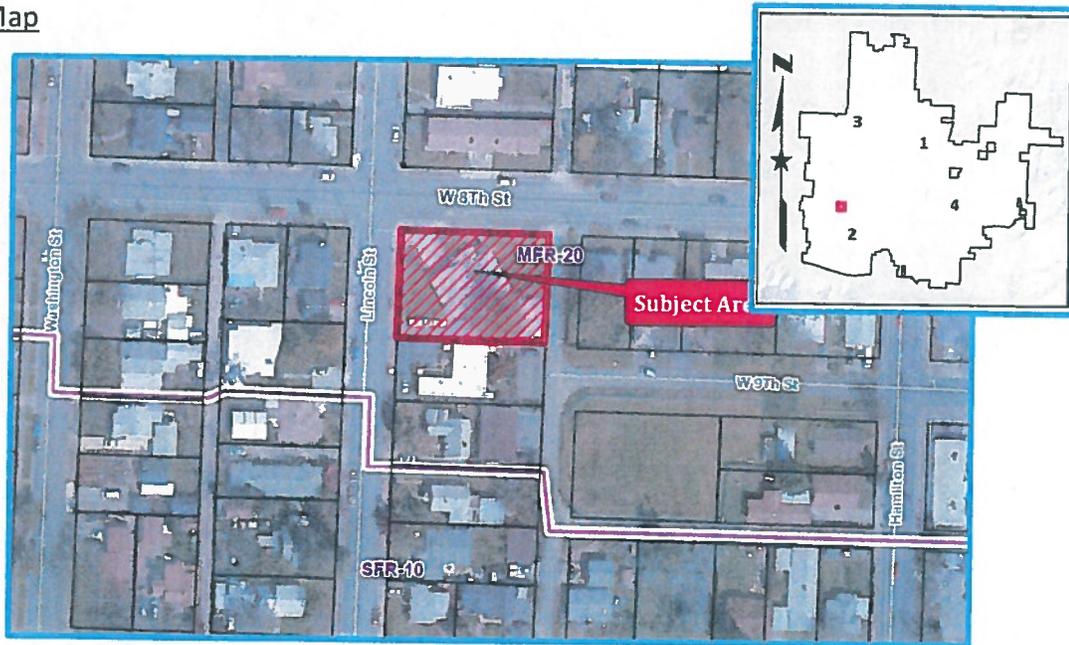
Date March 28, 2019

BACKGROUND

Proposal

Request for a Conditional Use Permit (CUP) in order to operate a multi-purpose neighborhood center, consisting of programs providing mentoring for youth and their families, at an existing building located at 1241 West 8th Street in the MFR-20 (Multi-Family Residential, twenty dwelling units per gross acre) zoning district (372W25CA11200).

Vicinity Map



Subject Site Characteristics

Zoning MFR-20
GLUP UH Urban High Density Residential
Use vacant building (former Fire Station #2)

Surrounding Site Characteristics

North Zone: MFR-20
Use: Residential

South Zone: MFR-20
Use: Residential

East Zone: MFR-20
Use: Residential

West Zone: MFR-20
Use: Residential

Related Projects

None

Applicable Criteria

Medford Municipal Code §10.184(C) Conditional Use Permit Approval Criteria.

- (1) *The Planning Commission must determine that the development proposal complies with either of the following criteria before approval can be granted.*
 - (a) *The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.*
 - (b) *The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.*
- (2) *In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:*
 - (a) *Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.*
 - (b) *Establish a special yard or other open space or lot area or dimension requirement.*
 - (c) *Limit the height, size, or location of a building or other structure.*
 - (d) *Designate the size, number, location, or nature of vehicle access points.*

- (e) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.*
- (f) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.*
- (g) Limit or otherwise designate the number, size, location, height, or lighting of signs.*
- (h) Limit the location and intensity of outdoor lighting, or require its shielding.*
- (i) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.*
- (j) Designate the size, height, location, or materials for a fence.*
- (k) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.*

Medford Municipal Code §10.184(D) Conditional Use Permits, Mitigation of Impacts.

A conditional use requiring the mitigation of impacts under Subsection (C)(1)(b) above must do one of the following:

- (1) Preserve unique assets of interest to the community.*
- (2) Provide a public facility or public nonprofit service to the immediate area or community.*
- (3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.*

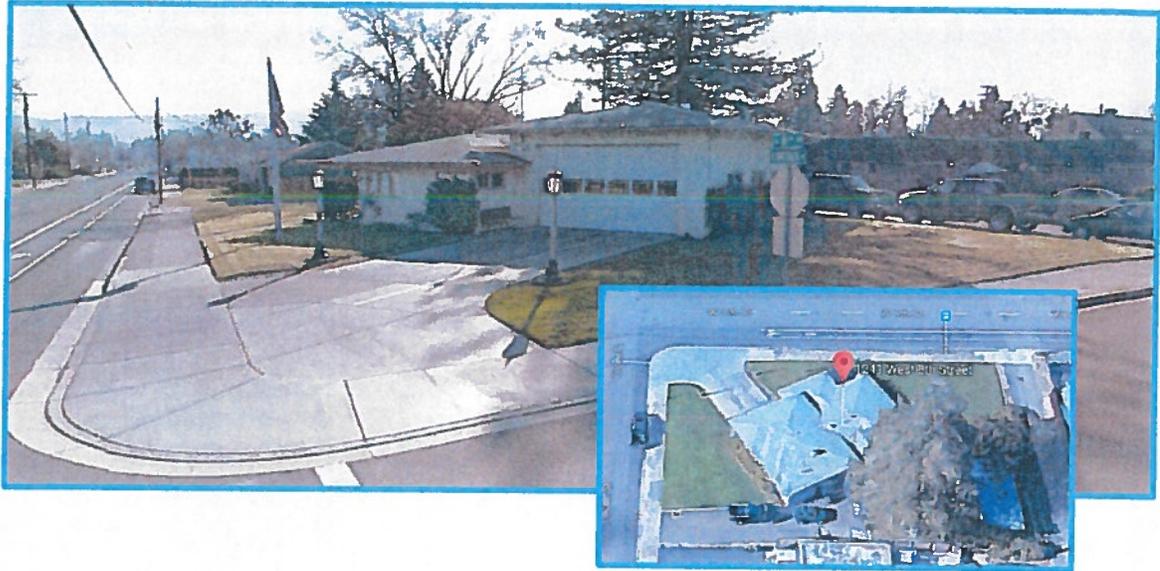
Corporate Names

The Oregon Secretary of State business registry identifies Youth 71Five Ministries as a non-profit organization located at 529 Edwards Street in Medford, and lists Bud Amundsen as its registered agent.

ISSUES AND ANALYSIS

Background

The subject site is currently owned by the City, and was formerly the location of Fire Station #2. At the City Council meeting held on March 15, 2018, City Council voted unanimously to approve the lease or sale of the former fire station to Rogue Valley Youth for Christ (now known as Youth 71Five Ministries).



The applicant, Youth 71Five Ministries, is a faith-based 501(c)3 non-profit organization with programs providing comprehensive mentoring for youth and their family, and currently operates youth/community centers in Eagle Point, Gold Hill, Phoenix, and three facilities in Medford. The applicant is currently leasing the subject property from the City, and, contingent on approval of the subject CUP, will purchase the property with the intent to redesign and repurpose the retired fire station as a multi-purpose neighborhood center to serve the residents living in the adjacent neighborhoods. The proposed neighborhood center will be called 71Five Center, and will be operated under the management of the applicant, who will rent space within the building to four participating local organizations to operate their programs to serve the neighborhoods around the facility.

The four participating organizations include Spartan Boxing, Familia Unida, L.I.F.E Art, and Westside Beautification. The listed activities of the participating organizations will include, but are not limited to, the following: weekly group events for kids; board meetings, staff meetings and community meetings; and office space for Youth 71Five staff. Additional uses may include community gatherings and events and family events, including weddings, birthday parties, baby showers, etc.

Per the applicant's submitted findings (Exhibit F), office hours will normally be from 8 a.m. to 5 p.m., and group activities will normally be held Monday through Saturday, but Sunday activities are also possible. Outside activities will begin no earlier than 8 a.m., and will end no later than 9 p.m. in May, June, July, August and September. All other months the outdoor activities will cease by 8 p.m. The applicant's findings also state that occasional overnight, indoor youth events may also be held.

Code references

Per MLDC 10.010, an Institutional Use is defined as follows:

Public and quasi-public uses such as government offices, fire stations, convention or community centers, auditoriums, post offices, public and private schools and colleges (not including business or commercial schools), libraries, museums, utilities, park-n-ride lots, churches, religious or charitable institutions, facilities for organizations and clubs, and cemeteries, mausoleums, columbariums, and crematories.

Per MLDC 10.314(6), titled *Non-residential Special Uses*, Institutional Uses are permitted in the MFR-20 zoning district solely pursuant to a Conditional Use Permit.

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use of Other Code Section(s)
6. NONRESIDENTIAL SPECIAL USES									
(a) Bed and Breakfast Inn	X	X	Cs	Cs	Cs	Ps	Ps	Ps	10.828
(b) Child Day Care Center	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.811
(c) Institutional Uses	Cs	Cs	Cs	Cs	Cs	Cs	Cs	Cs	10.815-817

Pursuant to MLDC 10.341(6) shown above, the applicant will be required to gain approval for the issuance of a CUP prior to obtaining business licenses for the proposed neighborhood center, and, per MLDC 10.108-1, the Planning Commission is designated as the approving authority for Type III land use review types, including CUPs.

SPAC review (MLDC 10.184(B))

Pursuant to MLDC 10.184(B), staff recommends that the Commission include the review of the applicant’s proposed site plan and architectural in their overall review of the subject CUP request. In MLDC 10.184(B)(2), the Planning Commission may delegate authority to the Site Plan and Architectural Commission (SPAC) or the Planning Director to approve in its name the plans for buildings or other elements of a CUP after the Commission has approved the use. It is staff’s view that the proposed modifications to the existing site and architecture are minimal and do not warrant additional review by SPAC. Therefore, staff has included a condition

(B) Conditional Use Permits Exempt of Site Plan and Architectural Commission Review

(1) Conditional Use Permits (CUPs) approved under this Section shall be exempt from, and there shall be no requirement to apply separately for, a Site Plan and Architectural Commission review or to demonstrate compliance with the approval criteria in Section 10.200(E). However, the Planning Director in their discretion may forward a CUP proposal or proposed revisions thereto to the Site Plan and Architectural Commission for review. When forwarded by the Planning Director, the Site Plan and Architectural Commission shall have authority to review the CUP plans and make recommendations to the Planning Commission.

(2) Delegation of Authority.

The Planning Commission may delegate authority to the Site Plan and Architectural Commission or to the Planning Director to approve in its name the plans for buildings or any other element of a CUP or revisions thereto after the Planning Commission has approved the CUP. The authority delegated by the Planning Commission under this Subsection shall be delimited in conditions attached to the approval. Notwithstanding any other provision of this Code, the approval of delegated matters shall be subject to a Type III Procedure as set forth in Article II.

delegating review of the final architecture and site design for compliance with the Land Development Code to the Planning Director.

Proposed Site Plan and Architecture



The applicant is proposing to make several modifications to the existing site as identified in their submitted findings (Exhibit F), including adding a second floor to the building to provide office space, a conference room and a copy/work room; extending the building off of the south wall to create a shop/garage space for mentoring youth; and a comprehensive alteration to the exterior façade of the building as shown in the applicant’s rendering shown above, and included as Exhibit C.

Staff recommends the following discretionary condition of approval:

The Planning Commission delegates authority to approve in its name the plans for building and other elements of the site to the Planning Director pursuant to MLDC 10.184(B)(2) and as described in Code Condition 6 below. The approval must occur prior to the issuance of building permits for vertical construction.

Parking

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (outside of Downtown Parking District)**	All Other Zones	All Zones
Commercial Use: more than 100,000 square feet	3.0 spaces	3.3 spaces	5.0 spaces
Community or Recreation Center	3.2 spaces or 1.0 space per 4.8 patrons at maximum occupancy, whichever is greater	3.6 spaces or 1.0 space per 4.4 patrons at maximum occupancy, whichever is greater	4.3 spaces or 1.0 space per 3.5 patrons at maximum occupancy, whichever is greater

The applicant is proposing six off-street parking spaces to serve the neighborhood center. Pursuant to MLDC 10.743-1 shown above, the minimum number of parking spaces for the proposed neighborhood center, based on the maximum estimated occupancy of 70 patrons as stated in the applicant's findings, is 16 off-street spaces. MLDC 10.743(3) does, however, permit the approving authority to allow exceptions to the number of parking spaces in Table 10.743-1 for specific uses if they find that the applicant's detailed description of the proposed use demonstrates that the number of need parking spaces is less than the minimum required. The applicant has formally requested relief from complying with the strict standards of the Code in their submitted findings (Exhibit E), citing the limited need for parking due to the fact that the facility is located within easy walking and bicycling distance for the majority of the youth and families to be served, and based on the following data:

Evidence for the limited need for parking is based on current experience at Youth 71Five centers in Medford, Eagle Point, Gold Hill and Phoenix. An additional example includes Spartan Boxing's main facility on Welch St. Details of examples:

- o 71Five City Life Center: Nearly 40 youth regularly attend gatherings yet only about 8 parents drive their kids to the facility. The rest walk or carpool with other families. Of the 8 parents who drive their kids half or more drop them off and pick them up later.
- o Spartan Boxing's main facility is located in an area where most kids are driven to the facility. In this location more than 70% of youth who are driven are dropped off and then picked up later. A satellite location in Station 71Five will allow Spartan Boxing to serve many more kids but require less parking since the kids will come from the neighborhoods within walking /bicycling distance.
- o The 71Five Eagle Point Youth Center regularly hosts groups of up to 70 kids at a time yet the center has/requires only 7 parking spaces.
- o Like Station 71Five, the 71Five Phoenix facility is located in a neighborhood and has (and requires) only 4 parking.

Staff is supportive of the applicant's request to deviate from the strict standards found in MLDC 10.743-1. It is staff's view that the applicant's submitted findings adequately demonstrate that, given the centralized location of the site combined with the proposed uses of the property as a neighborhood center, exceptional circumstances do exist, and therefore warrants relief, pursuant to MLDC 10.743(3).

Driveway

Per the Public Works staff report (Exhibit H), the applicant will be required to remove and replace the existing driveway apron on the corner of West 8th Street and Lincoln Street with full height curb & gutter and an ADA-compliant curb ramp.

As a condition of approval, the applicant will be required to comply with all requirements of Public Works, prior to the issuance of a business licenses for the proposed neighborhood center.

Committee Comments

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

FINDINGS OF FACT

The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

- (1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

The Commission can find that there is sufficient evidence contained in the Applicant's narrative and Findings of Fact, and the Staff Report, to determine that the proposed Neighborhood Center can be made to comply with the provisions of the Code with the imposition of conditions of approval contained in Exhibit A, and therefore will not have an adverse impact on the surrounding area. This criterion is satisfied.

- (2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

This criterion is not applicable.

DECISION

At the public hearing held on March 28, 2019, the Commission voted unanimously to approve the request, while adding two exhibits into the record: Exhibit K, a neighbor letter; and Exhibit L, an email from Public Works stating that a traffic study is not required for the project. Public Works has provided a revised staff report (Exhibit H-1) removing the language concerning the traffic study. Both Exhibits and the revised Public Works staff report have been added to this Commission Report.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit F) and recommends the Commission adopt the findings as recommended by staff.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of CUP-19-017 per the Planning Commission Report dated March 28, 2019, including:

- Designation of the review of the applicant's proposed site design and building architecture to the Planning Director pursuant to MLDC 10.184(B);
- Adoption of the applicant's Findings of Fact (Exhibit F) as identified under the subheadings **ADDITIONAL USES** and **HOURS OF OPERATION**;
- Relief from meeting minimum required parking spaces as required per MLDC 10.743-1;
- Exhibits A through L.

EXHIBITS

- A-1 Conditions of Approval (Revised), dated March 28, 2019.**
- B Site Plan, received March 21, 2019.
- C Exterior rendering, received March 21, 2019.
- D Conceptual Floor Plans (2 of 2), received March 21, 2019.
- E Elevation plans (2 of 2), received March 21, 2019.
- F Narrative & Findings of Fact and Conclusions of Law, received January 30, 2019.
- G Application for CUP, received January 30, 2019.
- H-1 Revised Public Works staff report, received April 4, 2019.**
- I Fire Department Land Development Report, received March 6, 2019.
- J Medford Water Commission memo and map, received March 6, 2019.
- K Neighbor letter, received on March 25, 2019.**
- L Email from Public Works, received March 28, 2019.**
Vicinity map

MEDFORD PLANNING COMMISSION

Mark McKechnie, Chair

PLANNING COMMISSION AGENDA:

MARCH 28, 2019
APRIL 11, 2019

EXHIBIT A-1

71FIVE Center
CUP-19-017
Conditions of Approval
March 28, 2019

DISCRETIONARY CONDITIONS

1. The Planning Commission delegates authority to approve in its name the plans for building and other elements of the site to the Planning Director pursuant to MLDC 10.184(B)(2) and as described in Code Condition 6 below. The approval must occur prior to the issuance of building permits for vertical construction.

CODE REQUIRED CONDITIONS

Prior to the issuance of business licenses, the applicants shall:

2. **Comply with all requirements of the Public Works Department (Exhibit H-1), including the removal and replacement of the existing driveway apron on the corner of West 8th Street and Lincoln Street with full height curb & gutter and an ADA-compliant curb ramp.**
3. Comply with all conditions of the Medford Water Commission (Exhibit J).
4. Comply with all requirements of the Medford Fire Department (Exhibit I).
5. Provide an outdoor lighting plan to ensure that all proposed outdoor lighting is pointed down, hooded, or otherwise shielded to prevent any potential glare from entering on to adjoining properties, consistent with the requirements found in MLDC 10.764.

Prior to the issuance of a building permit for vertical construction, the applicant shall:

6. Submit a revised, scaled site plan showing all pertinent dimensions identified on the plan including, but not limited to, building setbacks, pedestrian walkway/sidewalk width, parking stall dimensions; as well as illustrate on the plan how any proposed trash receptacles and/or HVAC equipment will be concealed, consistent with the requirements found in MLDC 10.781-782.



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 3/6/2019
Commission Update 4/4/2019
File Number: CUP-19-017

PUBLIC WORKS DEPARTMENT STAFF REPORT 1241 West 8th Street (TL 11200) 71FIVE Center

- Project:** Request for a Conditional Use Permit (CUP) in order to operate a multi-purpose neighborhood center, consisting of programs providing mentoring for youth and their families, at an existing building.
- Location:** Located at 1241 West 8th Street in the MFR-20 (Multi-Family Residential, twenty dwelling units per gross acre) zoning district (372W25CA11200).
- Applicant:** Applicant, Youth71Five Ministries; Planner, Dustin Severs.

NOTE: The items listed here shall be completed and accepted prior to the respective issuances of permits and certificates:

Prior to issue of the first building permit, the following items shall be completed and accepted:

- Submittal and approval of plans for site grading and drainage, and detention.
- Completion of all public improvements, if required. The applicant may provide security for 120% of the improvements prior to issuance of building permits. Construction plans for the improvements will need to be approved by the Public Works Engineering Division prior to acceptance of security.
- Items A – D, unless noted otherwise.

Prior to issue of Certificate-of-Occupancy for completed structures, the following items shall be completed and accepted:

- Paving of all on-site parking and vehicle maneuvering areas.
- Certification by the design Engineer that the stormwater quality and detention system was constructed per the approved plan.
- Completion of all public improvements, if applicable.

A. STREETS

1. Dedications

West 8th Street is classified a Minor Arterial street within the Medford Land Development Code (MLDC), Section 10.428, and requires a total right-of-way width of 78-feet. **No additional right-of-way will be required.**

Lincoln Street is classified as a Minor Residential street within the MLDC 10.430, and requires a total right-of-way width of 55-feet. **No additional right-of-way will be required.**

2. Public Improvements

a. Public Streets

West 8th Street – All street section improvements, with the exception of a planter strip, have been completed in close conformance with current standards, including pavement, curb and gutter, sidewalks and street lights. **No additional public improvements are required.**

Lincoln Street – All street section improvements, with the exception of a planter strip, have been completed in close conformance with current standards, including pavement, curb and gutter, sidewalks and street lights. **No additional public improvements are required.**

b. Street Lights and Signing

No additional street lights or signs are required.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer's contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided by Medford Public Works Department and paid for by Developer.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage to West 8th Street or Lincoln Street.

d. Access to Public Street System

Public Works recommends denial of the CUP unless the applicant provides sufficient information to determine the traffic impacts of the proposed use compared to the impacts of permitted uses, in accordance with MLDC 10.184. The traffic impact must be determined based on the proposed use. The applicant may use the trip generation rate for a church as published in the Institute of Transportation Engineer's Trip Generation Manual since the proposed uses are similar to the description of a church in the manual. As an alternative, the applicant may

conduct a trip generation study in accordance with the procedures outlined in the Trip Generation Manual. The existing zoning would allow development of up to 11 multi-family units, or 81 Average Daily Trips.

Commission Update: Additional information has been submitted noting the total floor area after the additions will be 5,563 SF. Using the trip generation rate for a church, this would result in 39 ADT. The existing zoning would allow development of up to 11 multi-family units, or 81 Average Daily Trips. **Therefore, the traffic impacts of the proposed use will be less than the impacts of permitted uses.**

Driveway access to the proposed development site shall comply with MLDC 10.550.

Remove and replace the existing driveway apron on the corner of West 8th Street and Lincoln Street with full height curb & gutter and an ADA-compliant curb ramp.

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. The Developer shall provide one separate individual service lateral to the site or ensure that the site is served by an individual service lateral. All unused laterals adjacent and stubbed to the development shall be capped at the main.

C. STORM DRAINAGE

1. Drainage Plan

A comprehensive drainage plan showing the project's impacted site with sufficient information to determine the direction of runoff to the existing or proposed drainage system, and also showing elevations of the proposed drainage system (if applicable), shall be submitted with the first building permit application for approval. Any new or reconstructed area catch basins shall meet Department of Environmental Quality (DEQ) requirements, which include a down-turned elbow and sump.

The Developer shall provide copies of either a Joint Use Maintenance Agreement or a private stormdrain easement for any stormwater draining onto or from adjacent private property.

A Site/Utility Plan shall be submitted with the building permit application to show the location of existing or proposed stormdrain lateral/s for the site.

All private storm drain lines shall be located outside of the public right-of-way and/or any public utility easements (PUE).

2. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed development will be submitted with the improvement plans for approval. Grading on

this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

3. Detention and Water Quality

Stormwater quality and detention facilities shall be required in accordance with MLDC Section 10.481, 10.729 and 10.486 for any new or reconstructed impervious area.

4. Certification

Upon completion of the project, and prior to certificate of occupancy of the building, the Developer's design Engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Erosion Prevention and Sediment Control

All development that disturbs 5,000 square feet or greater shall require an Erosion Prevention and Sediment Control Plan. Developments that disturb one acre and greater shall require a 1200C permit from the Department of Environmental Quality (DEQ). Erosion Prevention and Sediment Control Plans shall be submitted to the Building Department with the project plans for development. All disturbed areas shall be covered with vegetation or properly stabilized prior to certificate of occupancy.

D. GENERAL CONDITIONS

1. Construction and Inspection

The Developer or Developer's contractor shall obtain appropriate right-of-way permits from the Department of Public Works prior to commencing any work within the public right-of-way that is not included within the scope of work described within approved public improvement plans. Pre-qualification is required of all contractors prior to application for any permit to work in the public right-of-way.

2. Site Improvements

All on-site parking and vehicle maneuvering areas related to this development shall be paved in accordance with MLDC, Section 10.746, prior to issuance of certificate of occupancy for any structures on the site. Curbs shall be constructed around the perimeter of all parking and maneuvering areas that are adjacent to landscaping or unpaved areas related to this site. Curbs may be deleted or curb cuts provided wherever pavement drains to a water quality facility.

3. System Development Charges (SDC)

Buildings in this development are subject to System Development Charge (SDC) fees. All SDC fees shall be paid at the time individual building permits are issued.

Prepared by: Jodi K Cope

Reviewed & Revised by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

1241 West 8th Street (TL 11200)

71FIVE Center

CUP-19-017

A. Streets

1. Street Dedications to the Public:

- West 8th Street – No additional right-of-way required.
- Lincoln Street – No additional right-of-way required.

2. Improvements:

Public Streets

- West 8th Street improvements have been completed.
- Lincoln Street improvements have been completed.

Lighting and Signing

- No additional street lights are required.

Access to Public Street System

- The traffic impacts of the proposed use will be less than the impacts of permitted uses.
- Remove and replace the existing driveway apron on the corner of West 8th Street and Lincoln Street with full height curb & gutter and an ADA-compliant curb ramp.

Other

- There is no pavement moratorium currently in effect on West 8th Street or Lincoln Street.

B. Sanitary Sewer:

- Ensure or construct separate individual sanitary sewer connection.
- Cap remaining unused laterals at the main.

C. Storm Drainage:

- Provide a comprehensive grading and drainage plan.
- Provide water quality and detention facilities, calculations and O&M Manual.
- Provide Engineers certification of stormwater facility construction.
- Provide copy of an approved Erosion Control Permit (1200C) from DEQ for this project.

- = City Code Requirement
- = Discretionary recommendations/comments

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for 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.

File # CUP-19-017
Put in Public Record

3-25-2019

TO: Planning Dept. City of Medford

RECEIVED

MAR 27 2019

PLANNING DEPT.

My name is Larry Meyer & I have owned the duplex next door, at 109-115 Jameson, since 1976.

I am against this project for the following reasons:

(1) I feel this land, at 1241 W 8th St, should have been sold to the highest bidder & the proceeds put in the general fund.

(2) I am afraid that this project will adversely affect my tenants next door. I hope restrictions are put in place to protect my property.

(3) I tried for years to have the city get rid of this tree, as it buckled my sidewalk & plagued my drains for years. Now, all of a sudden, since it is in the city's interest, the tree can go!

(4) This project, like most other city decisions, shows how inept city government is.

Larry Meyer

3337 Old Stone Rd

Centerville, OR

OR 97502 541-665-3306

Alex T. Georgevitch

From: Karl H. MacNair
Sent: Thursday, March 28, 2019 3:55 PM
To: Alex T. Georgevitch
Cc: Dustin J. Severs
Subject: CUP-19-017, 71FIVE Center

Alex,

Dustin supplied me information saying the total floor area after the additions will be 5,563 SF. Using the generation rate for a church, this would result in 39 ADT. The existing zoning would allow development of up to 11 multi-family units, or 81 Average Daily Trips. So, we can find that the traffic impacts of the proposed use will be less than the impacts of permitted uses.

Thank you,

Karl H. MacNair, PE
Transportation Manager
City of Medford | Public Works | Engineering
200 S. Ivy | Medford, OR 97501
Office: (541) 774-2115
karl.macnair@cityofmedford.org

Ex. L

CITY OF MEDFORD
EXHIBIT # L
File # CUP-19-017



Project Name:

71FIVE Center

Map/Taxlot:

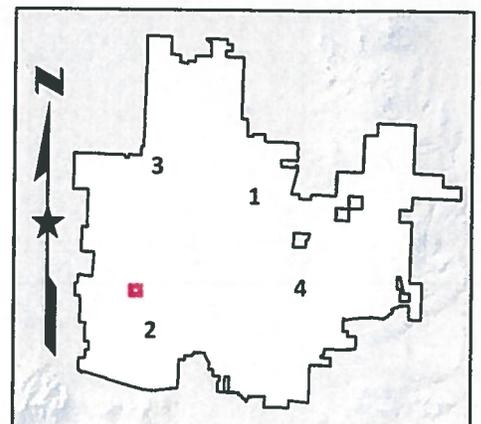
372W25CA TL 11200



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

02/04/2019





City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT – CONTINUANCE REQUEST

for a Type-III quasi-judicial decision: Zone Change

Project Hagle Zone Change
Applicant: Jane Erin Griffin-Hagle

File no. ZC-18-189

To Planning Commission

for April 11, 2019 hearing

From Dustin Severs, Planner III

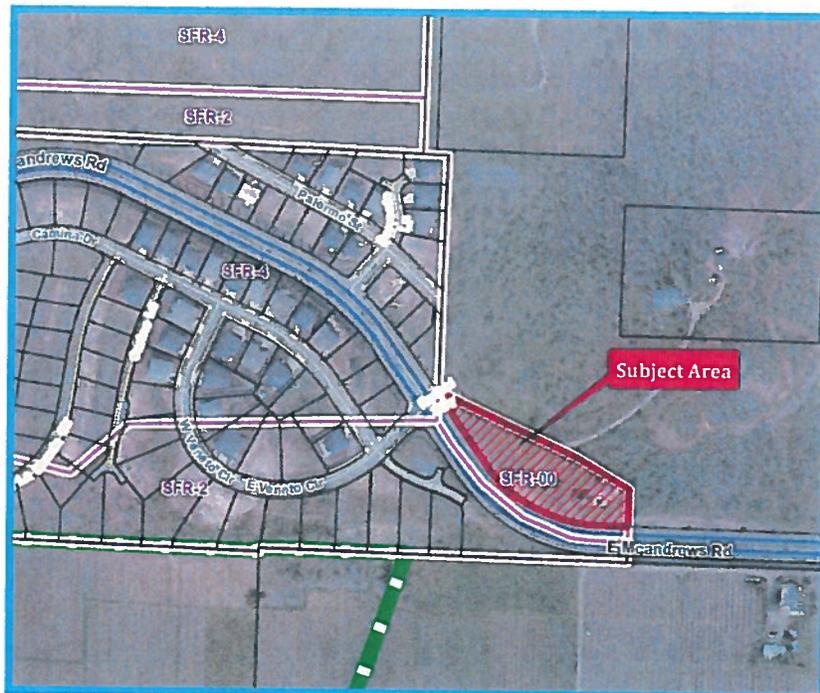
Reviewer Kelly Evans, Assistant Director

Date April 4, 2019

BACKGROUND

Proposal

Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400).



Request

The applicant has requested that the item be continued to April 25, 2019, in order to provide additional time to complete a sewer study to support the zone change request.

EXHIBITS

Vicinity Map

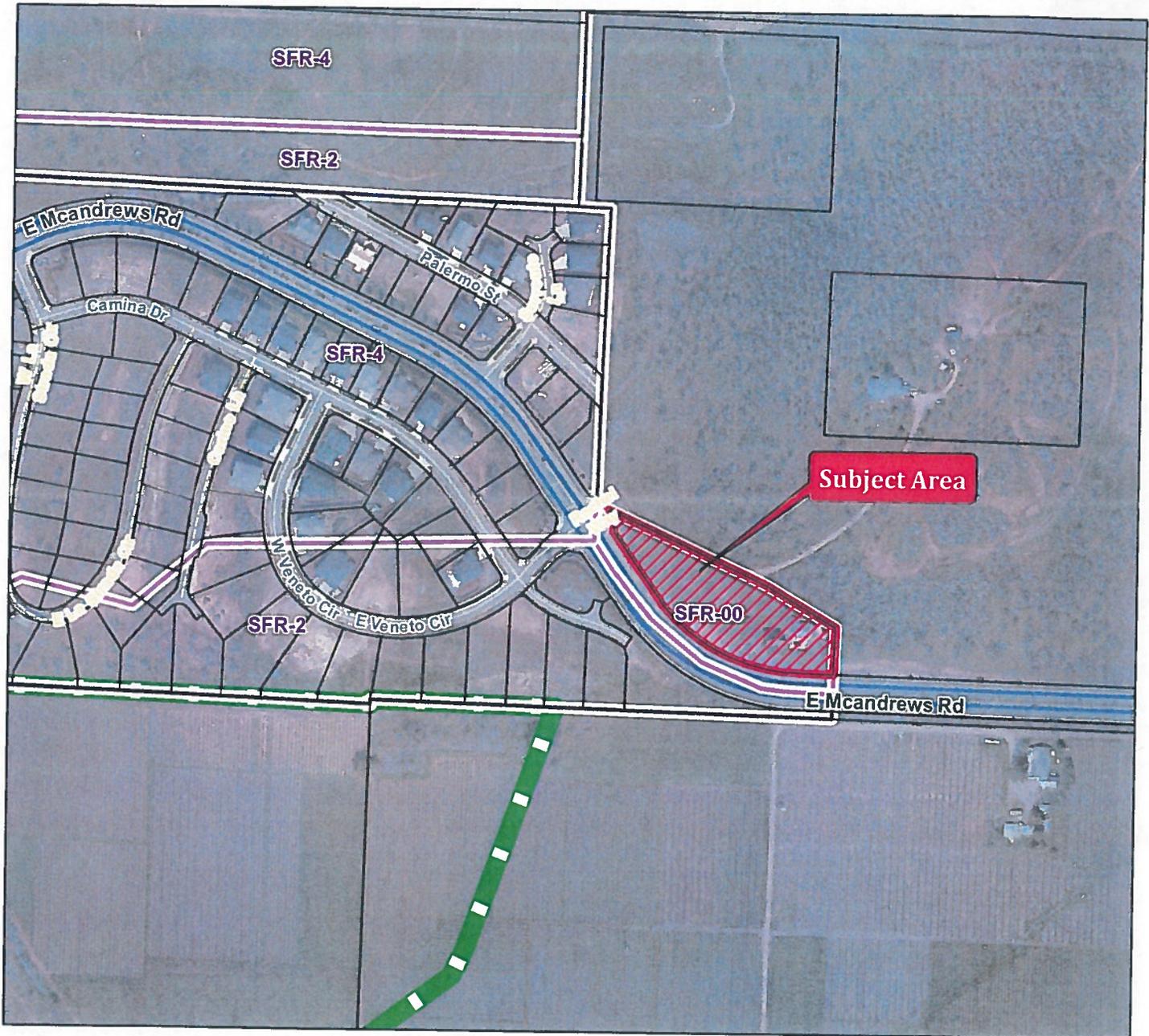
COMMISSION AGENDA:

FEBRUARY 14, 2019

MARCH 14, 2019

MARCH 28, 2019

April 11, 2019



Project Name:

**Griffin-Hagle
 Zone Change**

Map/Taxlot:

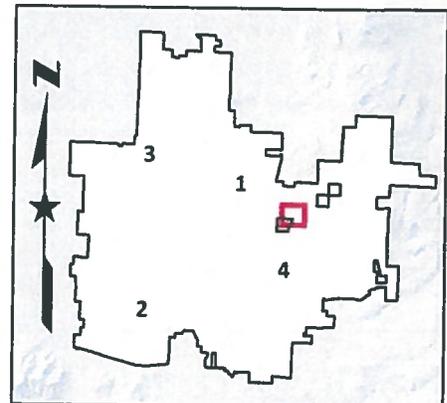
371W22 TL 400



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

12/19/18





STAFF REPORT

for a type-III quasi-judicial decisions: **Land Division, Zone Change & Exception**

PROJECT Delta Estates – Phases 6-9
Applicant: Hayden Homes LLC.
Agent: CSA Planning

FILE NO. LDS-19-008 / ZC-19-009 / E-19-010

TO Planning Commission

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director

DATE April 4, 2019

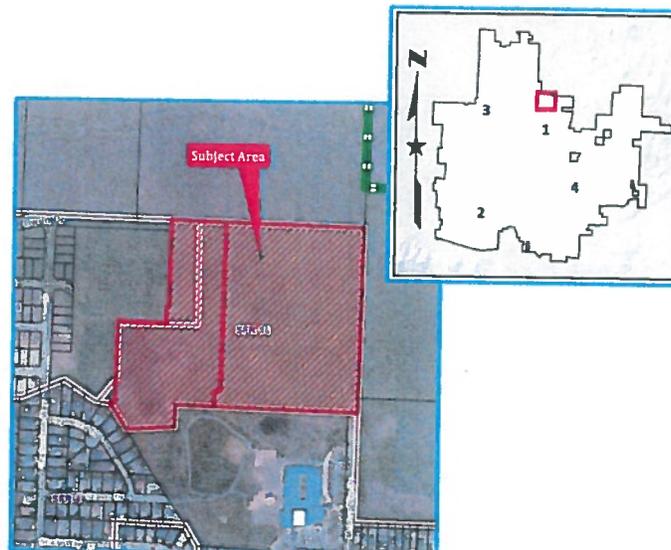
for April 11, 2019 hearing

BACKGROUND

Proposal

Consideration of a request for tentative plat approval for Delta Estates – Phases 6-9, a proposed 166-lot residential subdivision on two parcels totaling 31.64 acres, including a request for a change of zone for proposed Phases 6-8, totaling 22.64-acres, and an additional 0.14-acres of the adjacent Phase 5, from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to SFR-6 (Single Family Residential, six dwelling units per gross acre); and a request for an Exception in order to allow a distance less than 200 feet between two intersections. The property is located east of Cheltenham Way and north of Mcloughlin Drive in the SFR-10 & SFR-6 zoning districts (371W08 1103 & 1104).

Vicinity Map



Subject Site Characteristics

Zoning: SFR-6 & SFR-10
GLUP: UR (Urban Residential)
Overlay(s): AC (Airport Area of Concern)
Use(s): Vacant

Surrounding Site Characteristics

North Zone: County EFU
Use(s): Agricultural land
South Zone: SFR-4
Use(s): Abraham Lincoln Elementary
East Zone: County EFU
Use(s): Agricultural land
West Zone: SFR-6
Use(s): Delta Estates Subdivision

Related Projects

ZC-10-078 Zone Change
PLA-17-072 Property Line Adjustment
LDP-18-023 3-lot partition

Applicable Criteria

MLDC 10.270: Land Division Criteria

The approving authority (Planning Commission) shall not approve any tentative plat unless it first finds that, the proposed land division together with the provisions for its design and improvement:

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the*

applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;
(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;
(5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
(6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

MLDC 10.204: Zone Change 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 (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist:

- (i) At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or*
- (ii) The area to be re-zoned is five acres or larger; or*
- (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five acres.*

- (3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.*

- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise*

improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

- (b) *Adequate streets and street capacity must be provided in one (1) of the following ways:*
- (i) *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
 - (ii) *Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
 - (iii) *If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:*
 - (a) *the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
 - (b) *when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.*
 - (iv) *When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
 - (c) *In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of*

recordation, returned to the Planning Department, and may include, but are not limited to the following:

(i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,

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

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

MLDC 10.186(B): Exception Criteria

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the land use review unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It

Corporate Names

Delta Waters Properties, LLC, is the owner of this property. The Oregon State Business Registry list their principal place of business as located at 1501 E. McAndrews Road, and James M. Root as its Registered Agent.

ISSUES AND ANALYSIS

Project Summary

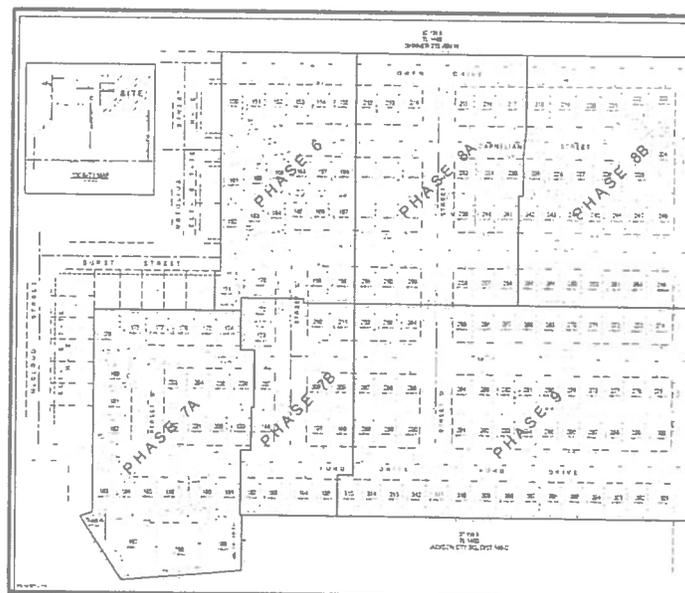
Site History

HISTORY – Delta Estates

FILE #	DATE	DESCRIPTION
LDP-13-086	February 5, 2016	Final plat approval for Delta Estates – Phase 1
LDP-13-086	March 1, 2018	Final plat approval for Delta Estates – Phase 2 & 3
LDP-18-023	May 10, 2018	Tentative Plat approval for a 3-lot partition, which included the subject site.
LDP-18-023	July 31, 2018	Final Plat approval of 3-lot partition, which included the subject site.
LDS-16-090	January 4, 2019	Final Plat approval of Delta Estates – Phases 4-5

The subject site, owned by Delta Waters LLC, consists of two contiguous parcels totaling 31.64 acres, located on the edge of City limits, and is part of the larger Delta Estates subdivision, which was first platted as a 3-lot partition in 2014 (LDP-13-086). The subject site was part of a 3-lot partition (LDP-18-023), receiving Final Plat approval in 2018, which gave the site its current configuration.

Current Proposal



The applicant is now requesting to develop an additional four phases – a total of 166 lots – on two vacant parcels as part of phases 6-9 of Delta Estates. As with the previous phases, Delta Estates Phases 6-9 are proposed to be developed with single-family homes.



The applicant also requests approval for a zone change from SFR-10 to SFR-6 for Phases 6-8 of the proposed subdivision, including a 0.14 portion of Phase 5, while Phase 9 will remain zoned SFR-10.

Finally, the applicant is requesting an Exception to allow a distance less than 200 feet between two proposed intersections identified on the tentative plat.

Pursuant to MLDC 10.114, the proposed 166-lot residential subdivision, zone change request, and the Exception request may be heard concurrently, and the Planning Commission is designated as the approving authority for all three land use reviews, as per MLDC 10.108(1).

Density

Density Table

SFR-10 (9.00 acres. Phase 9)	Allowed	Shown
Min. /Max. Density 6.0 to 10.0 dwelling units per gross acre	54 min. / 90 max.	54 units

SFR-6 (22.64 acres, Phases 6-8)	Allowed	Shown
Min. /Max. Density 4.0 to 6.0 dwelling units per gross acre	91 min. / 136 max.	112 units

As shown on the Density Table above, based on 31.64 acres of total land, the creation of 166 lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-6 and SFR-10 zoning districts, respectively, as per MLDC 10.710.

Development Standards

Site Development Table

SFR-10 (Phase 9)	Lot Area	Min. lot Width (Interior)	Min. lot Width (Corner)	Min. lot Depth	Min. Lot Frontage
Required	3,600 to 8,125	40 feet	50 feet	90 feet	30 feet
Shown	4,750 to 6,185	50 feet (lowest)	60 feet (lowest)	95 feet (lowest)	50 feet (lowest)

SFR-6 (Phase 6-8)	Lot Area	Min. lot Width (Interior)	Min. lot Width (Corner)	Min. lot Depth	Min. Lot Frontage
Required	4,500 to 12,500	50 feet	60 feet	90 feet	30 feet
Shown	4,747 to 11,798	50 feet (lowest)	60 feet (lowest)	90 feet (lowest)	30 feet (lowest)

As shown in the Site Development Tables above, it can be found that the 166 lots shown on the tentative plat meet all the dimensional standards for both the SFR-6 and SFR-10 zoning districts as found in Article V of the Medford Land Development Code.

Oversized Lots

Lots 187-189 as shown on the submitted tentative plat exceed the maximum area permitted in the SFR-6 zoning district. However, per MLDC 10.702(3)(b), when a portion of a lot is unbuildable for a reason beyond the control of a developer, a new residential lot may exceed the maximum lot area, but the additional acreage, or fraction thereof, may not exceed the amount of unbuildable area. The applicant's supplemental Findings of Fact (Exhibit T)



states that there are City storm drain easements within the lots, which inhibit development, and the applicant's Unbuildable Area Map (Exhibit F) illustrates that the buildable area of each of the three lots do fall between the min/max area range for the underlying zone when the unbuildable areas are discounted.

Proposed Streets

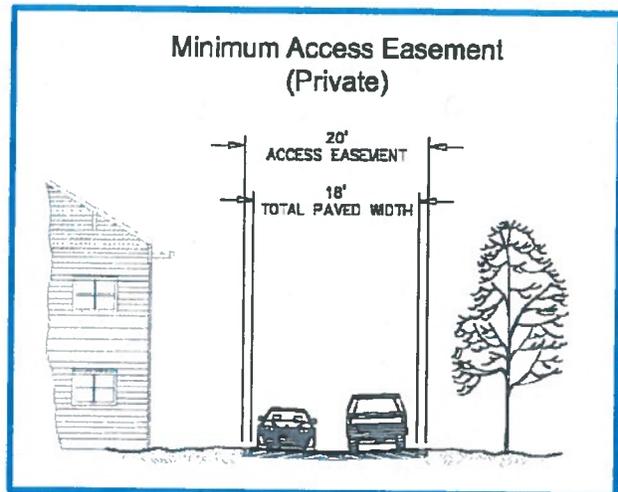
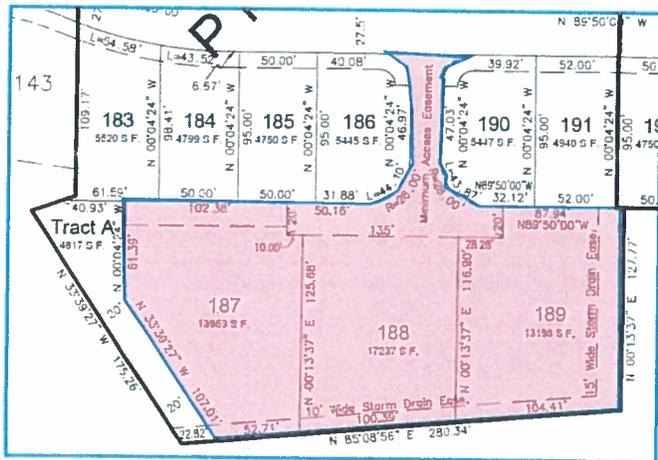
As identified on the submitted tentative plat, the applicant is proposing the construction of ten public streets with the development, including the extension of five existing streets: Owen drive, a Minor Arterial street; Ford Drive, a Minor Residential street; Durst Street, a Standard Residential street; Carnelian Street, a Minor Residential street; and Mcloughlin Drive, a Major Collector street. The applicant is also proposing the construction of five new streets, shown as Street A-D on the tentative plat, consisting of four Minor Residential streets and one Residential Lane (Street A).

Minimum Access Easement

The tentative plat identifies three lots (Lots 187-189) taking access from Ford Drive via a 20-foot wide Minimum Access Easement (MAE) provided by Lot 188 along the site's southwesterly boundary.

Pursuant to MLDC 10.430(A), a MAE is described as follows:

An easement containing a shared driveway having the sole function of providing direct access to immediately adjacent residentially zoned land, and upon which a minimum of two (2) and maximum of three (3) dwelling units (not including Accessory Dwelling Units-ADU's) take access. A minimum access easement must meet the minimum driveway turnaround standards in Section 10.746(11). Minimum access easements are permitted subject to Section 10.450. A minimum access easement does not have sidewalks or planter strips. No parking is permitted on a minimum access easement. A minimum access easement is considered a street for purposes of meeting lot frontage requirements, and for setback purposes. Therefore, a minimum access easement creates street side yards and corner lots. A minimum access easement does not create a through lot.



Per MLDC 10.450 cited below, the approving authority shall only permit the creation of a Minimum Access Easement when an applicant effectively demonstrates in their findings that certain conditions exist to warrant its creation.

10.450 Cul-de-sacs, Minimum Access Easements, and Flag Lots.
(1) Cul-de-sacs, minimum access easements and flag lots shall only be permitted when the approving authority finds that any of the following conditions exist:
(a) One or more of the following conditions prevent a street connection: excess slope (15% or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property, presence of a freeway or railroad.
(b) It is not possible to create a street pattern which meets the design requirements for streets.
(c) An accessway is provided consistent with the standards for accessways in Section 10.464 through Section 10.466.

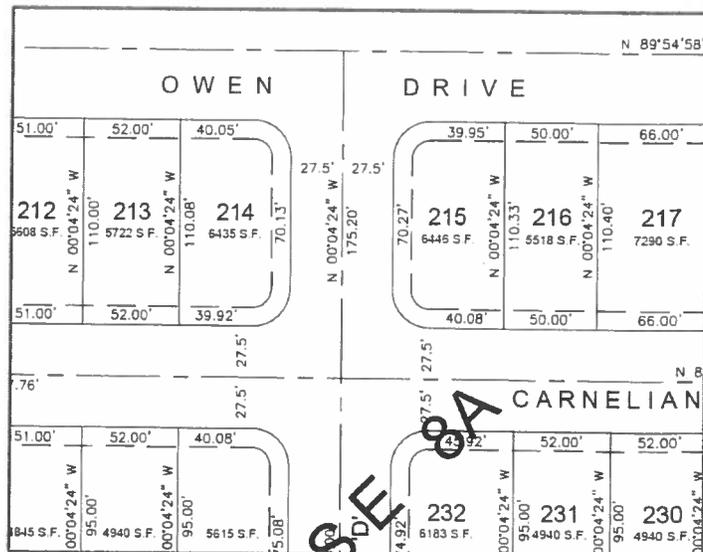
The applicant's supplemental Findings (Exhibit T) state the following:

The minimum access drive on the south part of the property for lots 187, 188, 189 is proposed based on the odd "property line jog" in this area. Existing development to the south precludes a street connection.

Staff concurs with the applicant's findings. The use of Minimum Access Easements, as found in MLDC 10.450 above, provide alternative infill strategies for developments constrained by historic development patterns surrounding vacant/developable land. In the interest of promoting greater housing density and efficient use of land within the City – as identified in the *Housing Element* of the *Medford Comprehensive Plan* and Goal 10 of the *Oregon Statewide Planning Goals* – permitting the use of Minimum Access Easements for infill projects is encouraged as a way of accommodating needed population growth within the City's existing urban growth boundary.

Exception Request

The applicant is requesting an Exception in order to allow a reduced intersection spacing on Street D between the intersections of Owen Drive and Carnelian Street.



Intersections are required to be offset by at least 200 feet as per the Street Circulation Design and Connectivity standards found in MLDC 10.426(D), cited below:

D. Minimum Distance Between Intersections.

Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.

It is the applicant’s responsibility to effectively demonstrate in their submitted findings that there are circumstances unique to the physical characteristics of the site which do not apply elsewhere in the City, and which constitute an undue hardship on the owner.

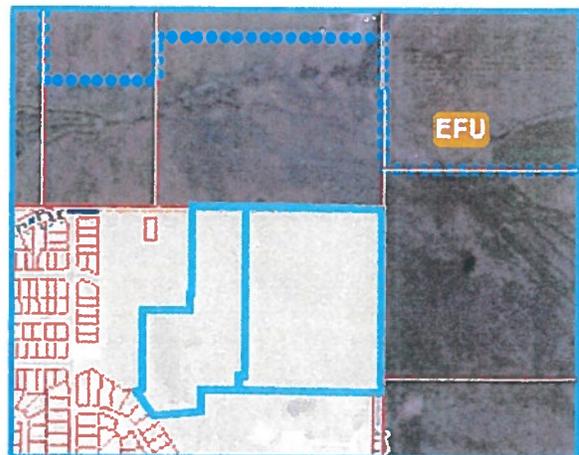
The applicants submitted findings state, “The purpose of the 200-foot minimum intersection spacing standard is to avoid the creation of intersections that are off-set by too short a distance. Intersections that are off-set by too short a distance can create turning movement hazards. In the subject application, there is no potential for an off-set intersections because the street is a ‘T’ intersection so there will be no turning movement conflicts.” The Findings go on to identify the reduced depth of the site as a condition that is unique to this portion or elsewhere in the City.

Staff recommends approval of the applicant’s Exception request with the following conditions as included in the Public Works staff report:

- 1.) The final plat shall restrict driveways on Street ‘D’ between Owen and Carnelian Street.
- 2.) Street ‘D’ be built with a total paved width of 33-feet with five-and-a-half foot planter strips between Owen Drive and Carnelian Street, consistent with the design option (c) for Minor Residential streets per MLDC 10.430.

Agricultural Buffering

Per MLDC 10.801, land proposed for urban development which abuts and has a common lot line with other land which is zoned EFU requires agricultural buffering. The subject property shares a common lot line along both its easterly and northerly border with land located outside of the City, and zoned EFU. The applicant has submitted an Agricultural Impact Assessment (Exhibit N) as part of their application submittal, which determined that the abutting EFU lands are used primarily for passive agriculture.



Required mitigation for passive agriculture includes: a 6-foot fence or wall, a deed declaration regarding the adjoining passive agriculture, and measures to mitigate adverse impact of periodic natural run off and agricultural irrigation run off. These mitigation measures will be required to be completed prior to the issuance of building permits for vertical construction.

Traffic Impacts

At the time of zone change approval (ZC-10-078), the subject property was analyzed for transportation facility adequacy, which resulted in the applicant stipulating to a trip cap on the property based on the projected number of dwelling units constructed on the site in the future.

Per the staff report provided by Public Works, the subject property included six traffic related conditions. Conditions 1, 2 and 3 have been released, while condition 4 requires an all-way stop to be installed at the intersection of Delta Waters Road and Foothill Road. Per the report, Public Works has determined that an all way-stop is not warranted at this time; rather, a financial contribution in lieu of the improvements is preferred. Public Works recommends the following condition of approval:

Prior to final plat being approved for the 246th subdivision lot, the applicant shall pay Public Works \$10,000 for mitigation of the Delta Waters Road and Foothill Road intersection.

Wetlands

There is a designated wetland identified on the Local Wetland Inventory map which shows the subject lot partially impacted by the presence of a wetland. As required by ORS 227.350, staff forwarded the application to the Oregon Department of State lands (DSL) as a reviewing agency. The applicant's submitted Findings (Exhibit L) states their intent to mitigate offsite any small amount of remaining wetlands. The applicant will be required to comply with any requirements of Oregon Department of State Lands (DSL), prior to final plat approval.



Criteria Compliance (Zone Change)

GLUP/TSP Consistency

The General Land Use Plan (GLUP) designation for the subject site is UR (Urban Residential), and according to the General Land Use Plan Element of the *Comprehensive Plan*, the SFR-6 zoning district is a permitted zone within the UR GLUP designation.

The Transportation System Plan (TSP) serves as a blueprint to guide transportation decisions as development occurs in the City. A traffic Impact Analysis (TIA) is required when an 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. There is currently a trip cap stipulation on the property based on the projected number of dwelling units constructed on the site in the future, which will ensure compliance with the TSP.

It can be found that the applicant's findings adequately demonstrate that the proposed zone change is consistent with the goals outlined in the City's *Comprehensive Plan* and TSP, and accordingly, this demonstration of consistency assures compliance with the Oregon Transportation Planning Rule.

Locational Criteria

The subject zone change proposal requires an assessment of the locational criteria for the SFR-6 zoning district. The locational criteria for the SFR-6 zone as outlined in MLDC 10.204(b), reads as follows:

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist:

- (i) At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or*
- (ii) The area to be re-zoned is five acres or larger; or*
- (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five acres.*

The locational criteria for the SFR-6 zoning district is not applicable to the subject request, as applicant's request to rezone the property from SFR-10 to SFR-6 will decrease density.

Facility Adequacy

MLDC 10.204(3) requires demonstration that Category A facilities (storm drainage, sanitary sewer, water and streets) must already be adequate in condition, capacity and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

The agency comments included in Exhibits O-Q, demonstrate that, with the imposition of the conditions of approval contained in Exhibit A, Category A facilities can be made to be adequate to serve the property at the time it is developed.

Facility Adequacy

Per the agency comments submitted to staff, (Exhibits O-Q), it can be found that there are adequate facilities to serve the future development of the site.

Other Agency Comments

Parks Department (Exhibit R)

In their submitted memo, the Parks Department recommends that the developer continue with reduced planter strip and widened sidewalk along McLoughlin, and continue with standard Arterial cross-section that was implemented on Owen Drive farther west.

Parks also requires that the applicant submit landscaping and irrigation plans that are consistent with the Parks Department Landscape and Irrigation Specifications and the City approved Street Tree Lists. Plans must be approved by the Parks Department and Medford Water Commission prior to installation.

Rogue Valley International-Medford Airport (Exhibit S)

Rogue Valley International Airport requests an Avigation, Noise and Hazard Easement to be required as part of the permit process. In the 2010 LUBA decision on Michelle Barnes vs. City of Hillsboro and the Port of Portland, Nollan/Dolan findings are required to support the request (LUBA No. 2010-011). None were provided; therefore, a condition requiring compliance with the airport's request for an Avigation, Noise and Hazard Easement has not been included.

Committee Comments

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

FINDINGS AND CONCLUSIONS

Land Division

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Article IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (Delta Estates), which has been reviewed and approved by the City's Address Technician; the plat includes the creation of streets, which are laid out to be consistent with existing and planned streets of the adjoining properties; and criterion 5-6 are inapplicable.

Exception

Staff finds that the approval of the exception request is in harmony with the general purpose and intent of the SFR-6 zoning district, and will not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources; will not permit the establishment of a use which is not permitted in the SFR-6 zoning district; the reduced depth of the site combined with the infill nature of the development constitutes a unique or unusual circumstance which applies to the site which does not apply elsewhere in the City, and would thereby result in an undue hardship on the owner; and the need for the exception is not the result of an illegal act.

Zone Change

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UR General Land Use Plan Map designation and the Transportation System Plan. The Commission can find that this criterion is met.
- With regard to Criterion 2, this criterion is not applicable.
- With regard to Criterion 3, the agency comments included as Exhibits O-Q, demonstrate that with the imposition of the condition of approval contained in Exhibit A, Category A facilities can be made to be adequate to serve the property at the time of issuance of a building permit for vertical construction. The Commission can find that this criterion is met.

Staff recommends that the Commission adopt the Findings of Fact as recommended by staff.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-19-008, ZC-19-009 & E-19-010 per the staff report dated April 4, 2019, including:

- Exhibits A through X.
- Approval of the maximum timetable of five years for the platting of the development in phases, as per MLDC 10.202(D)(2).
- Approval of the proposed Minimum Access Easement to serve lots 187-189, as shown on the tentative plat.
- Adoption of the applicant's submitted Agricultural Impact Assessment (Exhibit N).
- Adoption of the applicant's stipulations as stated in the submitted *Findings of Fact and Conclusions of Law* (Exhibit L).

EXHIBITS

- A Conditions of Approval, dated April 4, 2019.
- B Tentative Plat, received March 28, 2019.
- C Conceptual Grading & Drainage Plan (3 of 3), received March 28, 2019.
- D Conceptual Utility Plan (3 of 3), received March 28, 2019.
- E Cover sheet, received March 28, 2019.
- F Unbuildable area map (lots 187-189), received March 28, 2019.
- G Applicant's GLUP Map, received January 15, 2019.
- H Applicant's Current Zoning Map, received January 15, 2019.
- I Applicant's Proposed Zoning Map, received January 15, 2019.
- J Applicant's Assessor's Map, received January 15, 2019.
- K Applicant's Adopted Circulation Map, received January 15, 2019.
- L Applicant's Findings of Fact, received January 15, 2019.
- M Applicant's Demonstration of Compliance Findings, received January 15, 2019.
- N Applicant's Agricultural Impact Assessment, received January 15, 2019.
- O Public Works Staff Report, received April 3, 2019.
- P Medford Water Commission memo & associated map, received February 27, 2019.
- Q Medford Fire Department Report, received February 27, 2019.
- R Parks Department report, received February 27, 2019.
- S Rogue Valley International-Medford Airport email, received February 21, 2019
- T Applicant's supplemental Findings of Fact, received March 28, 2019.
- U Oregon Department of Land Conservation and Development email, received March 11, 2019.
- V Applicant's memo concerning DLCD comments, dated March 12, 2019.
- W Address Technician memo, February 27, 2019.
- X Department of State Lands (DSL) Wetland Use Notification Response, received March 22, 2019.
Vicinity map

PLANNING COMMISSION AGENDA:

MARCH 28, 2019
APRIL 11, 2019

EXHIBIT A

Delta Estates – Phases 6-9
LDS-19-008 / ZC-19-009 / E-19-010
Conditions of Approval
April 4, 2019

DISCRETIONARY CONDITIONS

1. The Commission accepts the applicant's stipulations as stated in the submitted *Findings of Fact and Conclusions of Law* (Exhibit L), and applies them as conditions except as modified.
2. Prior to final plat being approved for the 246th subdivision lot, the applicant shall pay Public Works \$10,000 for mitigation of the Delta Waters Road and Foothill Road intersection.

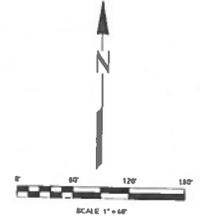
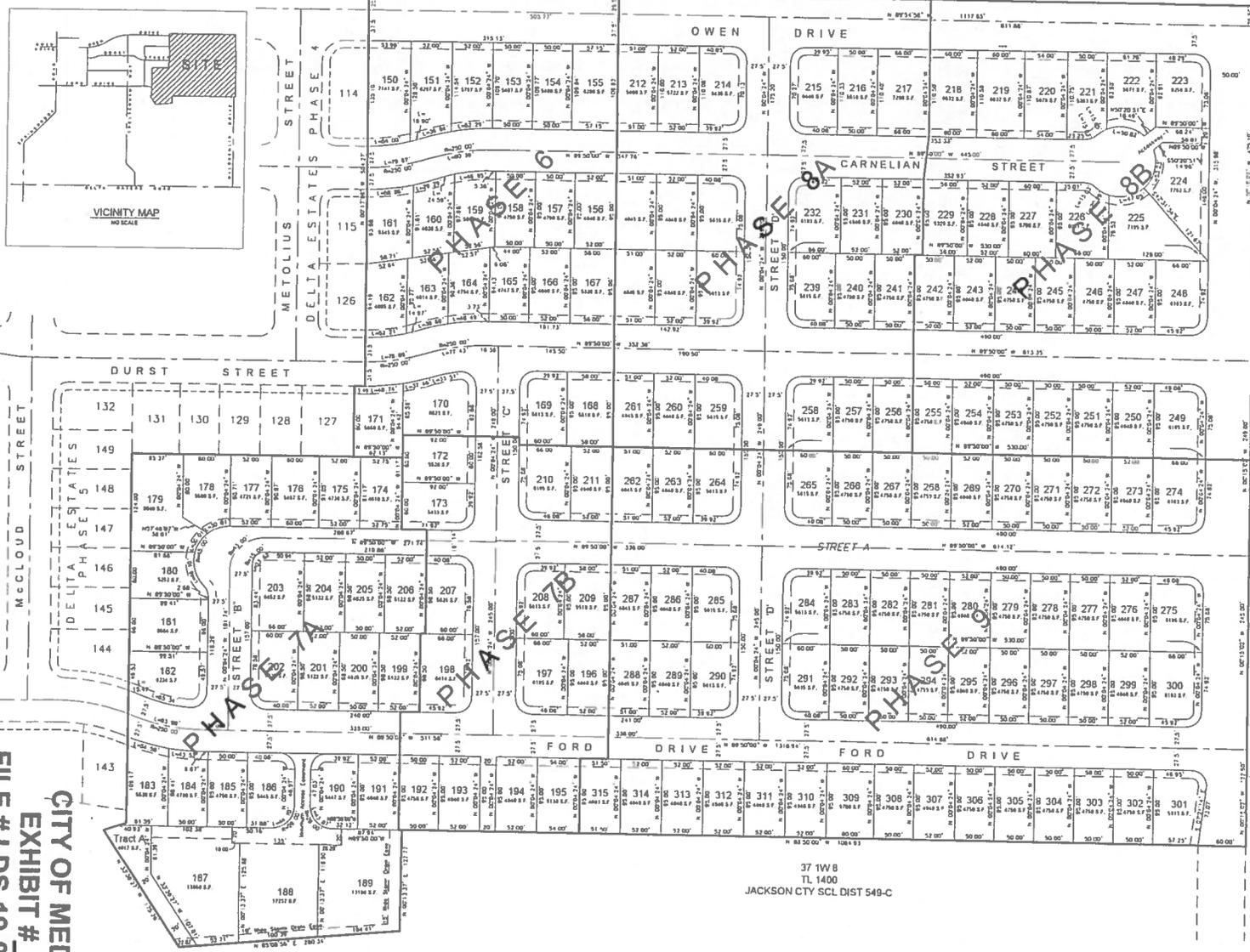
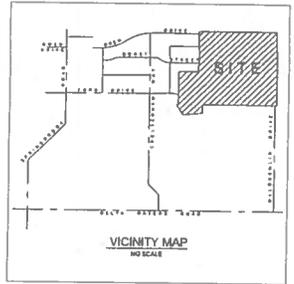
CODE REQUIRED CONDITIONS

Prior to the approval of the final plat, the applicant shall:

3. Comply with all requirements of the Medford Public Works Department (Exhibit O)
4. Comply with all conditions stipulated by the Medford Water Commission (Exhibit P).
5. Comply with all requirements of the Medford Fire Department (Exhibit Q).
6. Comply with all requirements of the Medford Parks Department (Exhibit R).
7. Comply with all requirements of the City Address Technician (Exhibit W).
8. Comply with all requirement of the Oregon Department of State Lands (Exhibit X).
9. Submit to staff a deed declaration, pursuant to MLDC 10.801(D)(2)(c), and recorded in the Official Records of Jackson County, prior to final plat approval for the applicable phases of the development.

CITY OF MEDFORD
EXHIBIT # A
File # LDS-19-008 ZC-19-009
E-19-010

37 1W 8
TL 1400
SKINNER STEVEN W



Owner:
Delta Estates Properties LLC
P.O. Box 438
Medford, Oregon 97504

Survey For:
Hudson Homes 1 LLC
2466 Elmwood Place, Suite 110
Medford, Oregon 97504

Survey By:
Parian Land Surveying
1954 Hwy 42, Suite 20
Eagle Point, Oregon 97524

Basis of Bearing:
True Survey 1981 tied with the Johnson County Survey 4, 08s.

Property Data:
Tract 10111 located in the Boarded Chapter of Section 8 Township 37 South Range 1 West, Willamette Meridian, City of Medford, Jackson County, Oregon.

Legal description: Parcel 2, Platbook Plat No. P-24-2018 11.8s. Acres.

Legal description: Parcel 3, Platbook Plat No. P-24-2018 19.2s. Acres.

Survey Datum: NAD 83 - Delta Estates - Phase 6

Modified Easements: River Valley drainage facility users throughout.

Property not located within the Medford School District.

Utility: all of this property is covered with underground bury craps.

Sanitary Sewer mains are located along Chubbuckam Drive and Tarrant Drive.

Public Storm Water Easement from Parcel 1 & 2, across entire Parcel 3 (P-24-2018), 10' and 15' Storm Drain easement along the southerly line of Phase 7A.

Phases:
Phase 6: 22 Lots, 181,813 SF / 4.132 Acres
Phase 7A: 28 Lots, 219,127 SF / 4.984 Acres
Phase 7B: 14 Lots, 129,926 SF / 2.978 Acres
Phase 7C: 24 Lots, 222,718 SF / 5.088 Acres
Phase 7D: 19 Lots, 240,863 SF / 5.511 Acres
Phase 7E: 54 Lots, 387,748 SF / 8.831 Acres
Total Lots: 150

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JOHN B. PASHARD
PLS 12
Expires December 31, 2025

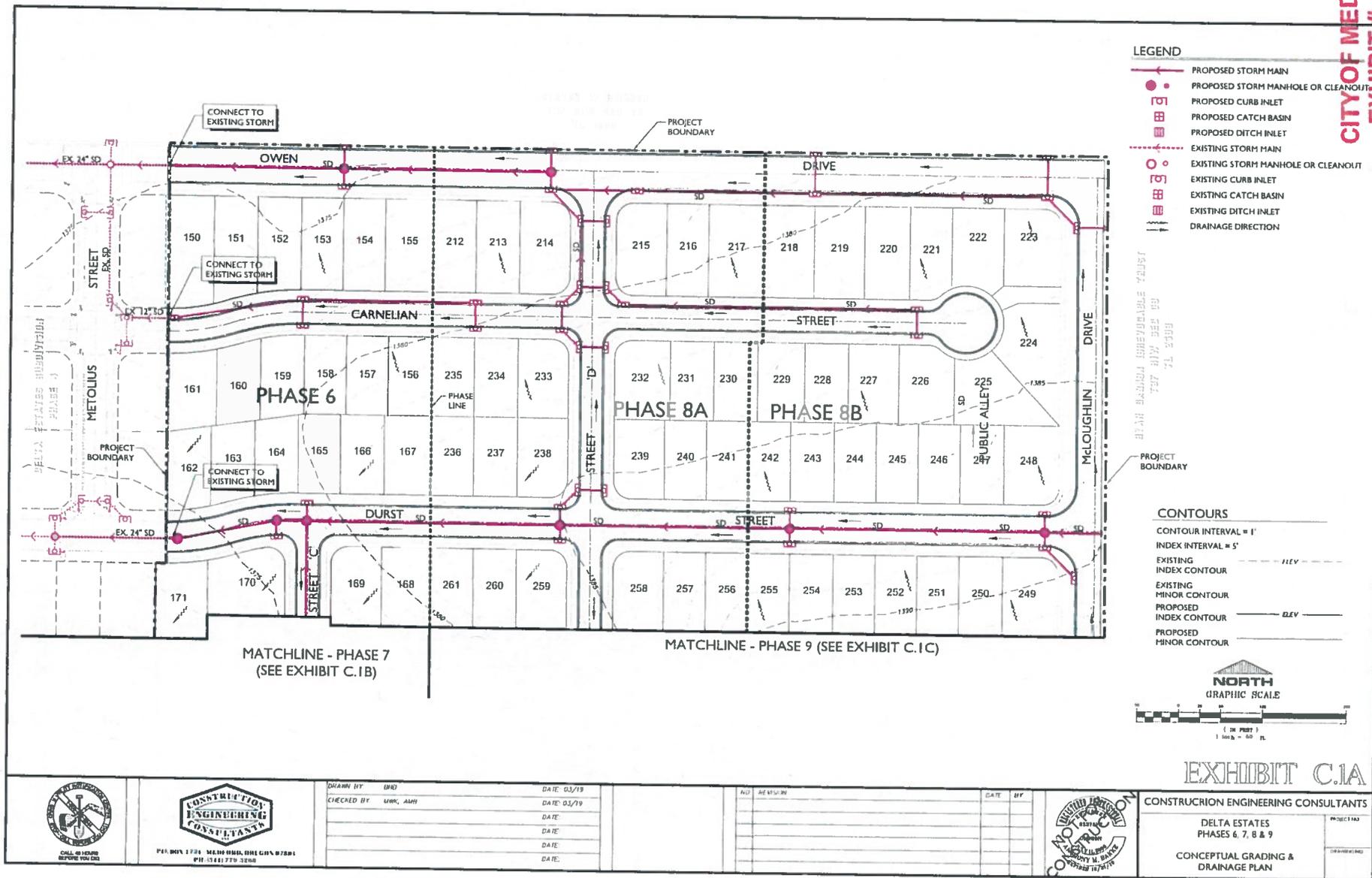
Delta Estates - Phases 6 through 9

Parian Land Surveying
10558 Crater Lake Hwy, Suite B-1
Eagle Point, Oregon
541-890-1131

Date: March 25, 2018 1" = 60'
Sheet: 2815-281
Total: 1 of 1

37 1W 09 TL 2700
ICM FOOTHILL LLC - MAHAR LOUIS F
CANNON RYAN IRREVOCABLE TRUST
PERRY WAYNE M TRUSTEE

37 1W 8
TL 1400
JACKSON CTY SCL DIST 549-C



- LEGEND**
- PROPOSED STORM MAIN
 - PROPOSED STORM MANHOLE OR CLEANOUT
 - PROPOSED CURB INLET
 - PROPOSED CATCH BASIN
 - PROPOSED DITCH INLET
 - EXISTING STORM MAIN
 - EXISTING STORM MANHOLE OR CLEANOUT
 - EXISTING CURB INLET
 - EXISTING CATCH BASIN
 - EXISTING DITCH INLET
 - >— DRAINAGE DIRECTION

DESIGN BASED ON REMEASURABLE TUBS BY
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 71, 2339

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 - INDEX INTERVAL = 5'
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 - EXISTING MINOR CONTOUR ——— ELEV ———
 - PROPOSED INDEX CONTOUR ——— ELEV ———
 - PROPOSED MINOR CONTOUR ——— ELEV ———



EXHIBIT C.1A

CONSTRUCTION ENGINEERING CONSULTANTS
 DELTA ESTATES
 PHASES 6, 7, 8 & 9
 CONCEPTUAL GRADING &
 DRAINAGE PLAN

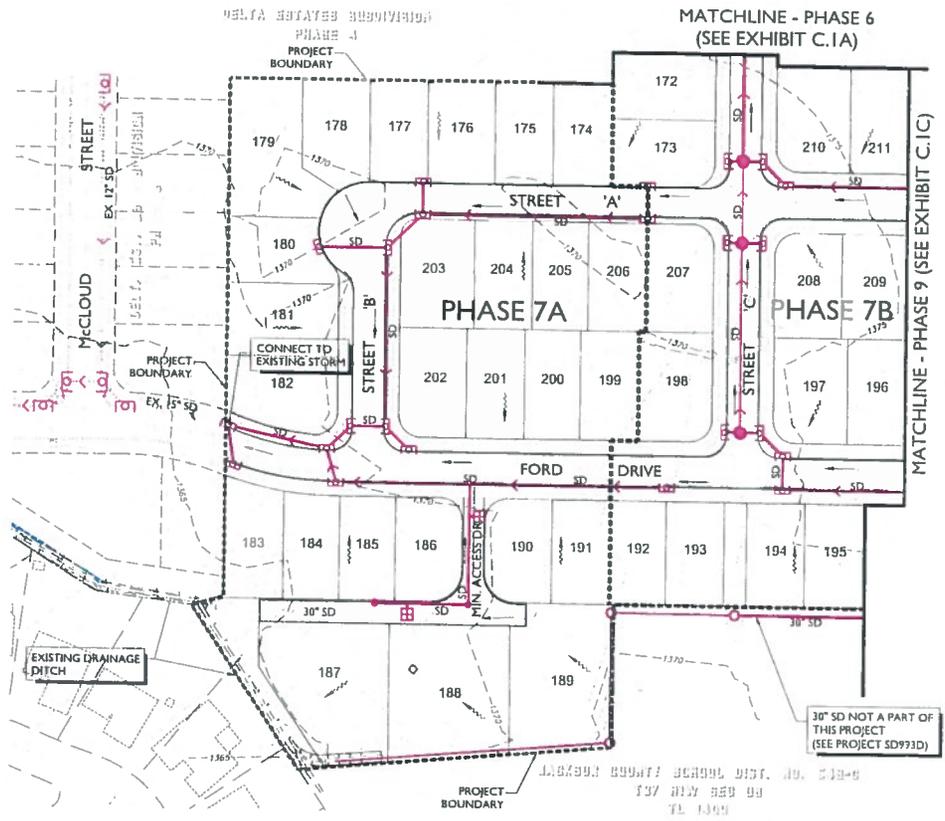


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		DATE	
		DATE	

NO.	REVISION	DATE	BY



PH. 503.779.1724 MEDFORD, OREGON 97504
 PH. 503.779.3288



- LEGEND**
- PROPOSED STORM MAIN
 - PROPOSED STORM MANHOLE OR CLEANOUT
 - PROPOSED CURB INLET
 - PROPOSED CATCH BASIN
 - PROPOSED DITCH INLET
 - EXISTING STORM MAIN
 - EXISTING STORM MANHOLE OR CLEANOUT
 - EXISTING CURB INLET
 - EXISTING CATCH BASIN
 - EXISTING DITCH INLET
 - DRAINAGE DIRECTION

- CONTOURS**
- CONTOUR INTERVAL = 1'
 - INDEX INTERVAL = 5'
 - EXISTING INDEX CONTOUR
 - EXISTING MINOR CONTOUR
 - PROPOSED INDEX CONTOUR
 - PROPOSED MINOR CONTOUR



EXHIBIT C.1B

CONSTRUCTION ENGINEERING CONSULTANTS

DELTA ESTATES
PHASES 6, 7, 8 & 9

CONCEPTUAL GRADING &
DRAINAGE PLAN

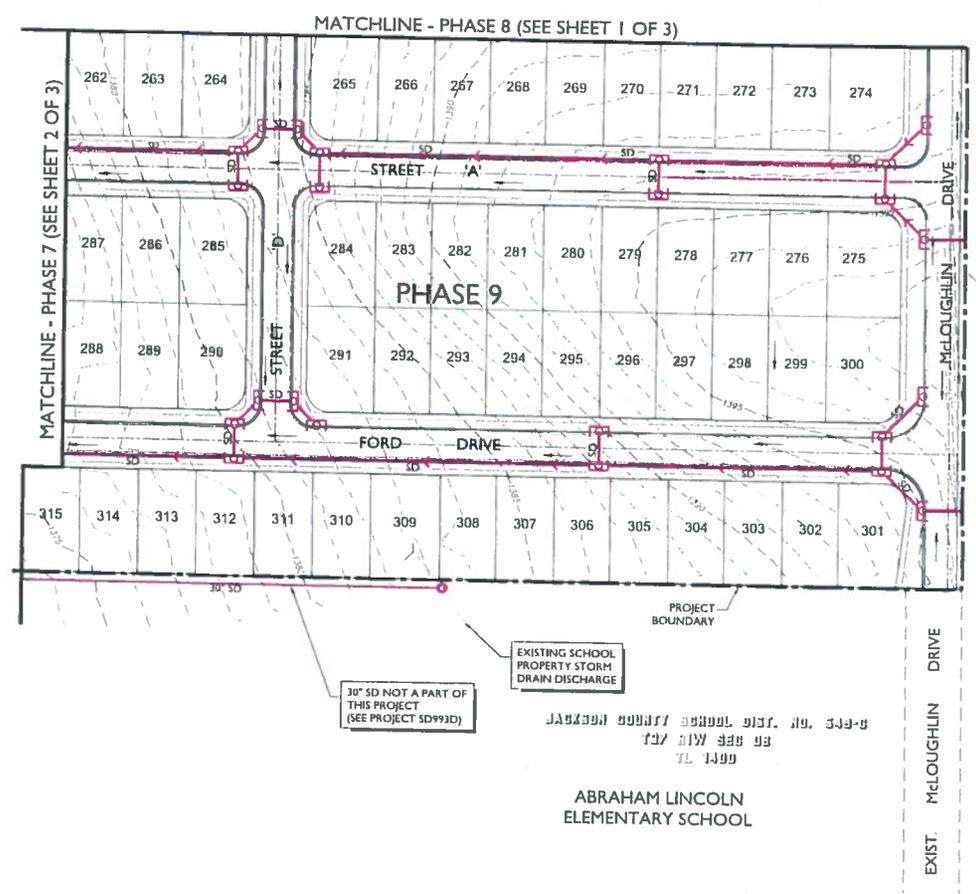


P.O. BOX 1731 MEDFORD, OREGON 97504
PH (531) 270-3248

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NO.	REVISION	DATE	BY





- LEGEND**
- PROPOSED STORM MAIN
 - PROPOSED STORM MANHOLE OR CLEANOUT
 - PROPOSED CURB INLET
 - PROPOSED CATCH BASIN
 - PROPOSED DITCH INLET
 - EXISTING STORM MAIN
 - EXISTING STORM MANHOLE OR CLEANOUT
 - EXISTING CURB INLET
 - EXISTING CATCH BASIN
 - EXISTING DITCH INLET
 - DRAINAGE DIRECTION

- CONTOURS**
- CONTOUR INTERVAL = 1'
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 - PROPOSED INDEX CONTOUR ELEV
 - PROPOSED MINOR CONTOUR



30" SD NOT A PART OF THIS PROJECT (SEE PROJECT SD993D)

EXISTING SCHOOL PROPERTY STORM DRAIN DISCHARGE

ABRAHAM LINCOLN ELEMENTARY SCHOOL



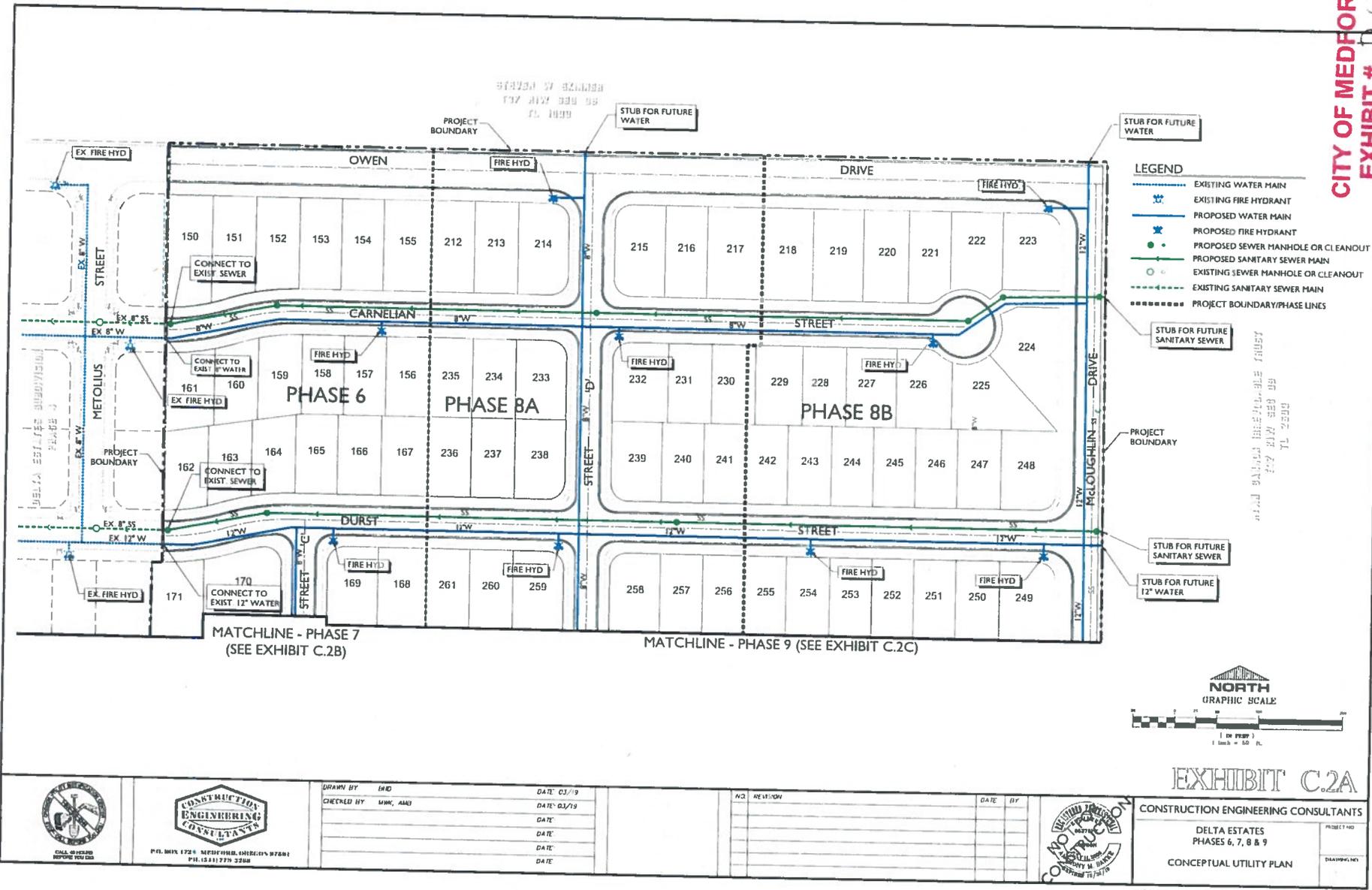
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CONSTRUCTION ENGINEERING CONSULTANTS
 DELTA ESTATES PHASES 6, 7, 8 & 9
 CONCEPTUAL GRADING & DRAINAGE PLAN

DRAWING NAME: DELTA CIVIC LANDSCAPE; PROJECT NO: 19-008; FILE # ZC-19-009/E-19-010



P.O. BOX 1724 MEDFORD, OREGON 97501
 PH. 531.279.2288

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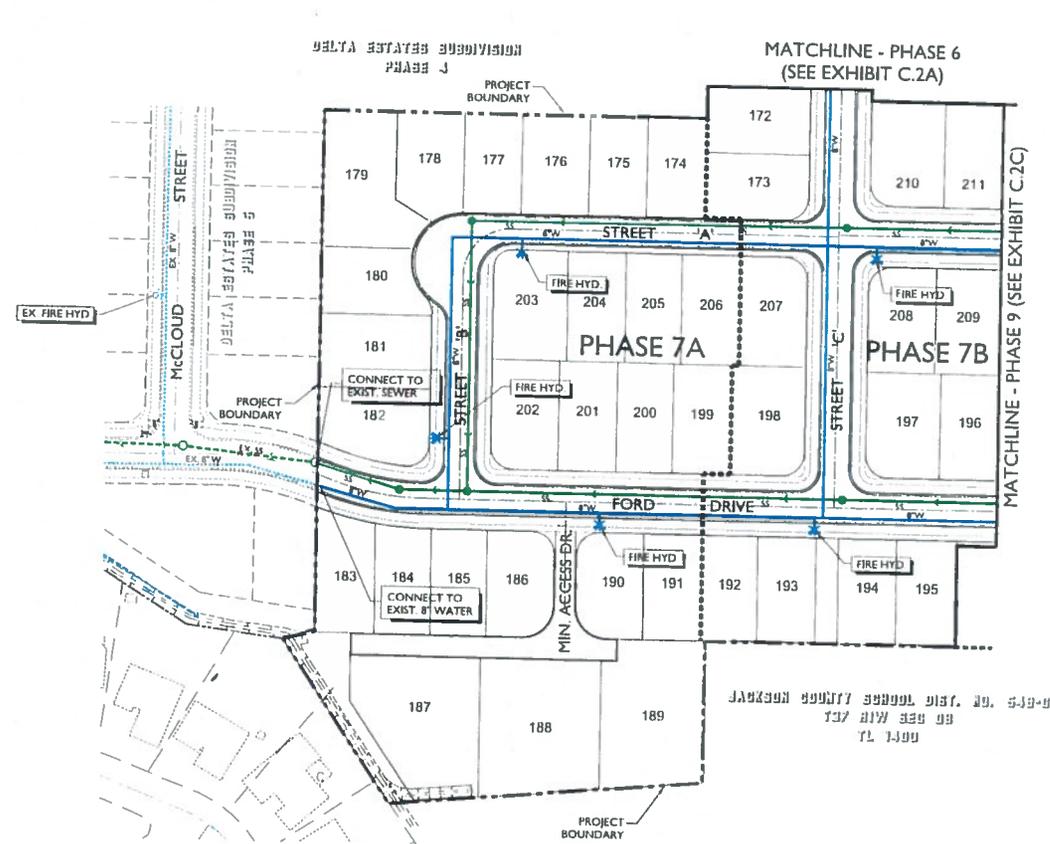


EXHIBIT C.2A

CONSTRUCTION ENGINEERING CONSULTANTS

DELTA ESTATES
 PHASES 6, 7, 8 & 9

CONCEPTUAL UTILITY PLAN



- LEGEND**
- EXISTING WATER MAIN
 - EXISTING FIRE HYDRANT
 - PROPOSED WATER MAIN
 - PROPOSED FIRE HYDRANT
 - PROPOSED SEWER MANHOLE OR CLEANOUT
 - PROPOSED SANITARY SEWER MAIN
 - EXISTING SEWER MANHOLE OR CLEANOUT
 - EXISTING SANITARY SEWER MAIN
 - PROJECT BOUNDARY/PHASE LINES



EXHIBIT C.2B

CONSTRUCTION ENGINEERING CONSULTANTS

DELTA ESTATES
PHASES 6, 7, 8 & 9
CONCEPTUAL UTILITY PLAN



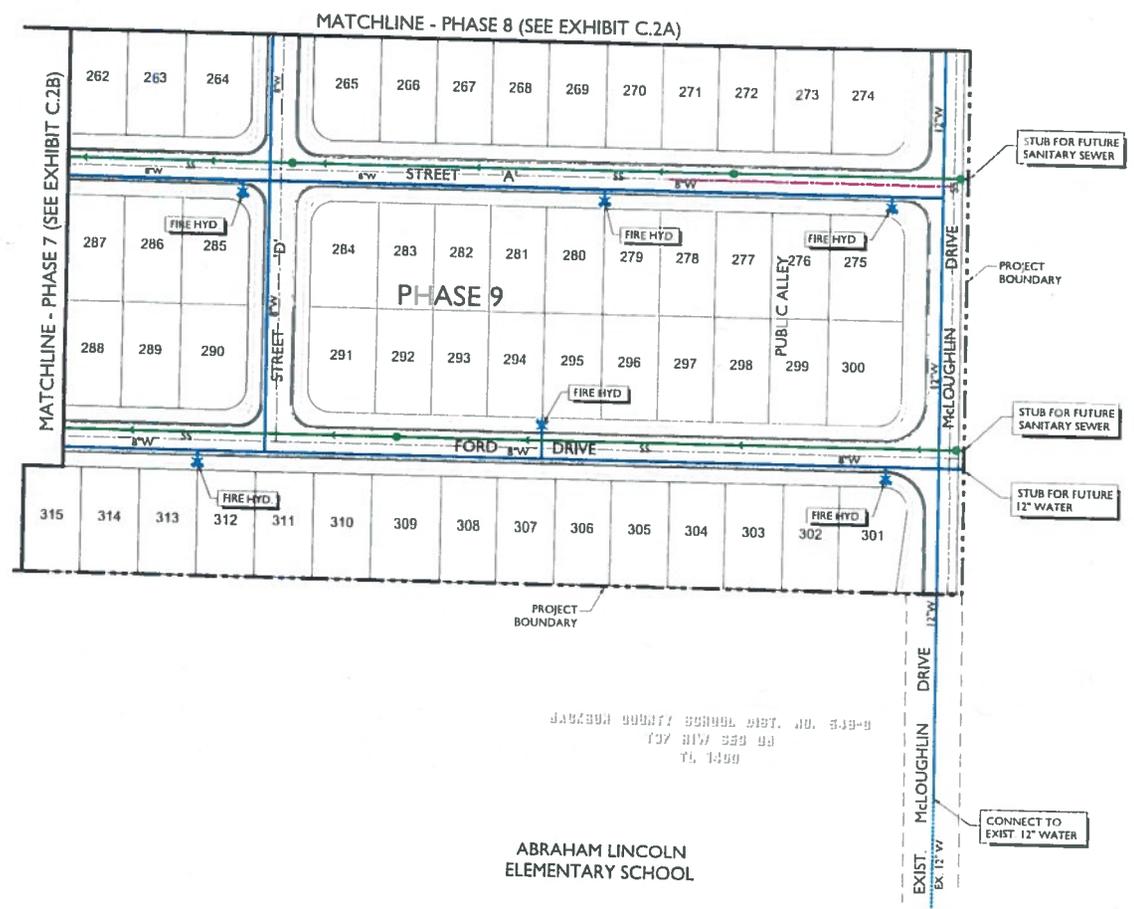
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P.O. BOX 1720 MEDFORD, OREGON 97501
PH 531.756.2800

DATE PLOTTED: 03/19/2019 10:04:11 AM



- LEGEND**
- EXISTING WATER MAIN
 - EXISTING FIRE HYDRANT
 - PROPOSED WATER MAIN
 - PROPOSED FIRE HYDRANT
 - PROPOSED SEWER MANHOLE OR CLEANOUT
 - PROPOSED SANITARY SEWER MAIN
 - EXISTING SEWER MANHOLE OR CLEANOUT
 - EXISTING SANITARY SEWER MAIN
 - PROJECT BOUNDARY/PHASE LINES



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EXHIBIT C.2C

CONSTRUCTION ENGINEERING CONSULTANTS

DELTA ESTATES
PHASES 6, 7, 8 & 9

CONCEPTUAL UTILITY PLAN

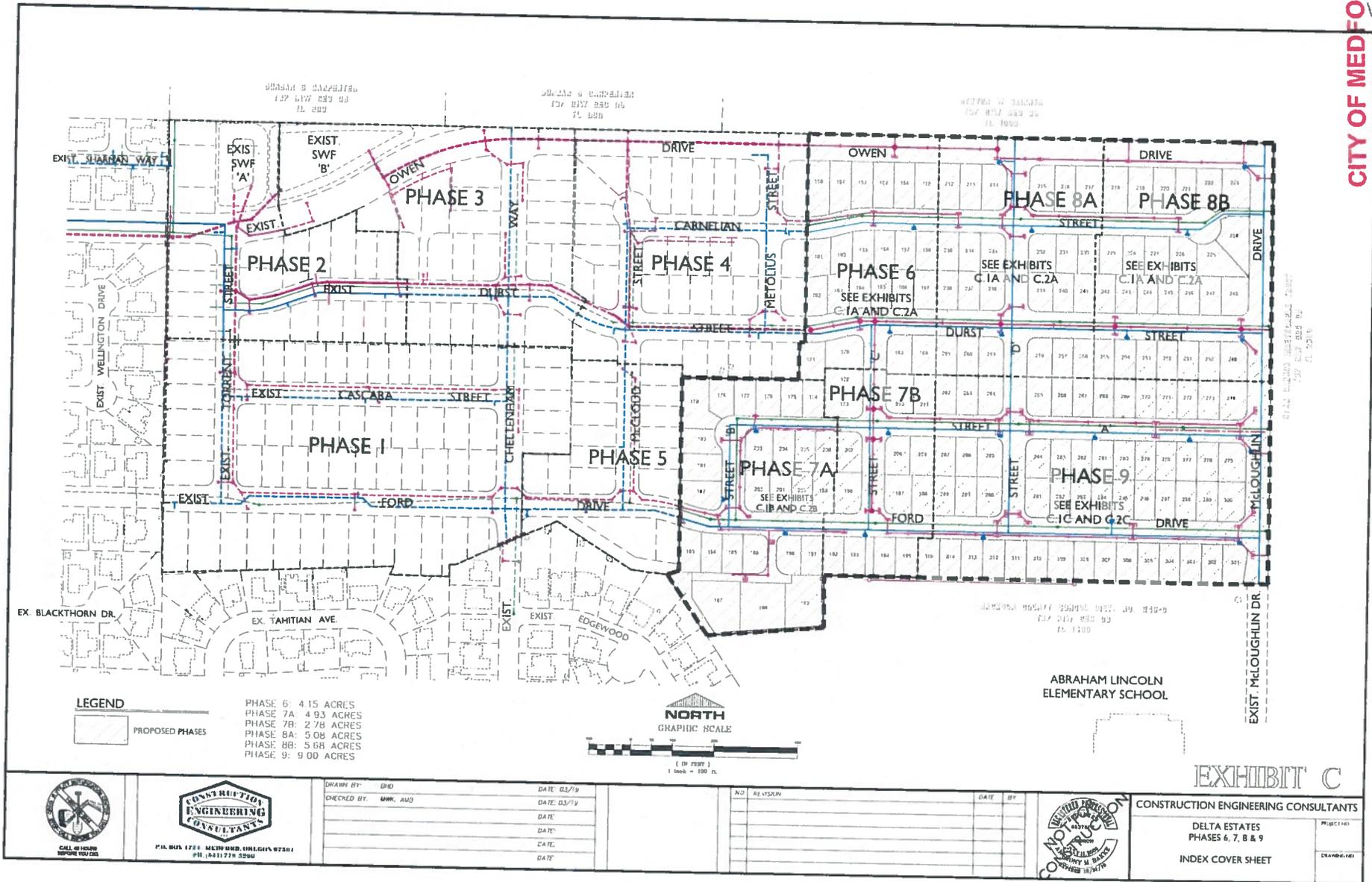


EXHIBIT C

CONSTRUCTION ENGINEERING CONSULTANTS

DELTA ESTATES
 PHASES 6, 7, 8 & 9

INDEX COVER SHEET



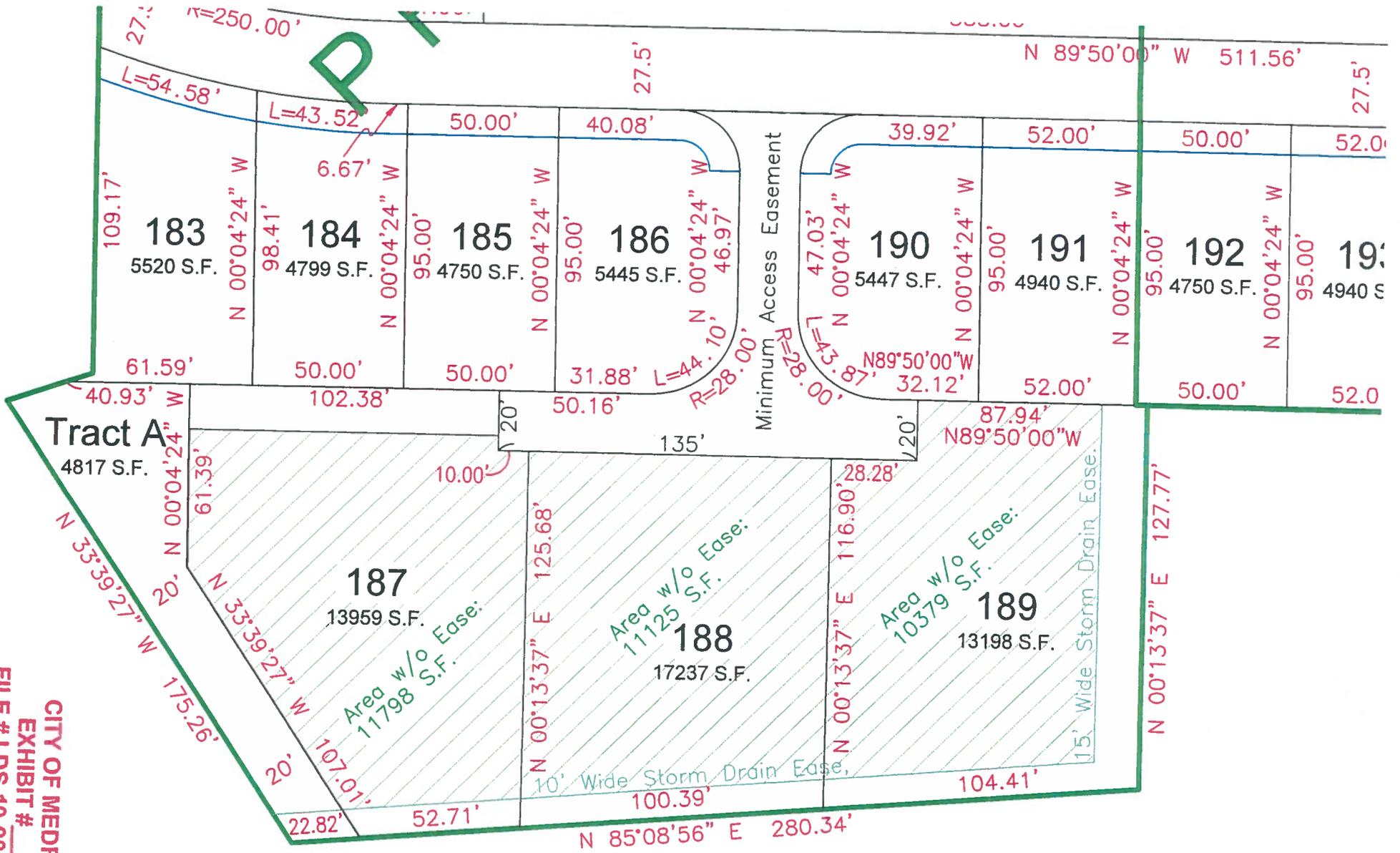
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P.O. BOX 1728 MEDFORD, OREGON 97501
 PH: (503) 736-5200



CALLIE M. HESTER
 REGISTERED PROFESSIONAL ENGINEER



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15
JAN 23 2019
PLANNING DEPT.



-  Subject tax lots 1102 & 1103 with proposed subdivision tentative plat
-  2018 UGB
-  Tax Lots
-  Medford Zoning

Current Zoning Map

Hayden Homes LLC
Delta Estates Subdivision Phases 6 to 9
Zone Change / Subdivision
37-1W-08 tax lots 1102 & 1103

2016 Aerial




CSA Planning LTD

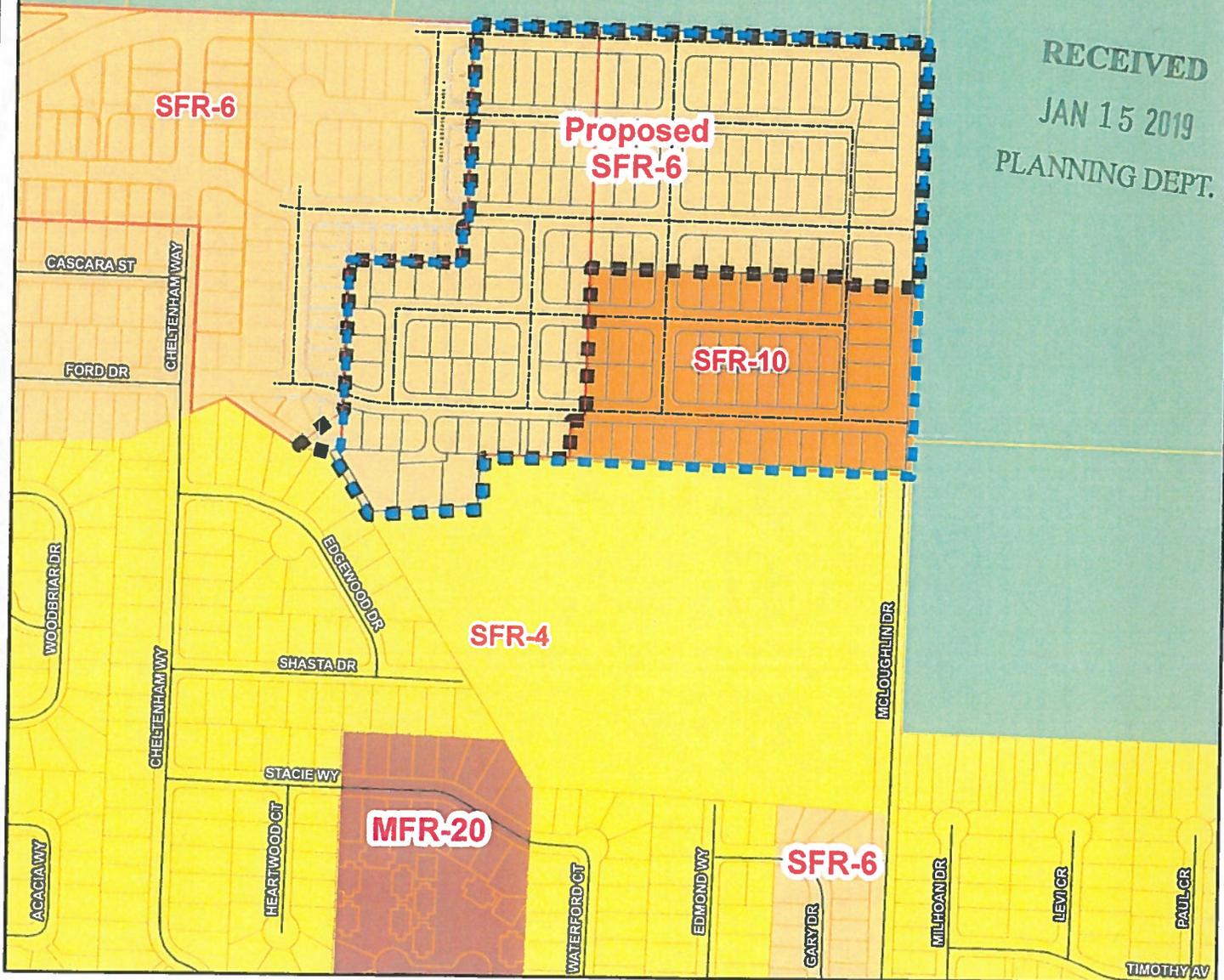
CITY OF MEDFORD
EXHIBIT # 18
FILE # LDS-19-00076-18
009/E-19-010

15

County EFU

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RECEIVED
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2019
PLANNING DEPT.
PLANNING DEPT.

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JAN 15 2019
PLANNING DEPT.



-  Subject tax lots 1102 & 1103 with proposed subdivision tentative plat
-  Proposed SFR-6
-  2018 UGB
-  Tax Lots

Proposed Zoning Map

Hayden Homes LLC
Delta Estates Subdivision Phases 6 to 9
Zone Change / Subdivision
37-1W-08 tax lot 1102 & 1103

CITY OF MEDFORD
EXHIBIT # I

FILE # LDS-19-008/ZC-19-
009E-19010 0 400 Feet



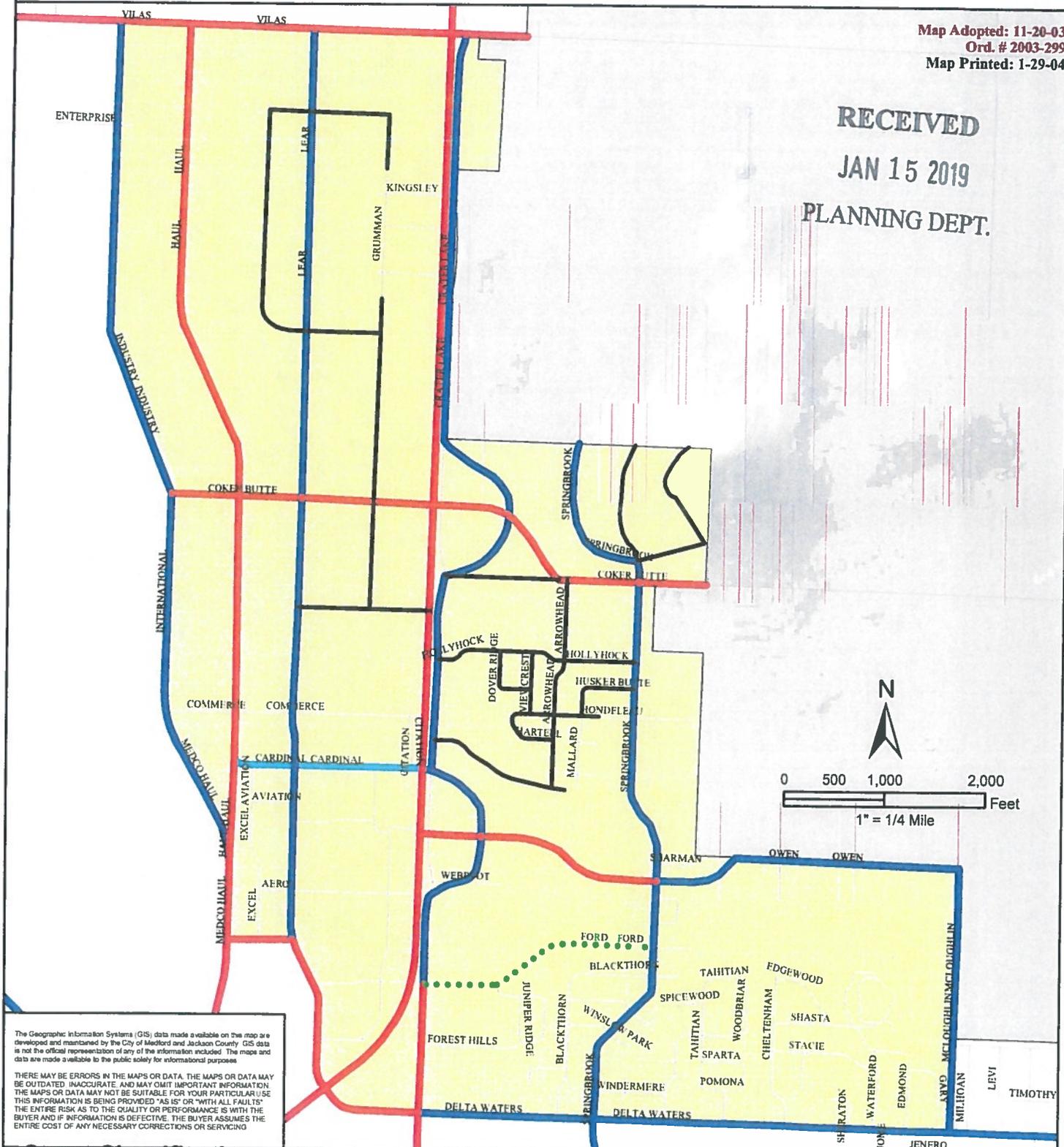
CSA Planning LTD

16

Adopted North Medford Circulation Plan

Map Adopted: 11-20-03
 Ord. # 2003-299
 Map Printed: 1-29-04

RECEIVED
 JAN 15 2019
 PLANNING DEPT.



The Geographic Information Systems (GIS) data made available on this map are developed and maintained by the City of Medford and Jackson County. GIS data is not the official representation of any of the information included. The maps and data are made available to the public solely for informational purposes.

THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY OMIT IMPORTANT INFORMATION. THE MAPS OR DATA MAY NOT BE SUITABLE FOR YOUR PARTICULAR USE. THIS INFORMATION IS BEING PROVIDED "AS IS" OR "WITH ALL FAULTS". THE ENTIRE RISK AS TO THE QUALITY OR PERFORMANCE IS WITH THE BUYER AND IF INFORMATION IS DEFECTIVE, THE BUYER ASSUMES THE ENTIRE COST OF ANY NECESSARY CORRECTIONS OR SERVICING.

Street Classifications

- Major Arterial
- Major Collector
- Local Streets
- Minor Arterial
- Minor Collector
- Other Streets
- Standard Residential

 UGB
 Adopted Circulation Plan Area



18

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JAN 15 2019

PLANNING DEPT.

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF AN APPLICATION)
FOR A FOUR-PHASE TENTATIVE)
SUBDIVISION PLAT APPROVAL ON)
TWO PARCELS OF LAND TOTALING)
31.64 ACRES, FOR A ZONE CHANGE)
FROM SFR-10 TO SFR-6 FOR PHASES)
6 TO 8 OF THIS SUBDIVISION, AND)
FOR ONE EXCEPTION REGARDING)
INTERSECTION SPACING)
STANDARDS ON PROPERTY)
LOCATED WITHIN THE CORPORATE)
LIMITS OF THE CITY OF MEDFORD,)
OREGON)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicant's Exhibit 2

Applicant: Hayden Homes LLC)
Owner: Delta Waters Properties LLC)
Agent: CSA Planning, Ltd.)

I

SUMMARY AND SCOPE OF APPLICATION

Applicant Hayden Homes, LLC seeks a Land Division to create 166 residential lots on a 31.64 acre area of land which is comprised of two parcels. To the west, adjacent to the subject property, Phases 1 through 5 of the Delta Estates Subdivision have final plat approval and homes are under construction. This application proposes four additional phases for the Delta Estates subdivision.

Applicant also seeks approval for a Zone Change from SFR-10 to SFR-6 for Phases 6 to 8 of the proposed subdivision. Phase 9 will remain SFR-10.

Accompanying this application for land division, Applicant tenders one related Exception requests. The purpose of this Exception is to allow a distance less than 200 feet between two intersections.

APPLICANT REQUESTS: The subdivision is proposed in phases and Applicant respectfully requests the Planning Commission approve a time schedule for platting the individual phases for up to five years as allowed by MLDC 10.269(2). Applicant also requests that Public Works state its preference for the actual improvement vs. payment-in-lieu of improvements for the



9

Findings of Fact and Conclusions of Law

Delta Estates Subdivision – Phases 1 through 9
Hayden Homes, LLC, LLC: Applicant

Delta Waters/Foothills Road intersection so that the Applicant can undertake appropriate efforts depending on the preferred approach.



II

EVIDENCE SUBMITTED WITH APPLICATION

Applicant herewith submits the following evidence with its application for Land Division and Exception:

- Exhibit 1.** Signed and Completed Zone Change, Land Division and Exception Application Forms with Authorization from the current property owner, Delta Waters Properties LLC and the Applicant, Hayden Homes, LLC.
- Exhibit 2.** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the Zone Change, Land Division and Exception application complies with the applicable substantive criteria of the MLDC
- Exhibit 3.** Demonstration of Compliance with Applicable Standards
- Exhibit 4.** Jackson County Assessor plat map 37-1W-08, which contains and depicts the subject property
- Exhibit 5.** City of Medford GLUP Map
- Exhibit 6.** Current City of Medford Zoning Map on Aerial
- Exhibit 7.** Proposed Medford Zoning Map
- Exhibit 8.** Conditions of Approval from Planning File No. ZC-10-078.
- Exhibit 9.** Removal of Conditions Letter, Dated January 28, 2016.
- Exhibit 10.** Tentative Plat
 - a. Overall Site
- Exhibit 11.** Civil Plans
 - a. Overall Plan- C
 - b. Conceptual Grading and Drainage Plans- C.1A, B, & C
 - c. Conceptual Utility Plans- C.2 A, B, & C
- Exhibit 12.** Partition Plat P-24-2018
- Exhibit 13.** Legal Description of area to be rezoned
- Exhibit 14.** Intersection Plans
- Exhibit 15.** Agricultural Impact Assessment Report; December 31, 2018
- Exhibit 16.** Adopted North Medford Circulation Plan



III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which the application for Land Division must be approved are in Section 10.270, of the Medford Land Development Code (MLDC). The approval criteria are recited verbatim below and again in Section V, where each are followed by the conclusions of law:

City of Medford Approval Criteria

ZONE CHANGE

MLDC 10.227 ZONE CHANGE CRITERIA (Inapplicable provisions omitted)

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.
 - (b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:
 - (i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or
 - (ii) The area to be rezoned is five (5) 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 (5) acres.
- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.
 - (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
 - (b) Adequate streets and street capacity must be provided in one (1) of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the



Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

- (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
- (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
 - (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

OREGON TRANSPORTATION PLANNING RULE
Oregon Administrative Rules Chapter 660, Division 12

SECTION 660-012-0060

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or



-
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

LAND DIVISION – Tentative Subdivision Plan

10.270 Land Division Criteria

The approving authority (Planning Commission) shall not approve any tentative plat unless it first finds that, the proposed land division together with the provisions for its design and improvement:

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

EXCEPTION

10.253 Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall



have the authority to impose conditions to assure that this criterion is met. (Effective Dec. 1, 2013).

- (2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.
- (3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.
- (4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

AGRICULTURAL BUFFERING

MLDC10.801 Agricultural Buffering in Non-Urban Reserve Areas

B. Applicability.

The provisions of this Section apply to the development permit applications listed below in this subsection where land proposed for urban development is not in an urban reserve (see Regional Plan Element) and abuts and has a common lot line with other land which is zoned Exclusive Farm Use (EFU) or Exclusive Agriculture (EA). However, development which requires City approval for more than one of the below development permit applications for the same development shall be required to demonstrate compliance with the provisions of this Section only in the first such application.

- (1) Land Divisions.
- (2) Planned Unit Developments.

D. Mitigation and Impact Management.

- (1) Agricultural Classification (Intensive or Passive). For the purposes of this Section, agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.
- (3) Mitigation - Passive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land in passive agricultural use:
 - (a) Fencing. A wood fence, chain link fence, or masonry wall, not less than six (6) feet in height shall be installed at the property boundary where the development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long-term maintenance responsibility for the fence or wall.



- (b) Deed Declaration. The deed declaration required in subsection 10.801.D(2)(c) shall be required.
- (c) Irrigation Runoff. Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.
- (4) Discretionary Mitigation Measures/Design Considerations. In addition to the specific mitigation measures required in Subsections 10.801.D(2) and 10.801.D(3), an applicant shall also consider the following design items and the approving authority may, in its sole discretion, impose conditions which do any of the following:
 - (a) Increase the rear or side yard setback to afford greater spatial separation between agriculture and urban development.
 - (b) Regulate the location of garages and parking areas to place them between dwellings and other buildings intended for human occupancy and agricultural land.
 - (c) Require the placement of streets, driveways, open space or common areas between urban development and agricultural land.
 - (d) Require fencing and landscaping, including the use of berms, in excess of that required in Subsection 10.801.D.
 - (e) Regulate or require other mitigation measures or features deemed reasonably necessary and appropriate by the approving authority to protect the public health, safety and general welfare, and to make urban development compatible with agricultural uses which exist on adjacent lands zoned EFU or EA.

E. Alteration or Removal of Buffering Measures.

The measures required by the approving authority to buffer agricultural land from urban uses and development may be altered or removed entirely when the zoning of an adjacent and touching agricultural land is changed from EFU or EA to a city zoning district other than EA. No alteration or removal of the agricultural land buffering features shall cause the removal of fencing or landscaping which is required to meet the Bufferyard requirements of Sections 10.790 through 10.796.

IV

FINDINGS OF FACT

The Planning Commission reaches the following facts and finds them to be true with respect to this land use application:

1. **Property Location:** The property is located at the northern terminus of McLoughlin Drive and the eastern termini of Ford Drive, Durst Street and Carnelian Street. The property is within the corporate limits of the City of Medford and its adopted and acknowledged urban growth boundary.
2. **Property Description and Acreage:** In 2013 the parent parcel, Tax Lot 1100, was partitioned into three parcels. Parcels 2 and 3 were then subdivided again in 2018 and was recorded as partition P-24-2018. *See*, Exhibit 12. The subject property for this application includes Parcels 2 and 3 of that partition. They are identified in the records of the Jackson County Assessor as Tax Lots 1102 and 1103 in Township 37 South Range 1 West in Section 08 and together, per the Jackson County Assessor have 31.65 acres. *See*, Exhibit 4. There is a minor discrepancy between the Assessor total acreage and Pariani Surveying, who prepared the Tentative Plat. Pariani Surveying shows the total to be approximately 31.64 acres, which is therefore reflected throughout this application.
3. **Subject Property Ownership:** Delta Waters LLC, owns the subject property. Hayden Homes LLC is the Applicant. Both have provided a limited power of attorney to authorize CSA Planning Ltd. to represent them for this application. *See*, Exhibit 1.
4. **Comprehensive Plan Map Designation:** The property is designated Urban Residential on the Medford Comprehensive Plan Map.¹ *See*, Exhibit 5.
5. **Zoning Map Designation:** The subject property is currently zoned City SFR-10. Applicant is proposing to rezone 22.64 acres, Phases 6 to 8, of the subject property and .14 acres of the adjacent Phase 5 that was not rezoned previously, from SFR-10 to SFR-6. The remainder of the property, Phase 9, will remain SFR-10. *See*, Exhibits 6 and 7.
6. **Existing Land Use:** The property is vacant.
7. **Intended Land Use:** Property is to be developed as a single-family residential subdivision.
8. **Surrounding Land Uses:** The GLUP map (Exhibit 5) and Zoning Map which is overlaid on an aerial photo (Exhibit 6) accurately depict the pattern of land partitioning and development in the surrounding area. The land uses that surround the subject property and which are further described as follows:
 - A. **Surrounding Area Characteristics:** The property is located within Medford's urban growth boundary with urban uses to the south and west and agricultural uses to the east and north.

¹ Medford often refers to its comprehensive plan map as the Generalized Land Use Plan or GLUP map.



- B. East:** Lands to the east contains some low intensity agricultural properties that have recently been brought into Medford's Urban Growth Boundary. They are currently planned by Jackson County as Agricultural and zoned Exclusive Farm Use (EFU), but as part of MD-3 are planned as Urban Residential and Neighborhood Commercial. *See*, Exhibit 15, Agricultural Impact Assessment Report.
- C. South:** Property containing Abraham Lincoln Elementary School abuts the southern boundary of the subject property. To the southwest are Urban Residential lands zoned SFR-4. These lands are developed with single-family dwellings constructed in the early 1980s through the mid-1990s.
- D. West:** To the west are Urban Residential lands, zoned SFR-6, that include Phases 1 to 5 of the Delta Estates Subdivision that have been developed over the past 8 years. Lands beyond to the west are developed with single-family dwellings constructed in the early 1980s through the mid-1990s. Beyond the residential area are the commercial and industrial lands along Highway 62.
- E. North:** Lands to the north contains some low intensity agricultural properties. These lands are currently designated Jackson County Agricultural and are zoned Exclusive Farm Use (EFU), but as part of MD-3 are planned as Urban Residential. The properties are owned by Rocky Knoll LLC. The lands contain some low intensity agricultural and rural uses. These properties were recently brought into the Medford UGB.
- 9. Topography:** The property slopes gently from the west up to the east at one to two percent grade. There was a farm pond in the southwestern corner of the subject property which has been structurally filled to support future structures. The topography does not represent a significant constraint for urban utilization of the property.
- 10. Wetlands; Floodplain:** According to Medford and Jackson County Geographical Information System (GIS) data bases taken from the U.S. National Wetland Inventory, the subject property had contained a farm pond for irrigation water storage. The farm pond is not a locally significant wetland protected by an adopted and acknowledged program to achieve Goal 5. The water rights to the property have been sold, and with the drainage facility on the school property installed, the water source for the pond and wetland immediately around the farm pond have been substantially eliminated. Applicant intends to mitigate offsite any small amount of remaining wetlands (expected to be less than an acre according to conversations with Applicant's wetlands professional Martin Schott) now that the irrigation water source is closed and school drainage problems have been resolved. There is no identified floodplain. *See*, Exhibit 15.
- 11. Police and Fire Protection:** The property is served by the Medford Fire Department from its Fire Station 5. Emergency fire response is estimated to be approximately 4 minutes. Police protection is from the City of Medford Police Department.
- 12. Essential (Category "A") Public Facilities:** The comprehensive plan defines Category "A" public facilities as: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; (4) Transportation Facilities. The Planning Commission finds the following facts with respect to each of the Category "A" public facilities:



- A. Sanitary Sewer Service (Collection):** The property is in the area served by City of Medford. Existing 8-inch sanitary sewer lines are adjacent to the property in several locations. Based the findings adopted for the SFR-10 zone change, there exist some downstream deficiencies for full development of the originally zoned SFR-10 area, but the zone change established that there is adequate sewer capacity for up to 380 dwelling units without the need for additional mitigation. The first five phases of Delta Estates were for 149 dwelling units. The proposed zone change to SFR-6 reduces the sanitary sewer demand when compared to the existing SFR-10 zoning, consistent with the tentative plat. The tentative plat in this application proposes a total of 301 dwelling units for full build-out of the original zone change (Planning File ZC-10-078), which will be 79 units under the sewer facilities constraint threshold originally imposed.
- B. Sanitary Sewer Service (Treatment):** According to representatives of the Medford Engineering Department, sewage wastewater collected and transported by the Bear Creek Interceptor is treated at the Medford Regional Water Reclamation Plant, which is located near Bybee Bridge where Table Rock Road crosses the Rogue River. The plant serves the Rogue Valley Sewer Services (RVSS)² and the cities of Central Point, Jacksonville, Medford, Phoenix and Eagle Point. A portion of the service charges levied on customers is allocated to treatment costs. The Regional Rate Committee as established in the September 23, 1985 Regional Sewer Agreement is authorized to set treatment charges and rates for the regional system. The Regional Rate Committee reviews the charges and rate structures annually, and rate adjustments are made as necessary. Systems development charges are allocated to plant expansion. Monthly service charges levied on customers are allocated to treatment costs, equipment repair and replacement, and plant upgrades to meet changing regulations.
- The Vern Thorpe Regional Water Reclamation Facility, more commonly known as the Medford Regional Water Reclamation Facility (RWRf), was built in 1970 by the City of Medford as a regional facility to treat sewage from the cities of Central Point, Jacksonville, Medford, Phoenix, Talent and rural areas of Jackson County served by Rogue Valley Sewer Service (RVSS). The original RWRf capacity was 10 million gallons per day (MGD) average dry weather flow
 - RWRf capacity was doubled between 1980 and 1990 through several incremental expansions. In 1992 the RWRf was permitted for a 20 MGD average dry weather flow, and 60 MGD wet weather flow. Subsequent to 1992 several more projects have been constructed to improve plant operating reliability, energy efficiency, and bio-solids handling capabilities, as well as increase the reliable wet weather flow handling capacity to 80 MGD.
 - The average daily influent flow for 2004 was 15.7 mgd, an increase from 13.2 mgd in 1988 and 14.1 mgd in 1994.
 - In 2012, West Yost Associates updated the Medford Regional Water Reclamation Facility Master Plan. Table 4-8 states that the Peak Wet Weather Flow (PWWF) at the plant is currently 91 MGD. The plan lays forth the capital improvements to

² Formerly Bear Creek Valley Sanitary Authority (BCVSA)



the plant that are planned over the next ten years specifically and subsequent 10 years more generally. The planned improvements are funded by rate payers and systems development charges and will increase the capacity of the plant to handle a PWWF of 118 MGD by 2030 to serve a future 2030 City of Medford population of 115,286.

- The proposed zone change from SFR-10 to SFR-6 for Phases 6 through 8 will reduce the demand for sewer treatment.

C. Water Distribution Lines: Water is available to the property via multiple water lines that are gravity served by the Capital Hill water reservoir. A 12-inch water line is available at the termini of McLoughlin Drive and Durst Street. 8-inch water lines are available at the termini of Ford Drive and Carnelian Street. The zone change from SFR-10 to SFR-6 will reduce the demand for water.

D. Water Supply: According to the Medford Water Commission Manager, the Medford water system presently serves a population of ±80,000. The present maximum daily use is 45 million gallons per day, (MGD). The present source and distribution system has an existing capacity of 56.5 MGD. There is an additional water source capability of 35 MGD available. The Water Commission expects present facilities will be adequate to accommodate growth until around the Year 2050. The zone change from SFR-10 to SFR-6 will reduce the demand for water.

E. Storm Drainage: Two storm water detention ponds were constructed to the west as part of Phases 2 and 3, north of Owen Drive, to provide detention for Phases 6 to 9. In addition, there is an existing minor drainage ditch along the southwestern border. This ditch will continue to be accessible to the City of Medford for maintenance through a new access easement.

Stormwater from an existing wetland on the school property to the south of the subject property used to connect to the farm pond that has been filled. A pipe has been installed across the school property and the southern part of the subject property to direct runoff into the existing minor drainage ditch. A new easement is included on the tentative plat to provide access for maintenance.

F. Streets and Traffic: The following facts pertain to streets as proposed in this project:

(1) **Project Access and Street Functional Classification:** Access to this property is from McLoughlin Drive, a minor collector street. McLoughlin Drive connects to Delta Waters Road, a major arterial to the south. Owen Drive, a major collector, and residential streets Ford Drive, Durst Street, and Carnelian Street will be extended east through the new phases of the subdivision to meet McLoughlin Drive. Owen Drive will eventually connect Foothill Road to Crater Lake Highway (Hwy 62) once future connections to the east and west beyond this property are completed.

(2) **New streets:** Four new minor residential streets and one new alley will be added as part of the project. The “letter named streets” are placeholders and actual street names will be selected before Final Plat. Four existing streets will be extended.



Summary of Project Streets³

Street Name	Type	Classification	Direction	Runs From:	To:
Owen Drive	Extend existing	Minor Arterial	West to East	Springbrook Road	McLoughlin Drive
Ford Drive	Extend existing	Minor Residential	West to East	Springbrook Road	McCloud Street
Durst Street	Extend existing	Standard Residential	West to East	Cheltenham Way	McLoughlin Drive
Carnelian Street	Extend existing	Minor Residential	West to East	McCloud Street	Alley turnaround
McLoughlin Drive	Extend existing	Major Collector	South to North	Delta Waters	Owen Drive
Street A	New	Residential Lane	West to East	Street B	Street C
Street A	New	Minor Residential	West to East	Street C	Alley
Street B	New	Minor Residential	South to North	Ford Drive	Street A
Street C	New	Minor Residential	South to North	Ford Drive	Durst Street
Street D	New	Minor Residential	South to North	Ford Drive	Owen Drive
Alley	New	Alley	South to North	Ford Drive	Carnelian Street

(3) **Subdivision Lot Access:** Each resulting individual lot will have frontage and access from a City street. Lots along McLoughlin Drive will front on McLoughlin, but will have driveway access from the alley along the western boundary of the lots. The Applicant proposes to use the Major Collector Alternate road profile that allows parking on a Collector so that parking will be available for visitors to the residences. This section of McLoughlin is close to Abraham Lincoln Elementary school. Having the houses facing the street will provide a safer environment for students who will be walking along this section of McLoughlin. This orientation will keep the street more human-oriented and will encourage maintenance of the yards and park strip.

(4) **Distance between Intersections:** All proposed intersections are at least 200 feet apart, with the exception of the intersections on Street D with Carnelian Street and

³ The functional classifications in this Table are based upon the classifications set forth in the 2018 TSP. At the time of filing, the 2018 TSP is on appeal to LUBA and is not acknowledged. If requested, Applicant will provide direct Goal findings to address compliance with an unacknowledged plan. The City's development code standards still reflect the street cross-section configurations of the prior TSP.



Owen Drive. This shorter intersection distance is not caused by nor will cause an offset intersection which is the stated reason for the standard. The intersection with Carnelian Street is a standard “four-legged” intersection. The closest intersection is 249 feet away and is also a standard “four-legged” intersection. The intersection with Owen Drive is a “T” intersection and is over 600 feet from the next intersection in either direction. When and if the property to the north develops, the City will be able to require that the street be extended directly across, eliminating any possibility of an offset intersection.

The reason for this shorter distance is that the overall dimension between the south property line and the Owen right-of-way line is such that if Carnelian Street and Durst Street were extended straight, the lot depth for all lots would only meet the minimum 90’ standard for the zone. Under real site conditions, it is nearly impossible to layout a series of lots that exactly and it would be likely that some lots would end up less than 90 feet deep. This was not an issue with the previous Phases as the overall dimension to the southern property line was deeper. In order to prevent undersized lots, the Applicant has laid out the lots at 95 feet deep, which then pushes Carnelian Street and Durst Street north. This assures that all of the lots to meet standards.

Allowing for the shorter distance between intersections means that Carnelian Street is not required to make an awkward jog at the intersection with Street D just to increase that distance. Making that jog also requires that the lots along Street D be rotated to face Street D which means that their driveways will be entered off of the short section between intersections, which is not a benefit to traffic flow.

The requested design approach is to allow the shorter intersection separation, but restrict driveways on that short section of Street D. The Applicant agrees to stipulate to not allowing any driveways along Street D between Owen Drive and Carnelian Street.

G. Streets and Traffic: The following facts pertain to traffic as proposed in this project:

Trip Generation and Restrictions: The proposed zone change from SFR-10 to SFR-6 will reduce the potential trip generation of the subject property by approximately 91 dwelling units or about 91 PM Peak Hour trips. The zone change to SFR-10 for the entire Delta Waters Properties LLC property included trip generation restrictions, see Exhibit 9. Exhibit 8 and Exhibit 10 demonstrates that the City of Medford has removed conditions 1, 2 and 3 related to traffic mitigation. The remaining conditions are the issues at Delta Waters Road and Foothills Road and the broader ODOT trip cap. Nothing in this application will alter and change the ODOT trip cap restriction of 346 dwelling units for the whole project and the proposed subdivision will result in 301 dwelling units which is under the ODOT trip restriction. With respect to Delta Waters Road and Foothills Road, the restriction is 246 dwelling units until an all-way stop at that intersection with flashing yellow warning lights are installed. Applicant has no objection to a condition of approval requiring, prior to final plat of the 246th single-family dwelling subdivision lot, installation of the improvements contemplated in the original zone change. However, the recently adopted TSP identifies a major intersection project at this location as a Tier 1 mid-term project, *see TSP project I-73*.

If the improvements are installed, they will be there for a relatively short period of time (probably 4-8 years) and Public Works may not want to slow traffic on Foothills during this interim period and would prefer to have an equivalent financial contribution toward the larger project to satisfy the Delta Waters/Foothills intersection condition. Applicant has no meaningful preference as to how this issue is resolved, but does request as part of this application that Public Works declare its preference for the actual improvement vs. payment-in-lieu of improvements so that the Applicant can undertake appropriate efforts depending on the preferred approach.

V

CONCLUSIONS OF LAW

Based upon the evidence in enumerated in Section II and summarized in the Section IV Findings of Fact, the Planning Commission reaches the following Conclusions of Law with respect to this matter:

***City of Medford Approval Criteria
Medford Land Development Code (MLDC)***

ZONE CHANGE

MLDC 10.227 ZONE CHANGE CRITERIA

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

Zone Change Criterion 1

MLDC 10.227 ZONE CHANGE CRITERIA *(Inapplicable provisions omitted)*

The approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule. Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.
 - (a) For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:
 - (i) if at least seventy percent (70%) of the area proposed to be rezoned exceeds a slope of fifteen percent (15%),
 - (ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.
 - (b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one (1) of the following conditions must exist:



- (i) At least one (1) parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or
- (ii) The area to be rezoned is five (5) 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 (5) acres.

Conclusions of Law: Criterion 1 is threefold: consistency with the TSP, consistency with the General Land Use Plan Map and consistency with the locational standards in MLDC 10.227 (1) (a) through (d).

Regarding the TSP, the Planning Commission concludes the proposed zone change will reduce the trip generation potential of the site when compared to the current SFR-10 zoning and is consistent in all ways with the City’s TSP.

Regarding consistency with the General Land Use Plan (GLUP) Map, the Planning Commission concludes from Exhibit 5 that the property is designated Urban Residential on the GLUP Map. The proposed SFR-6 zone is consistent in all respects with the portion of the subject property’s Urban Residential GLUP Map designation.

Regarding consistency with the relevant locational standards in MLDC 10.227 (1) (a) through (d), section (b) applies to SFR-6 and SFR-10 zone changes, and therefore applies. The Applicant seeks to change the zone the area for the Phases 6 to 8 on the subject property from SFR-10 to SFR-6. Zoning to the west of the subject property is SFR-6 and so at least one property adjacent to the proposed zone change area is already zoned SFR-6. Also, the proposed SFR-6 zoning area is much larger than five acres and therefore the locational criteria of SFR-6 are satisfied

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Criterion 1.

Zone Change Criterion 2

- (2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan “Public Facilities Element” and Transportation System Plan.
 - (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.

Discussion; Conclusions of Law: The Planning Commission concludes that Goal 1 of the Comprehensive Plan Public Facilities Element is aspirational in language and context and the actual criteria for determining the adequacy of Category A public facilities, consistent with the Public Facilities Element, reside solely in MLDC 10.227(2). The Planning Commission reaches the following conclusions of law with respect to each of the Category “A” infrastructure components:



Wastewater Collection and Treatment: Based upon the findings of fact in Section IV, the Planning Commission concludes that wastewater collection and treatment facilities are sufficient to serve up to 380 units. The previous Delta Estates phases included 148 units. Combined with the proposed 166 units, the total units on this property will equal 314 which is therefore below the maximum allowed number of units. The related projected peak flows from these units within the proposed SFR-6 zoning district can therefore be accommodated for that specific gravity flow service area as determined by the city engineer, and, the Commission finds that facilities are available to adequately serve the property.

Storm Drainage System: Based upon the findings of fact in Section IV, the Planning Commission concludes storm drainage facilities are available for connection to the subject property. The anticipated development of the subject property under the SFR-6 zoning will cause no more than nominal impacts to projected peak flows for that specific service area as determined by the *Comprehensive Medford Area Drainage Master Plan* (1996). The Planning Commission concludes that Garret Creek will not be negatively impacted by development of the subject property through compliance with the City's adopted storm water management requirements and construction of the plans for storm drainage prepared by CEC Engineering and the proposed drainage can feasibly and will be constructed consistent with the plans prepared by CEC Engineering.

Water System: Based upon the findings of fact in Section IV, the Planning Commission concludes that the water system is sufficient to provide the subject property with a permanent water supply having adequate water pressure and volume for projected commercial fire control needs expected from development under the SFR-6 zoning district as determined by the water utility manager, and that these facilities are available to adequately serve the property under the proposed SFR-6 zone.

- (b) Adequate streets and street capacity must be provided in one (1) of the following ways:
- (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department



determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

Discussion and Conclusions of Law Continued: The Planning Commission concludes, based upon the findings in Section IV above, that the streets are adequate except for a condition of the zone change approval that restricts the project to a total of 246 dwelling units until the mitigation of an all-way stop and flashing warning beacon is provided at the intersection of Foothills Road and Delta Waters. Applicant has requested and the Planning Commission agrees that Public Works shall require and state its preference for one of the following requirements prior to final plat of the 246th lot for single family development:

- Improvements to the intersection per the zone change requirements from file ZC-10-078 -or-
 - Payment-in-lieu of the improvement at that intersection to be dedicated to future construction of project number i-73 in the Medford TSP.
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:
- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Discussion and Conclusions of Law Continued: The Planning Commission concludes the special development conditions that apply to sewer will continue to apply to the property although the tentative plat can be developed as proposed without violating those conditions. The Planning Commission further concludes that the ODOT cap on trip generation will remain in place but the proposed tentative plat can be built out without exceeding this cap. The Planning Commission concludes that the only remaining special development condition concerns the intersection of Foothills Road and Delta Waters. Applicant has requested and the Planning Commission agrees that Public Works shall require and state its preference for one of the following requirements prior to final plat of the 246th lot for single family development:

- Improvements to the intersection per the zone change requirements from file ZC-10-078 -or-
- Payment-in-lieu of the improvement at that intersection to be dedicated to future construction of project number i-73 in the Medford TSP.



Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Zone Change Criterion 2.

**State of Oregon Approval Criteria
Oregon Transportation Planning Rule
OAR Chapter 660, Division 012**

The following provisions of the Oregon Transportation Planning Rule (OAR 660-012-0060) operate as approval criteria for zone changes:

Zone Change Criterion 3

SECTION 660-012-0060

- (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system; or
 - (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Discussion; Conclusions of Law: In reaching the foregoing conclusions of law addressing OAR 660-012-0060(1), the Planning Commission concludes the proposal will change the zoning from SFR-10 to SFR-6. This change will not change any functional classification of any transportation facility nor will it change the standards implementing a functional classification system. The Planning Commission further concludes that the zone change from SFR-10 to SFR-6 will not allow land uses or level of development that would result in types or levels of travel or access that are inconsistent with the functional classification of any transportation facility and that the downzoning will not cause the performance of an existing or planned transportation facility to be reduced below the minimum acceptable standard in the TSP, provided the conditions of approval that continue to apply from ZC-10-078 remain in place or mitigation occurs or is assured consistent with the conditions therein.



LAND DIVISION – Tentative Subdivision Plat

MLDC 10.270 Land Division Criteria.

The approving authority (Planning Commission) shall not approve any tentative plat unless it first finds that, the proposed land division together with the provisions for its design and improvement:

Land Division Criterion 1

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;

Conclusions of Law; Consistency with the Comprehensive Plan: In *Bennett vs. City of Dallas* 17 Or LUBA 450, aff'd 96 Or App 645 (1989), the Oregon Court of Appeals held that quasi-judicial land use criteria that require compliance with a comprehensive plan do not automatically transform all plan Goals, Policies and Implementation Strategies into decisional criteria; only the Goals, Policies and Implementation Strategies that contain language that, read in context, were intended to function as decisional criteria are in fact criteria. Based upon its review of the Comprehensive Plan, the Planning Commission holds that the Comprehensive Plan contains no goals nor policies that by their language and context were intended to function as approval standards for the subject land division application.

Conclusions of Law; Applicable Specific Plans: The subject property is covered by a Neighborhood Circulation Plan — the adopted and acknowledged *North Medford Circulation Plan* which contemplates the extension of Owen Drive west along the north boundary of the adjacent property (except in the property's northwest corner where Owen Drive is contemplated to dip to the south before connecting with the existing right-of-way along the subject property's west boundary.) A copy of the Adopted North Medford Circulation Plan is shown at Exhibit 16. This proposal includes the extension of a portion of Owen Drive.

Conclusion of Law; Consistency with MLDC Articles IV and V: MLDC Article IV governs public improvements by establishing standards for their construction. See Exhibit 3 for demonstration of the project's compliance with these standards.

MLDC Article V establishes standards for site development, including standards for lot size and density. MLDC 10.702 prescribes the Lot Area and Dimension Requirements, as follows:

10.702 Lot Area and Dimensions

Each lot shall have an area, width, frontage, and depth consistent with that prescribed in this Article for the housing type, or commercial or industrial district in which the development, or the portion thereof, is situated, except in the following situations:

- (1) Within a planned unit development, a condominium project, as defined by ORS 100.005, or a pad lot development, as defined herein, the approving authority (Planning Commission) may permit tax lots and common areas to be of an area, width, frontage, or depth different from such prescribed minimum or maximum lot area or dimensions.
- (2) For a condominium project, as defined by ORS 100.005, the minimum lot area and dimensions shall apply to the parent parcel only.
- (3) A new residential lot may exceed the maximum lot area only under the following circumstances:
 - (a) When an existing residence and associated yard area, containing improvements and established landscaping, occupy a larger area; or,



- (b) When a portion of the lot is unbuildable for a reason beyond the control of the developer (i.e., due to creeks, oversized easements, etc.), the additional acreage, or fraction thereof, may not exceed the amount of unbuildable area.

In MLDC 10.710 the minimum and maximum density factor for single family dwellings in an SFR-6 zone is 4 to 6 units per acre. Phases 6 to 8 are proposed to meet SFR-6 density. Phase 9 is proposed to meet SFR-10 density. Based upon Exhibit 3, the proposed lot dimensions shown in Exhibit 10, and the Findings of Fact in Section IV, the Planning Commission concludes the application contemplates the creation of lots that are sufficiently sized and consistent with the proposed SFR-6 zoning district and thus Land Division Criterion 1.

Land Division Criterion 2

- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;

Conclusions of Law: Based upon Exhibit 10 and the Findings of Fact in Section IV, the Planning Commission concludes the Applicant and Owner own no other adjacent or nearby lands. This land division will also not prevent the development of any other adjoining land or of access thereto as this land division includes extending existing streets and the creation of new streets, all of which connect to streets that can support the future development of the undeveloped properties to the north and east. As such, this application is therefore consistent with the requirements of Land Division Criterion 2.

Land Division Criterion 3

- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

Conclusions of Law: The Planning Commission concludes that this tentative plat is an extension of the existing Delta Estates subdivision, which name was approved by the Jackson County surveyor for the adjacent subdivision Phases 1 to 5. Records show no other land division with this name. Therefore, this application is deemed to be consistent with Land Division Criterion 3.

Land Division Criterion 4

- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;

Conclusions of Law: The Planning Commission concludes that this land division includes the creation of five public streets. All new streets are laid out to be consistent with the streets in



the existing adjoining subdivisions. No unbuilt plats have been approved adjoining this parcel. Therefore, this application is consistent with Land Division Criterion 4.

Land Division Criterion 5

- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;

Conclusions of Law: This application does to involve the extension or creation of any private street or alley. Therefore, the Planning Commission concludes that this criterion is met by reason of inapplicability.

Land Division Criterion 6

- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

Conclusions of Law: Based on the evidence in Section II (see Exhibit 15), the Findings in Section IV and the Conclusions of Law for section MLDC 10.081 in Section V, the Planning Commission concludes that all adjoining EFU land has been brought into the UGB and is located across a public street from the proposed residential development which is adequate to prevent any conflicts with the passive agriculture that exists on these properties that are now urbanizable by virtue of being included in the UGB. Applicant further observes that the rear yards will face the EFU zoned land and so fences are anticipated on these rear yards and that engineering of the streets will prevent any irrigation run-off impacts from or to the EFU properties. If the City believes a deed declaration is also required, Applicant will accept a condition of approval requiring the same but requests such declaration be limited in time and no longer have any force or effect once the adjacent EFU lands are rezoned for urban uses.

EXCEPTION

10.253 Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority (Planning Commission/Site Plan and Architectural Commission) having jurisdiction over the plan authorization unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

Exception Criterion 1

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The Planning Commission/Site Plan and Architectural Commission shall have the authority to impose conditions to assure that this criterion is met.



Discussion: The Applicant is requesting one very narrow Exception to the Street Circulation and Design standards. The Exception to MLDC 10.426(D) is submitted as a precautionary measure in the event the Planning Commission does not concur with either of the other two ways in which this standard can be interpreted to be satisfied. See, Exhibit 3 and Section IV Findings of Fact.

Conclusions of Law: The Planning Commission concludes that the language in MLDC 10.426(D) makes clear that the purpose of the 200-foot minimum intersection spacing standard is to avoid the creation intersections that are off-set by too short a distance. Intersections that are off-set by too short a distance can create turning movement hazards. In the subject application, there is no potential for an off-set intersection because the street is a “T” intersection so there will be no turning movement conflicts.

Exception Criterion 2

(2) The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.

Conclusions of Law: The Planning Commission concludes that this exception does not permit or establish a use that is not permitted within the SFR-6 zoning district. Therefore, the Planning Commission concludes that this exception is consistent with Exception Criterion 2.

Exception Criterion 3

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

Conclusions of Law: The Planning Commission concludes that the reduced site depth site condition is one that is unique to this portion of the subdivision or elsewhere in the City. The Planning Commission further concludes that meeting this standard would create a peculiar, exceptional and undue hardship on the owner because the code standard is directed at the prevention of off-set intersections which is not proposed and will not occur in the future under the proposed design.

Exception Criterion 4

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

Conclusions of Law: The Planning Commission concludes that the need for this exception results from the nature of the site configuration and is not the result of any illegal act and the need for the exception is suffered directly by the property in question. The proposed design solution that necessitates the exception is irrelevant from the standpoint of profit.



AGRICULTURAL BUFFERING

MLDC10.801 Agricultural Buffering in Non-Urban Reserve Areas

B. Applicability.

The provisions of this Section apply to the development permit applications listed below in this subsection where land proposed for urban development is not in an urban reserve (see Regional Plan Element) and abuts and has a common lot line with other land which is zoned Exclusive Farm Use (EFU) or Exclusive Agriculture (EA). However, development which requires City approval for more than one of the below development permit applications for the same development shall be required to demonstrate compliance with the provisions of this Section only in the first such application.

- (1) Land Divisions.
- (2) Planned Unit Developments.

Agricultural Buffering Criterion 1

D. Mitigation and Impact Management.

- (1) Agricultural Classification (Intensive or Passive). For the purposes of this Section, agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.

Conclusions of Law: Based upon the Agricultural Impact Report and supporting evidence adopted and incorporated herein, the Planning Commission concludes adjacent land zoned EFU is planned for urbanization and is not managed in a manner that meets the statutory definition of farm use and that this land use is consistent with the passive agricultural classification.

Agricultural Buffering Criterion 2

- (3) Mitigation - Passive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land in passive agricultural use:
 - (a) Fencing. A wood fence, chain link fence, or masonry wall, not less than six (6) feet in height shall be installed at the property boundary where the development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long-term maintenance responsibility for the fence or wall.
 - (b) Deed Declaration. The deed declaration required in subsection 10.801.D(2)(c) shall be required.



- (c) **Irrigation Runoff.** Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

Conclusions of Law: With respect to mitigation, the Planning Commission concludes the following:

- (a) The Applicant will install a six-foot high wood fence along the northern boundary line, facing the EFU lands, of all lots that are part of this application that abut the southern border of Owen Drive if the Planning Commission requires the same.
- (b) The Applicant will install a six-foot high wood fence along the eastern boundary line, facing the EFU lands, of all lots that are part of this application that abut the western border of McLoughlin Drive if the Planning Commission requires the same. However, the Applicant would like the option of designing the houses to face McLoughlin and observes that this condition would functionally prohibit this design alternative for no good reason because the properties across the street are planned for urban and are within the UGB and “protection from farm use” does not really make sense in this instance.
- (c) Applicant has stipulated and the same will be required to record the requisite deed declaration for properties within 200 feet that are zoned EFU at the time of final plat, but requests that declaration have no force or effect once the properties across Owen and McLoughlin are rezoned for urban uses..
- (d) The grading and stormwater management concept plan, depicted in Exhibit 11b, will be sufficient to assure any potential for adverse impacts between the EFU lands and the project site will be mitigated.

Based upon Exhibit 15, the Agricultural Impact Report in Section II and the Findings of Fact in Section IV, the Planning Commission concludes the Applicant the has met Agricultural Buffering Criterion 2.

* * * * *

Agricultural Buffering Criterion 3

- (4) **Discretionary Mitigation Measures/Design Considerations.** In addition to the specific mitigation measures required in Subsections 10.801.D(2) and 10.801.D(3), an applicant shall also consider the following design items and the approving authority may, in its sole discretion, impose conditions which do any of the following:
 - (a) Increase the rear or side yard setback to afford greater spatial separation between agriculture and urban development.
 - (b) Regulate the location of garages and parking areas to place them between dwellings and other buildings intended for human occupancy and agricultural land.
 - (c) Require the placement of streets, driveways, open space or common areas between urban development and agricultural land.
 - (d) Require fencing and landscaping, including the use of berms, in excess of that required in Subsection 10.801.D.
 - (e) Regulate or require other mitigation measures or features deemed reasonably necessary and appropriate by the approving authority to protect the public health, safety and general



Findings of Fact and Conclusions of Law

Delta Estates Subdivision - Phases 6 through 9

Hayden Homes, LLC, LLC: Applicant

welfare, and to make urban development compatible with agricultural uses which exist on adjacent lands zoned EFU or EA.

Conclusions of Law: Based upon the Agricultural Impact Report and supporting evidence adopted and incorporated herein, the Planning Commission concludes the nearby land zoned EFU, for which mitigation is contemplated by the MLDC, is urbanizable land by operation of Statewide Planning Goal definition and therefore no discretionary mitigation measures/design considerations are necessary or appropriate.

VI

STIPULATIONS OFFERED BY APPLICANTS

If made a condition attached to the approval of these land use applications, Applicant herewith agrees to stipulate:

1. Applicant stipulates to recording the requisite deed declaration per 10.801.D(2)(c) for all properties within 200 feet of lands that are zoned EFU at the time of final plat.
2. Applicant stipulates, if the Exception is approved, to record a deed restriction prohibiting driveways onto Street D from Lots 214 and 215.

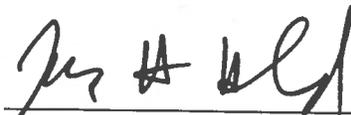
VII

ULTIMATE CONCLUSIONS

Based upon the evidence in Section II and the Findings of Fact in Section IV, the Planning Commission concludes that the case for Land Division is consistent with all of the relevant criteria in the Medford Land Development Code (MLDC) 10.270 as hereinabove enumerated and addressed.

Respectfully submitted on behalf of Applicant Hayden Homes, LLC:

CSA PLANNING, LTD.



 Jay Harland
 Consulting Planner

Dated: January 11, 2018



APPLICANT'S EXHIBIT 3

DEMONSTRATION OF COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

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Medford Land Development Code ("MLDC"). The relevant approval standards are recited verbatim below:

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

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

Compliance with Standards: The proposed single-family home subdivision is a permitted use in the SFR-6 zone. 112 SFR-6 residential lots are proposed on 22.64 acres, the project has a density of 4.95 dwelling units per acre. Phase 9 is planned to meet SFR-10 density. It has 54 units on 9.00 acres, which calculates to a density of 6.0. The project complies with the standard.

* * * * *

10.426 Street Circulation Design and Connectivity

B. Street Connectivity and Formation of Blocks Required.

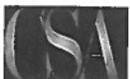
1. Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.
2. Proposed streets, alleys and access ways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.
3. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.
4. Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.

C. Maximum Block Length and Block Perimeter Length.

1. Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.

MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH Table 10.426-1		
Zone or District	Block Length	Block Perimeter Length
a. Residential Zones	660'	2,100'

2. The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:



- j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.
3. Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,
4. When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.

Compliance with Standards: The North Medford Neighborhood circulation plan includes the extension of Owen Drive. The proposed subdivision layout includes the extension of Owen Drive along the northern border, conforming with this circulation plan.

All new blocks being formed by this project meet the standards of this section and provide clear connections with existing and future streets surrounding the site.

D. Minimum Distance Between Intersections.

Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.

Compliance with Standards: All proposed intersections where there is a proposed or potential “four-legged” intersection will meet the minimum distance between the intersections.

The subdivision layout has one instance where the distance between intersections is less than 200 feet. It is between the “T”-intersection of Owens Drive with Street D and the “four-legged” intersection of street D with Carnelian Street. There are 175.2 feet between the two intersections. As one of these is a “T-intersection”, the City could reasonably interpret its code to conclude that this standard does not apply to the proposed design because, by its language and context, this code section functions to prevent “offset” intersections¹. The proposed design does not create any “offset” as the intersection of Owen Drive and street D, is strictly a “T-intersection”, and is likely to always be a “T-intersection” unless the property to the north is developed, at which time the City can require the developer to align the extension of Street D directly opposite. Thus, the measurement of less than 200-feet from the centerline of Owen Drive to Carnelian Street can be found to not be a requirement that is applicable this particular project design².

If the Planning Commission concludes that this code section must be applied to the subject application then the code provision includes an internal exception (that is separate and apart from the Exception application process). The Planning Commission can find the proposed separation between Carnelian Street and Owen Drive is reasonable to avoid unnecessary bending of Carnelian Street that would reduce street parking and create awkward lot layouts. The proposed street layout

¹ Applicant is not arguing the City is precluded from interpreting its code to apply to this situation, but merely that it is a plausible interpretation to find that this code section does not apply and this would be entitled to deference under *Siporen vs. City of Medford*.

² One could observe that this interpretation could be problematic because while the proposed Carnelian Street is adequately separated from Owen Drive one could imagine a design that is much less than 200' that could cause a problem even for a “T intersection”. For example, if Carnelian Street were only 60 feet from Owen Drive then street spacing could become an issue. However, such an interpretation is not actually a problem because MLDC 426(B)(4) would be violated by such a design and the City would have appropriate basis to deny such design notwithstanding that MLDC 10.426(D) did not apply to the project.



for Carnelian Street is the most economically practical layout to balance the other standards for lot depth and corner width that apply to this project.

If the Planning Commission cannot reach either of the above two findings, then an Exception is requested for this condition in the Exhibit 2 Findings document.

* * * * *

10.550 Access Standards

(1) Driveway Throat Width Standards.

Driveways that connect to a public right-of-way shall be constructed according to the standards in Tables 10.550-1 and 10.550-2. See Figure 10.550-1 for driveway throat, flare and radius definitions.

For the purposes of this section, Minimum Access Easements and Alleys shall be considered driveways.

Table 10.550-1 - Driveway Throat Widths	
Street Classification	Land Use on Parcel to be served by Driveway
Local	SFR
Less than 500 ADT***	12 to 18 ft.****

*** ADT = Average Daily Trips using the proposed driveway, determined from the latest version of the Institute of Transportation Engineering handbook based on the expected ultimate use of the site.

****May be up to 24' with approval of Public Works Director or Designee.

Compliance with Standards: Driveways of all proposed lots can and will comply with the standards.

* * * * *

(3) Driveway Spacing and Locational Standards

b. Local Streets

A minimum distance of three (3) feet shall be maintained between the closest portions of adjacent driveway flares as measured along the curb on local streets, except where existing conditions dictate otherwise. Cul-de-sacs are exempt from these standards.

The closest edge of a driveway shall be a minimum of 35 feet from any intersecting local streets measured along the curb to the nearest right-of-way line of the intersecting street. If the parcel does not have sufficient width to meet this requirement, the driveway shall be located adjacent to the property line farthest from the intersecting street, and no authorization for larger driveway width shall be granted.

Compliance with Standards: Driveways of all proposed lots can and will comply with the standards.

* * * * *

10.710 Detached Single-Family Dwellings

The following standards apply to the development of detached single-family dwellings within the various residential districts.



APPLICANT'S EXHIBIT 3

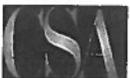
Demonstration of Compliance with Applicable Development Standards

Subdivision – Zone Change - Exception

Applicant: Hayden Homes, LLC

DETACHED SINGLE-FAMILY DWELLINGS			
Standard	SFR-6	SFR-10	Compliance
MINIMUM & MAXIMUM AREA FOR ZONING DISTRICT (ACRES)	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre	Proposed density complies. Phases 6-8 = have 4.66 to 5.27 dwelling units per gross acre Phase 9 has 6 dwelling units per gross acre
MINIMUM LOT AREA (SQ. FEET)	4,500 to 12,500 SF	3,600 to 8,125 SF	All lots, except 3 comply
MAXIMUM COVERAGE FACTOR	45%. Can exceed 45% when the building footprint is not more than 2,000 sq. ft.	50%	All lots can and will comply
MINIMUM INTERIOR LOT WIDTH	50 feet	40 feet	All lots comply
MINIMUM CORNER LOT WIDTH	60 feet	50 feet	All lots comply. Some lots are of varying width, but average at least 60 feet in width.
MINIMUM LOT DEPTH	90 feet Can count only half of an adjoin alley toward the lot depth		All lots comply
MINIMUM LOT FRONTAGE	30 feet, EXCEPT Flag Lots which shall be 20 feet		All lots comply
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.		All lots comply
MINIMUM STREET SIDE YARD BUILDING SETBACK	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports		All lots can and will comply
MINIMUM SIDE BUILDING SET BACK	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		All lots can and will comply
MINIMUM REAR YARD BUILDING SET BACK	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.		All lots can and will comply
MAXIMUM BUILDING HEIGHT	35 feet		All lots can and will comply
BUFFERYARD SETBACK	8 feet from bufferyard to any doors on a dwelling unit		All lots can and will comply

Compliance with Standards: Three lots, Lots 187 to 189, exceed the maximum lot size due to their location and access from a minimum access street. Other types of access to these lots, such as a cul de sac would create lots that are sub-standard in depth and width. Exceeding the maximum



lot size was the best option found for the layout of these lots. All other subdivision lots comply with all standards.

10.732 Fencing of Lots

- (1) Fencing located within the front yard setback area of all zones, except the MFR zone, shall not exceed three (3) feet in height when measured from the grade of the street centerline. When within a MFR zone, a fence shall not exceed three (3) feet in height when located within ten (10) feet of a street right-of-way unless otherwise approved by the approving authority. (Effective Dec. 1, 2013.)
- (2) Fencing located in the side or rear yards (when not a through-lot) shall not exceed eight (8) feet in height. Height shall be measured as follows:
 - (a) In required yards abutting a street, it shall be the effective height measured from the finished grade on the side nearest the street.
 - (b) In other required yards, it shall be the total effective height above the finished grade measured on the side nearest the abutting property.
- (3) No fencing shall conflict with the site distance requirements of Section 10.735, Clear View of Intersecting Streets.

Compliance with Standards: No fencing is proposed at this time. Hayden Homes expects to install perimeter fencing and fencing along Owen Drive, but interior fencing will depend on the desire of the future homebuyers. Standard fencing for Hayden Homes is 6 foot cedar fencing. Fences for this subdivision can and will comply.

10.735 Clear View of Intersecting Streets

- (1) In order to provide a clear view of intersecting streets, there shall be a triangular area of clear vision formed where a street intersects with another street, driveway, or alley.
- (2) The size of the triangular area is a function of traffic control, volume and speed. See Table 10.735-1 below for posted speeds and site distances.
- (3) On any portion of a lot that lies within the triangular area described and illustrated in Figures 10.735-1 & 2, below, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three (3) feet and ten (10) feet above the height of the top of the curb. Where there is no curb, the height shall be measured from the street center lines.
- (4) The triangular area of clear vision shall be determined based upon the type of stop control used at the subject intersection.
 - (a) The clear vision triangular area for an intersection of a street without stop control is shown in Figure 10.735-1. See Table 10.735-2 below for determining all other curb line distances

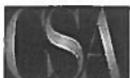
Compliance with Standards: All proposed intersections comply with the standards. See, Exhibit 10.

10.743 Off-Street Parking Standards

- (1) Vehicle Parking – Minimum and Maximum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10.743-1.

Where a use is not specifically listed in table 10.743-1, parking requirements shall be determined by the Planning Director or designee finding that the use is similar to one of those listed in terms of parking needs.

Parking spaces that count toward the minimum requirement are parking spaces meeting minimum dimensional and access standards in garages, carports, parking lots, bays along driveways, and shared parking areas.



- (2) Number of Required Parking Spaces. Off-street vehicle parking spaces shall be provided as follows:
- (a) Parking Space Calculation. Parking space ratios are based on spaces per 1,000 square feet of gross floor area, unless otherwise noted.
 - (b) Parking Categories.
 - (i) Table 10.743-1 contains parking ratios for minimum required number of parking spaces and maximum permitted number of parking spaces for each land use.
 - A. Minimum Number of Required Parking Spaces. For each listed land use, the City shall not require more than the minimum number of parking spaces calculated for each use.
 - B. Maximum Number of Permitted Parking Spaces. The number of parking spaces provided shall not exceed the maximum number of parking spaces allowed for each listed land use.

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards		
Land Use Category	Minimum Number of Required Parking Spaces	Maximum Permitted Parking Spaces
Residential, Single Family	2 spaces per dwelling unit	n/a

Compliance with Standards: All dwelling units are planned to have a minimum of a two-car garage, plus the driveway that will provide space for 2 cars to park between the garage and the sidewalk. All lots can and will comply with the standard.

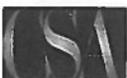
10.790 Bufferyards

C. Determination of Bufferyard Requirements.

- (1) To determine the type of bufferyard required between two adjacent lots, the following procedure shall be followed:
 - (a) Identify the zoning district within which the subject lot with its proposed use is located.
 - (b) Identify the zoning district(s) or, absent city zoning, the GLUP designation(s) within which the abutting lot(s) are located.
 - (c) Determine the bufferyard required along each boundary, or segment thereof, of the subject lot by referring to Subsection D, Tables of Bufferyard Standards, which specify the bufferyard types required between zones or GLUP designations.

Table 10.790-1. Bufferyard Standards-Zone to Zone

Table 10.790-1. Bufferyard Standards-Zone to Zone	
Subject Site Zoning	Zoning on Abutting Land
	SFR
SFR	-



Compliance with Standards: The project is in the SFR zone and as the surrounding lands to the west and south are also SFR, no bufferyards are required. Therefore, the project complies. Lands to the north and west are outside of the urban growth boundary and as such are addressed under section MLDC10.801, Agricultural Buffering in Non-Urban Reserve Areas. See, Exhibit 15 and Exhibit 2- Section V.

10.930 Hillside Ordinance, Definitions

When used in Sections 10.929 to 10.933, the following terms shall have the meanings herein ascribed:

Slope Analysis. A topographical contour map to scale of the lot or parcel which depicts the slope, and which satisfies the following requirements:

- (1) Contours are depicted at no greater than ten-foot (10') intervals and the map differentiates between areas of a lot or parcel with Slopes of: (a) between fifteen percent (15%) and thirty-five percent (35%); and (b) Slopes greater than thirty-five percent (35%).
- (2) Slopes shall, as near as practical, be measured perpendicular to the map's contour lines.
- (3) Land or natural features comprising less than two hundred (200) horizontal square feet with Slopes greater than of fifteen percent (15%) shall not be included in the Slope Analysis.
- (4) Man-made features including, but not limited to, ditches, canals, existing retaining walls, and existing buildings, which necessarily will be relocated, placed underground, or otherwise removed as part of future urban development, shall not be included in the Slope Analysis.
- (5) Portions of lots or parcels which are undevelopable, including (but not limited to) jurisdictional wetlands and riparian setback areas, shall not be included in the Slope Analysis.

10.931 Hillside Ordinance, General Standards

A. Application of Provisions.

- (1) Sections 10.929 to 10.933 apply to any proposed development containing an area of at least one-thousand (1,000) square feet with Slopes in excess of fifteen percent (15%), if the Slope Analysis demonstrates that development, including streets, will occur on those portions of the proposed development area with Slopes in excess of fifteen percent (15%).
- (2) Sections 10.929 to 10.933 shall not apply to any proposed development containing an area of less than one-thousand (1,000) square feet with Slopes in excess of fifteen percent (15%), or if the Slope Analysis demonstrates that development on that proposed development area, including streets, will not occur on Slopes in excess of fifteen percent (15%).
- (3) Type III land use reviews (except for zone changes) shall comply with Sections 10.929 to 10.933; building permit applications shall comply with Sections 10.929 to 10.931.

B. Requirement for Slope Analysis.

For parcels containing Slopes greater than fifteen percent (15%), as shown on the 2009 City of Medford Slope Map, a copy of which is maintained on file in the Planning Department, a Slope Analysis is required to be submitted with:

- (1) Type III land use applications (except for zone changes); and,
- (2) Building permit applications, if a Slope Analysis of the parcel was not previously submitted with a development application.

The Slope Analysis shall be reviewed by the City Director of Public Works or designee.

Compliance with Standards: The Medford Slopes map shows one small area in the southwestern portion of the subject property as having greater than 15% slope. Based on this and that this is a Type III application, a slopes analysis would typically be required. However, the area in question, which is less than 1,000 square feet, is a small man-made drainage ditch that is being removed and the area graded to less than 15% as part of this development. Per item (4) under **10.930 Hillside Ordinance, Definitions; Slope Analysis-** "man-made features..., which necessarily will be ... removed as part of future urban development, shall not be included in the Slope Analysis". See existing topo shown on Lots 183 and 184 on Sheet C.1B in Exhibit 11b. Therefore, no Slope Analysis is required or has been included with this application. Project complies.



AGRICULTURAL IMPACT ASSESSMENT REPORT – December 31, 2018

Tax Lots 1102 and 1103 - Cheltenham Way, Medford, OR

C. Information Required: Agricultural Impact Assessment Report.

As part of any land use or development application listed in Subsection 10.801.B where the agricultural buffering provisions in Subsections 10.801.A through E apply, an applicant for such application shall supply the Planning Department with the following information in a report entitled "Agricultural Impact Assessment Report":

- (1) An excerpt of a City of Medford and/or Jackson County zoning map showing the zoning of land adjacent and within two hundred (200) feet of the property proposed for urban development.

Tax Lot 1000 on Map 371W09 to the north and Tax Lot 2600 and 2700 on Map 371W08 to the east of the subject property are both zoned EFU.

- (2) A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU or EA and sources of such information. The information thus required, if applicable, shall include:

- (a) Method of irrigation.

An examination of Jackson County GIS groundwater rights data and historic aerial photographs indicate the properties do have irrigation rights. Checking aerial photos, no evidence of crops is seen as far back as 1994 on Tax Lots 1000 or 2600. On Tax Lot 2700, there is evidence of orchard crops in 1994, but those orchards appear to have been removed by 2003. Based on vegetative patterns evident on recent aerial photographs, it appears that the Garret Creek drainage runs through the center of Tax Lot 1000. See attached map and historic aerials.

- (b) Type of agricultural product produced.

The properties does not appear to be producing any agricultural products in the past 25 years on Lots 1000 and 2600 and not in at least 16 years on Lot 2700.

- (c) Method of frost protection. None known.

- (d) Type of agricultural equipment customarily used on the property.

Potentially all of these properties have been mowed for purposes of fire danger reduction or grass hay. If so, the typical method for mowing pasture is to use a tractor with a rotary style pto driven pull-behind mover.

- (3) Detailed information obtained from the Natural Resources Conservation Service (NCRS) concerning soils which occur on adjacent lands zoned EFU or EA, and whether the land has access to water for irrigation.

Soils are primarily 33A Coker Clay and 27B Carney Clay, that have a Class IV non-irrigated rating. Irrigation is available, but at most improves the soil to a Class III/IV rating.

- (4) Wind pattern information. Prevailing winds are from the west northwest.

- (5) A description of the measures proposed to comply with the requirements of Subsections 10.801.A through E.

Proposed compliance measures include:

1. Installation of 6-foot wood fences along the northern boundary of lots abutting Owen Drive which will be extended along the boundary between the subject property and the EFU lands. Fence to be maintained by subject property owners.
2. Filing of a deed declaration on all lots within 200 feet of the EFU land.
3. No irrigation is used on the EFU properties currently. As the properties are part of an urban reserve, it is anticipated that they will be urbanized in the future. Potential future

CITY OF MEDFORD
EXHIBIT # N
FILE # LDS-19-008/ZC-19-
009/E-19-010

storm and irrigation run-off until that time will be separated from the residential properties by the extension of Owen Drive. Irrigation water will continue to drain as it does now into the Garrett Creek drainage.

No fence is proposed along the eastern boundary, as the extension of McLoughlin Drive will be adjacent to the boundary, and lots abutting McLoughlin Drive will have their front yards facing the street.

- (6) The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report. Beverly Thruston, CSA Planning.
- (7) All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices. None needed.

D. Mitigation and Impact Management.

- (1) Agricultural Classification (Intensive or Passive). For the purposes of this Section, agricultural land is hereby classified as either intensive or passive. Intensive agriculture is defined as farming which is under intensive day-to-day management, and includes fruit orchards and the intensive raising and harvesting of crops or, notwithstanding its current use, has soils of which a majority are class I through IV as determined by the NRCS, has irrigation water available and is outside of the Urban Growth Boundary. Passive agriculture is defined as farming that is not under intensive day-to-day management, and includes land used as pasture for the raising of livestock. The approving authority shall determine whether adjacent agricultural uses are intensive or passive based upon the specific circumstances of each case and the nature of agriculture which exists on the adjacent land zoned EFU or EA at the time the urban development application is filed and accepted by the City.

Based on our analysis of the adjacent EFU zoned lands, the property appears to be fallow or at most used for passive agriculture. It is possible that the property is used for the pasturing of livestock and/or seasonal non-irrigated grass hay and is therefore considered passive agriculture under this provision.

- (3) Mitigation - Passive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land in passive agricultural use:
 - (a) Fencing. A wood fence, chain link fence, or masonry wall, not less than six (6) feet in height shall be installed at the property boundary where the development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long-term maintenance responsibility for the fence or wall.
 - (b) Deed Declaration. The deed declaration required in subsection 10.801.D(2)(c) shall be required.
 - (c) Irrigation Runoff. Measures appropriate to the circumstances present shall be undertaken by the urban developer to mitigate adverse impacts which occur from periodic naturally occurring runoff and inadvertent agricultural irrigation runoff.

See, Item 5 herein above.

Surrounding Lands Aerial 1994

Aerial showing subject property and adjacent lots. No agricultural activity shown on Tax Lots 1000 and 2600.

Page 112

Owens Dr 

Google Earth

Image U.S. Geological Survey



900 ft

Surrounding Lands Aerial 2003

Aerial showing subject property and adjacent lots. No agricultural activity shown on Tax Lots 1000 and 2600.

Page 113

Owens Dr



Google Earth

Image © 2018 DigitalGlobe



900 ft

Surrounding Lands Aerial 2018

Aerial showing subject property and adjacent lots. No agricultural activity shown on Tax Lots 1000 and 2600.

Page 114

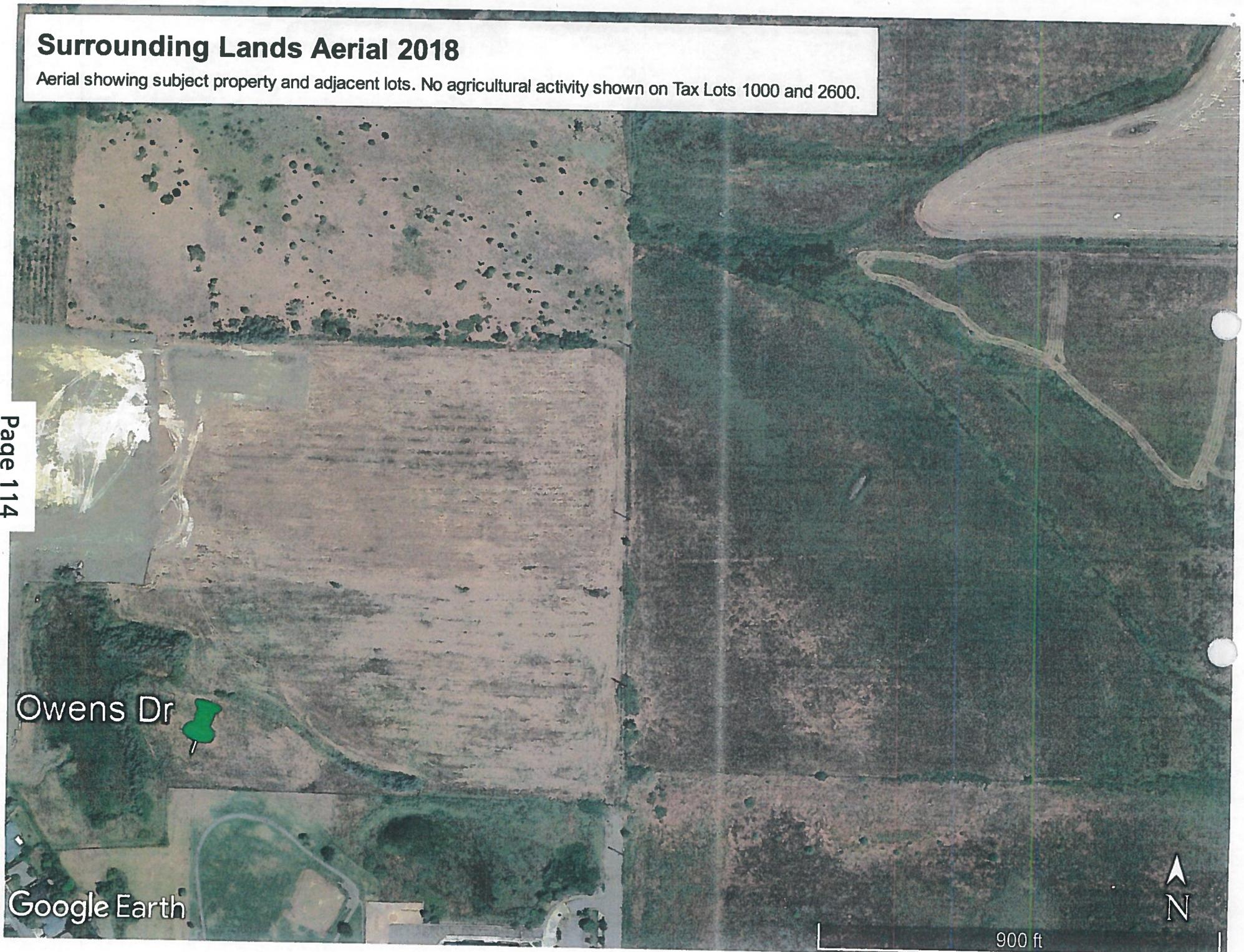
Owens Dr

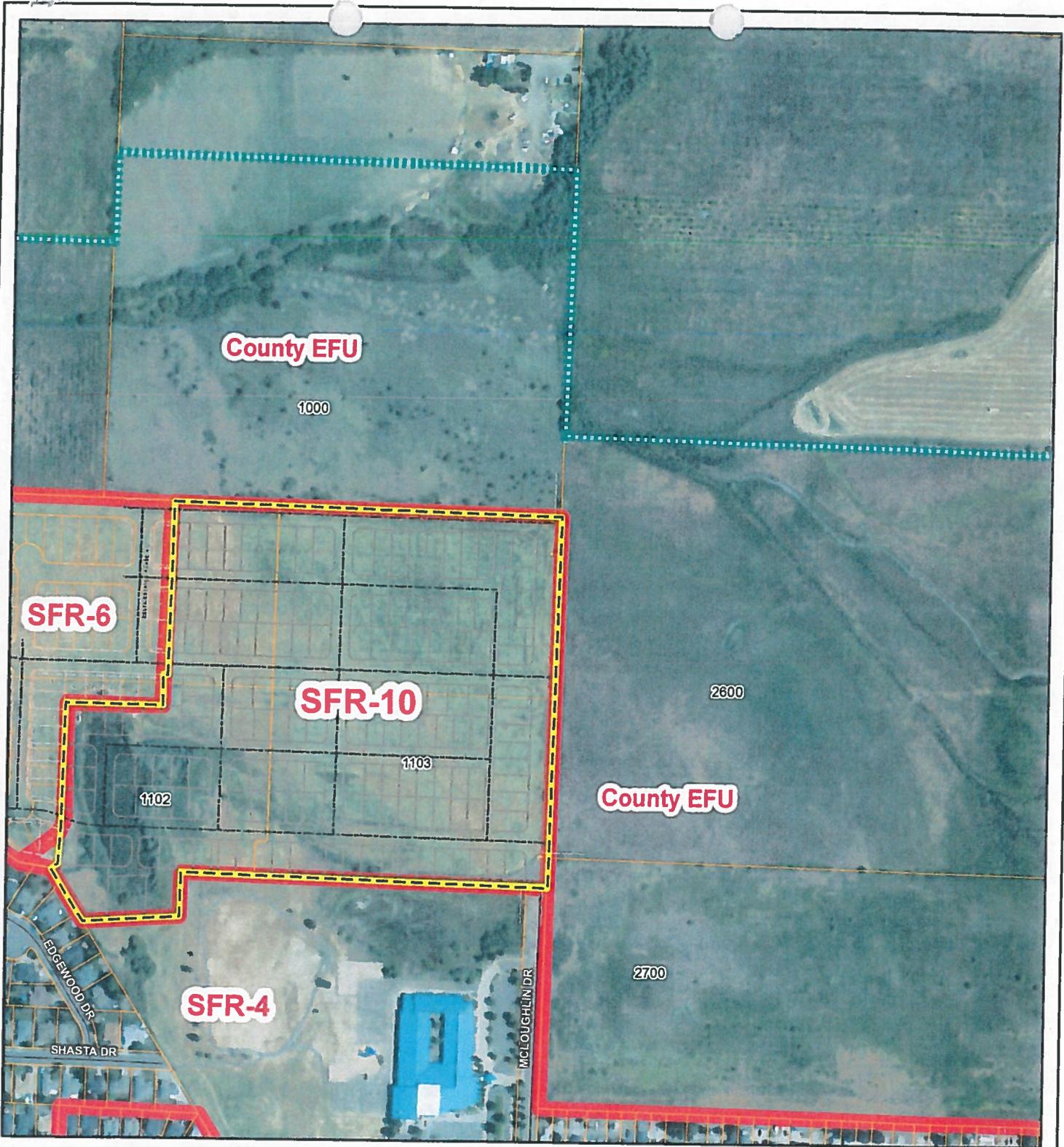


Google Earth



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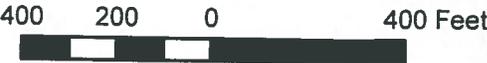


-  Subject tax lots 1102 & 1103 with proposed subdivision tentative plat
-  2018 UGB
-  Tax Lots
-  Medford Zoning

Current Zoning Map

Hayden Homes LLC
 Delta Estates Subdivision Phases 6 to 9
 Zone Change / Subdivision
 37-1W-08 tax lots 1102 & 1103

2016 Aerial


 CSA Planning LTD



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 2/27/2019

Revised Date: 4/2/2019

File Numbers: LDS-19-008/ZC-19-009/E-19-010

Reference: ZC-16-089, LDS-16-090/E-16-091, ZC-10-078

PUBLIC WORKS DEPARTMENT STAFF REPORT Delta Estates Subdivision Phase 6 – 9

- Project:** Consideration of a request for tentative plat approval for Delta Estates – Phases 6-9, a proposed 166-lot residential subdivision on two parcels totaling 31.64 acres; including a request for a change of zone for proposed Phases 6-8, totaling 22.64-acres, and an additional 0.14-acres of the adjacent Phase 5, from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to SFR-6 (Single Family Residential, six dwelling units per gross acre); and a request for an Exception in order to allow a distance less than 200 feet between two intersections.
- Location:** The property is located east of Cheltenham Way and north of Mcloughlin Drive in the SFR-10 zoning district (371W08 1103 & 1104).
- Applicant:** Applicant, Hayden Homes, LLC; Agent, CSA Planning Ltd; Planner, Dustin Severs.

The following items shall be completed and accepted prior to the respective events under which they are listed:

- Approval of Final Plat:
Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- Issuance of first building permit for residential construction:
Construction of public improvements (Items A through E)
- Issuance of Certificates of Occupancy for individual units:
Sidewalks (Items A2)

P:\Staff Reports\LDS\2019\LDS-19-008_ZC-19-009_E-19-010 Delta Estates Phases 6-9 (TLs 1103 & 1104)\LDS-19-008_ZC-19-009_E-19-010 Staff Report-Rev Final.docx Page 1 of 14

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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CITY OF MEDFORD
EXHIBIT # 0

File # LDS-19-008 ZC-19-009
E-A-010

A. STREETS

1. Dedications

McLoughlin Drive (*from the north terminus of McLoughlin Drive, north to future intersection with Owen Drive*) is classified as a Major Collector street within the Medford Land Development Code (MLDC) 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width (37-feet) of right-of-way plus 13-feet or more as needed to provide for the proposed street as shown on the tentative plat. The proposed centerline alignment at the southerly end of this street shall transition to the existing right-of-way in accordance with AASHTO standards.

Owen Drive (*from Metolius Street east to future intersection with McLoughlin Drive*) is classified as a Major Collector street within the MLDC, Section 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along this portion of Owen Drive to comply with the width needed to construct the full improvements except the planter strip and sidewalk to the north side. This area shall include any additional width necessary to accommodate any cut or fill slopes. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

The developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **McLoughlin Drive** and **Owen Drive**, per the methodology established by the MLDC 3.815. **Should the developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

Durst Street (*from Metolius Street, to the future intersection with McLoughlin Drive*) is proposed as a Standard Residential street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 63-feet.

Streets "A" (from Street "C" heading east to the McLoughlin Drive), **"B", "C" & "D", Carnelian Street and Ford Drive** are proposed as Minor Residential streets within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the respective frontages to comply with the full width of right-of-way, which is 55-feet. The proposed cul-de-sac at the east terminus of Carnelian Street shall be dedicated per MLDC 10.450, and have a minimum 45-foot radius.

One **exception request** has been submitted for the Planning Commissions consideration. The exception is to allow the reduced intersection spacing on Street "D" between the intersections of Owen Drive and Carnelian Street. See comments under *"Access and Circulation"* below.

Street "A" (from Street "B", east to intersection with Street "C") is proposed as a Residential Lane within the MLDC 10.430(3). The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 33-feet.

The **Minimum Access Drive** shall be private and constructed in accordance with MLDC Section 10.430A(1) and have a minimum width of 20-feet. **NOTE: The access to Lots 187, 188, and 189 shall be a private Minimum Access Easement in conformance with MLDC 10.430A.**

Corner radii shall be provided at the right-of-way lines of all intersecting streets per MLDC 10.445.

Streets, as shown on the Tentative Plat, in which any portion terminates to a boundary line of the Development shall be dedicated to within one foot of the boundary line, and the remaining one foot shall be granted in fee simple, as a non-access reserve strip to the City of Medford. Upon approved dedication of the extension of said streets, the one-foot reserve strip shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford (MLDC 10.439).

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

McLoughlin Drive (from the north terminus of the existing improvements on McLoughlin Drive, north to future intersection with Owen Drive) shall be improved to Major Collector street standards in accordance with MLDC 10.428. The Developer shall improve the west half plus 12-foot east of the centerline. This includes the portion where McLoughlin Drive is not improved along the northeast corner of 371W08-1400. At the time of public improvement plan review, the width of the improvements to the east side of this street may be reduced to address potential topographical constraints, as approved by the City Engineer.

Owen Drive (from Metolius Street east to future intersection with McLoughlin Drive) shall be improved to Major Collector street standards, along the frontage of this development, in

accordance with MLDC 10.428. The developer shall improve the south half plus the north 22-feet including the curb & gutter. This shall provide the full paved section curb to curb and the south planter and sidewalk.

The developer shall receive Street System Development Charge credits for the public improvements on McLoughlin Drive and Owen Drive per the value established by the Medford Municipal Code, Section 3.815.

Durst Street (from *Metolius Street*, to the future intersection with *McLoughlin Drive*) shall be improved to Standard Residential street standards, along the frontage of this development, in accordance with MLDC 10.430.

Streets "A" (from Street "C" heading east to the McLoughlin Drive), **"B", "C" & "D", Carnelian Street and Ford Drive** shall be improved to Minor Residential street standards, along the respective frontages of this development, in accordance with MLDC 10.430. The proposed cul-de-sac at the east terminus of Carnelian Street shall be constructed in accordance with MLDC 10.450.

Street "A" (from Street "B" heading east to intersection with Street "C") shall be constructed to Residential Lane standards, in accordance with MLDC 10.430.

Minimum Access Drive (Private) shall be built consistent with MLDC 10.430A(1) and improved to a minimum width of 20 feet with AC pavement. The minimum TI for the structural section shall be 3.5, the minimum AC section shall be 3" thick, and the base aggregate shall extend one foot beyond the edge of pavement. The minimum access drives shall be designed by a civil engineer licensed in the State of Oregon and plans submitted to the Public Works-Engineering Division for approval. A drainage system shall be incorporated into the paved access design to capture stormwater and direct it to the storm drain system.

b. Street Lights and Signing

The developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

- A. 11 – Type C-250 (LED)
- B. 31 – Type R-100 (LED)
- C. 1 – Base Mounted Cabinet (BMC)

Traffic Signs and Devices – City Installed, paid by the Developer:

- D. 2 – Dead End Barricades
- E. 1 – Dead End Sign
- F. 4 – Stop Signs
- G. 4 – Speed Signs

- H. 14 – Street Name Signs
- I. 4 – Two-Direction Large Arrow Signs (W1-7)

Numbers are subject to change if changes are made to the plans. All street lights shall be installed per City standards and be shown on the public improvement plans. Public Works will provide preliminary street light locations upon request. All street lights shall be operating and turned on at the time of the final “walk through” inspection by the Public Works Department.

The Developer shall pay for City installed signage required by the development. City installed signs include, but are not limited to, street name signs, stop signs, speed signs, school signs, dead end signs, and dead end barricades. Sign design and placement shall be per the Manual on Uniform Traffic Control Devices (MUTCD). All signs shall be shown on the public improvement plans and labeled as City installed.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer’s contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

c. Pavement Moratoriums

No moratoriums are in effect along the frontage of this development except from the streets just constructed with Phase 4 & 5.

The developer shall be responsible for notifying by certified letter all utility companies, as well as all current property owners of parcels which are adjacent to any Public Street being constructed or paved as part of this project. The letter shall inform the utility companies and property owners of the City's street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be given the opportunity to install utility services within the right-of-way prior to paving and the subsequent moratorium. Notifications shall be mailed by the Developer at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

d. Soils Report

The Developer’s engineer shall obtain a soils report to determine if there is shrink-swell potential in the underlying soils in this development. If they are present, they shall be accounted for in the roadway and sidewalk design within this Development. The soils report shall be completed by a licensed Geotechnical Engineer in the state of Oregon.

e. Access and Circulation

The proposed block perimeter length that includes Ford Drive, Cheltenham Way, Delta Waters Road, and McLoughlin Drive exceeds the maximum allowed per MLDC 10.426. The applicant has provided an accessway from Ford Drive to the school between lots 193 and 194. The accessway shall be dedicated as public right-of-way and built in conformance with MLDC 10.464 through 10.466, unless noted otherwise. Since this accessway will also be used for stormdrain maintenance access it shall be a minimum 15-foot wide with a 12-foot paved section to accommodate large maintenance vehicles.

The accessway between the cul-de-sac at the east end of Carnelian Street and McLoughlin Drive shall be dedicated as public right-of-way and built in conformance with MLDC 10.464 through 10.466, unless noted otherwise. If the west end of this accessway is to be used for access to lot 223 then it may be up to 20-foot wide on the westerly end only and then transition to be 12-foot wide at McLoughlin Drive. The access shall be paved to accommodate large maintenance vehicles. Pavement width may vary but shall not be less than 10-feet.

Driveway access shall comply with MLDC 10.550. No lots shall take access to Owen Drive or McLoughlin Drive.

A maximum of eight (8) dwelling units may take access from the residential lane portion of Street 'A'.

Regarding the exception request, Public Works recommends approval of the exception with two conditions:

1. The final plat shall note that driveway access to lots 214 and 215 shall be limited to only take access from Carnelian Street.
2. Street 'D' be built with a total paved width of 33-feet with five-and-a-half foot planter strips between Owen Drive and Carnelian Street, consistent with design option (c) for Minor Residential streets per MLDC 10.430.

ZC-10-078 for the subject property included 6 traffic related conditions from Public Works. Conditions 1, 2, and 3 have been released. Condition 4 reads, "Prior to the vertical construction of more than 246 SFR units or the generation of 2,355 daily trips, improvements shall be made to the intersection of Delta Waters Road & Foothill Road to include an all way stop and advanced flashing beacons on Foothill Road warning of this condition." The applicant has stated that they would be willing to make a financial contribution equal to the cost of these improvements that could be applied to the future intersection mitigation identified in the Transportation System Plan (TSP) if that is Public Works' preference. Public Works has analyzed crash history and intersection volumes and determined that an all-way-stop is not warranted at this time. Therefore, Public Works' preference is for the financial contribution in lieu of the improvements being made. This will allow Public Works to put the money toward the future full intersection improvement. Public Works estimates the cost of the conditioned improvements at

P:\Staff Reports\LDS\2019\LDS-19-008_ZC-19-009_E-19-010 Delta Estates Phases 6-9 (TLs 1103 & 1104)\LDS-19-008_ZC-19-009_E-19-010 Staff Report-Rev Final.docx Page 6 of 14

PUBLIC WORKS DEPARTMENT
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\$10,000. Public Works recommends the following condition be placed on the development: Prior to the final plat being approved for the 246th subdivision lot, the applicant shall pay Public Works \$10,000 for the mitigation of the Delta Waters Road and Foothill Road intersection.

All other conditions of ZC-10-078 shall remain in effect for future phases of the subdivision.

a. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes which are not constructed within the street section, unless noted otherwise.

Easements shall be shown on the final plat and the public improvement plans for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

3. Section 10.668 Analysis

To support a condition of development that an Applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so that the exaction will not result in a taking of private property for public use, or

(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications

and improvements have a nexus to these purposes and policies.

2. Rough proportionality between the dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining "rough proportionality" have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

As set forth below, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

McLoughlin Drive and Owen Drive are classified as a Major Collector streets per the adopted Circulation Plan. McLoughlin Drive is the primary connector between Owen Drive and Delta Water Road. Owen Drive is the primary connector between future McLoughlin Drive and Torrent Street. As a Major Collectors, McLoughlin Drive and Owen Drive will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. It will provide safe travel for vehicles, bicycles, and pedestrians. As a higher order street, it is eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDCs credits offset costs to the developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and constructing higher order streets.

Street "A", Street "B", Street "C", Street "D", Ford Drive, Durst Street, Carnelian Street: In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square foot of right-of-way per dwelling unit for dedications. The proposed development has 165 dwelling units and will improve approximately 6,135 lineal feet of roadway which equates to 37 lineal feet per dwelling unit. Also the development will dedicate approximately 338,145 square feet of right-of-way which equates to approximately 2,049 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Heights at Hondeleau which is just north of this site and consisting of 21 dwelling units. The previous development improved approximately 1,017 lineal feet of roadway and dedicated approximately 25,136 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 48 lineal feet of road per dwelling unit and approximately 1,197 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 165 new Lots within the City of Medford and increase vehicular traffic by approximately 1,567 average daily trips. The proposed street improvements will provide a safe environment of all

modes of travel (vehicular, bicycles, & pedestrians) to and from this development. There is also sufficient space for on-street parking.

- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous adjacent developments to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

The proposed development is situated within the Medford sewer service area. The Developer shall provide one service lateral to each platted lot prior to approval of the Final Plat.

Public sanitary sewer mains shall be extended on their courses to the exterior boundaries of this subdivision, such that future development can extend service without having to excavate back into the improvements provided by this subdivision.

The developer shall be eligible to receive a credit for the construction of oversized public sanitary sewer mains greater than 8 inches in diameter in accordance with MMC 3.835(2).

C. STORM DRAINAGE

1. Hydrology

The Design Engineer shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100 feet in all directions. All off-site drainage affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. The opening of each curb inlet shall be sized in accordance with ODOT design standards. These calculations and maps shall be submitted with the public improvement plans for approval by the Engineering Division.

2. Stormwater Detention and Water Quality Treatment

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481. For developments over five acres, Section 10.486 requires that the development set a minimum of 2% of the gross area as open space to be developed as open ponds for stormwater detention and treatment. **The Developer needs to show that they are providing 2% open space with this development, or that the overall Delta Estates development meets the 2%.**

Each phase will be required to have its own stormwater detention and water quality treatment. If the Developer desires to do so, a Stormdrain Masterplan may be submitted in lieu of requiring each phase to have separate stormwater detention and water quality treatment. The Stormdrain Masterplan shall be submitted and reviewed with each phase's construction plans and shall be constructed with any phase to be served by the facility.

Upon completion of the project, the Developer's design Engineer shall provide written certification to the Engineering Division that construction of the water quality and detention facilities were constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to acceptance of the subdivision.

The City is responsible for operational maintenance of the public detention facility. Irrigation and maintenance of landscape components shall be the responsibility of the Developer or a Home Owners Association (HOA). The Developer's Engineer shall provide an operations and maintenance manual for the facility that addresses responsibility for landscape maintenance prior to subdivision acceptance. Regarding water quality maintenance, the Rogue Valley Stormwater Quality Design Manual states: "Vegetation shall be irrigated and mulched as needed to maintain healthy plants with a density that prevents soil erosion."

3. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision will be submitted with the public improvement plans for approval. Grading on this development shall not block drainage from an adjacent property or concentrate drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

4. Mains and Laterals

The Developer shall show all existing and proposed Storm Drain mains, channels, culverts, outfalls and easements on the Conceptual Grading and Drainage Plan and the final Construction Plans.

In the event the lot drainage should drain to the back of the lot, the Developer shall be responsible for constructing a private drain line, including a tee at the low point of each lot to provide a storm drain connection. All roof drains and foundation drains shall be connected directly to a storm drain system.

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat.

5. Wetlands

The Developer shall contact the Division of State Lands for the approval and/or clearance of the subject property with regards to wetlands and/or waterways.

6. Erosion Control

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to the final "walk-through" inspection of the public improvements by City staff.

Final Plat shall include reserve acreage of the non-platted portions of the parent parcel(s). For example, phase 6 platted including the "reserve acreage" of area to be known as phase 7 (remainder of parcel 2 partition plat P-24-2018), if phases 6 and 7 are not mapped together as "Delta Estates phases 6&7".

Final Plat shall provide resolved centerline south of project to assure proper mathematical and physical alignment of the road.

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings

for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the governing commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

Please Note: If Project includes one or more Minor Residential streets, an additional Site Plan shall be submitted, noting and illustrating, one of the following design options to ensure fire apparatus access per MLDC 10.430(2):

- Clustered driveways,
- Building to have sprinklers, or
- 33-foot paved width.

In order to properly maintain an updated infrastructure data base, the Surveyor of Record shall submit an as-built survey prior to the Final Inspection and, the Engineer of Record shall submit mylar "as-constructed" drawings to the Engineering Division within sixty (60) calendar days of the Final Inspection (walk through). Also, the engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

3. Phasing

The Tentative Plat shows that this subdivision will be developed in phases. Any public improvements needed to serve a particular phase shall be improved at the time each corresponding phase is being developed. Public improvements not necessarily included within the geometric boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase.

4. Draft of Final Plat

The developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

5. Easements

Easements shall be shown on the Final Plat for all sanitary sewer laterals and storm drainage laterals that cross lots other than the one being served by the laterals.

6. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

7. System Development Charges (SDCs)

Buildings in this development are subject to SDC fees. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24-inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat

8. Construction and Inspection

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings, that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit to perform from the County.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, the developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

Revised by: Karl MacNair & Doug Burroughs

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PUBLIC WORKS DEPARTMENT
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SUMMARY CONDITIONS OF APPROVAL

Delta Estates Subdivision Phase 6 – 9 (TLs 1103 & 1104)

LDS-19-008/ZC-19-009/E-19-010

A. Streets

1. Street Dedications to the Public:

- Dedicate right-of-way on McLoughlin Drive and Owen Drive.
- Dedicate full width right-of-way on Streets "A", "B", "C" & "D", Carnelian Street, Durst Street and Ford Drive as required.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- Improve McLoughlin Drive and Owen Drive to Major Collector street standards.
- Construct Durst Street to Standard Residential street standards.
- Construct Streets "A" (from Street "C" heading east to the McLoughlin Drive), "B", "C" & "D", Carnelian Street and Ford Drive to Minor Residential street standards, including the Cul-de-sac.
- Construct Street "A" (from Street "B" heading east to intersection with Street "C") full width, to Residential Lane standards.

Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

Access and Circulation

- Comply with Access and Circulation Conditions outlined above.

Other

- Provide pavement moratorium letters.
- Provide soils report.

B. Sanitary Sewer:

- Provide a private lateral to each lot.

C. Storm Drainage:

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide DSL signoff.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.

- = City Code requirement.
- = Discretionary recommendations/comments.

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for 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.

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BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDS-19-008, ZC-19-009, & E-19-010

PARCEL ID: 371W08 TL's 1103 & 1104

PROJECT: Consideration of a request for tentative plat approval for Delta Estates – Phases 6-9, a proposed 166-lot residential subdivision on two parcels totaling 31.64 acres; including a request for a change of zone for proposed Phases 6-8, totaling 22.64-acres, and an additional 0.14-acres of the adjacent Phase 5, from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to SFR-6 (Single Family Residential, six dwelling units per gross acre); and a request for an Exception in order to allow a distance less than 200 feet between two intersections. The property is located east of Cheltenham Way and north of Mcloughlin Drive in the SFR-10 zoning district (371W08 1103 & 1104); Applicant, Hayden Homes, LLC; Agent, CSA Planning Ltd; Planner, Dustin Severs.

DATE: February 27, 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. The MWC water distribution system does have adequate capacity to serve this property.
4. Proposed Phase 6:
 - a. Installation of an 8-inch water line is required in Carnelian Street.
 - b. Installation of a 12-inch water line is required in Durst Street.
 - c. Installation of an 8-inch water line is required in Street 'C'.
5. Proposed Phase 7:
 - a. Installation of an 8-inch water line is required in Ford Drive.
 - b. Installation of an 8-inch water line is required in Street 'A'.

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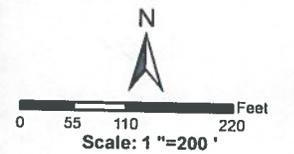
- c. Installation of an 8-inch water line is required in Street 'B'.
 - d. Installation of an 8-inch water line is required in Street 'C'.
6. Proposed Phase 8:
- a. Installation of an 8-inch water line is required in Carnelian Street.
 - b. Installation of a 12-inch water line is required in Durst Street. This 12-inch water line shall be extended to the east and is required to connect to a "new" 12-inch water line in McLoughlin Drive. (See Condition 8)
 - c. Installation of an 8-inch water line is required in Street 'D'. This 8-inch water line shall be stubbed to the north boundary on this subdivision.
7. Proposed Phase 9:
- a. Installation of an 8-inch water line is required in Street 'A'.
 - b. Installation of an 8-inch water line is required in Street 'D'.
 - c. Installation of an 8-inch water line is required in Ford Drive.
8. Proposed Phase 8 and Phase 9 will be required to install a 12-inch water line in McLoughlin Drive starting from the northerly end of the existing 12-inch water line in McLoughlin Drive near the existing end of asphalt pavement. This 12-inch water line shall ultimately extend northerly to the proposed south right-of-way line of Owen Drive.
9. Applicant shall coordinate with Medford Fire Department for proposed Fire Hydrant locations.
10. This proposed subdivision is located in MWC's "Gravity" Pressure Zone. Static water pressure is expected to be between 85 and 90 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

COMMENTS

1. On-site water facility construction is not required. (See Conditions 4-7)
2. Off-site water line installation is required. (See Condition 8 above)
3. MWC-metered water service does not exist to this property.
4. Static water pressure is 85-90 psi. (See Condition 10 above)
5. Access to MWC water lines is available.
 - a. There is an existing 8-inch water line stubbed to the west property line of Phase 7 in Ford Drive.
 - b. There is an existing 8-inch water line stubbed to the west property line of Phase 6 in both Durst Street and Carnelian Street.
 - c. There is an existing 12-inch water line in McLoughlin drive stubbed for extension just north of the existing edge of pavement. There is an existing Fire Hydrant at the north end of this water line.



Page 132



Water Facility Map
City of Medford
Planning Application:
LDS-19-008/ZC-19-009/
E-19-010
(371W081103 & 1104)
February 13, 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 elevation compiled by the Medford District Commission from a variety of sources. Medford Water Commission cannot be held responsible for errors or omissions, or for any consequences arising from the use of the information contained on this map. This map is for informational purposes only.



BUILDING SAFETY DEPARTMENT
ROOM 277

CITY OF MEDFORD
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Policy on Installation of Pressure Reducing Valves

August 5, 2014

Section 608 of the 2011 Edition of the Oregon Plumbing Specialty Code requires a pressure regulator (commonly called a Pressure Reducing Valve or PRV) where the static pressure in the water supply piping exceeds 80 psi. Although this section gives limited guidance as to installation, it does require the device to be

"...accessibly located above ground or in a vault equipped with adequate means to provide drainage and shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping."

"Accessible" and "readily accessible" are defined in chapter 2.

To assure uniform and appropriate installation of these devices within Medford, the following standards have been agreed to by the City of Medford Building Safety Department and the Medford Water Commission:

1. The need for these devices will be based on pressure information provided by the Medford Water Commission, and can be verified on-site with a pressure gage. While factory settings of these devices may be adjusted, MWC recommends that the regulated pressure be set no higher than 65 psi.
2. PRVs shall NOT be installed when static pressure is less than 50 psi, except for limited specific equipment-based needs.
3. The PRV shall be installed outside the street right of way as close as practical to the water meter.
4. No expansion tank is necessary.
5. No fixture, device or system is permitted between the meter and the PRV.
6. The PRV must NOT be direct buried nor installed in a crawl space.
7. PRVs shall be installed within a readily accessible valve box / vault following the same standard as used for double check backflow assemblies, as follows:

"On new installations, at least 12-inches clearance will be required as per section 603.3.4. When replacing an existing assembly, the 12-inch clearance requirement can be waived as long as there is at least 3-inches clearance between the bottom of the assembly and the ground, and the device is tested and serviced from the top."

Sam Barnum

Building Safety Director



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 2/22/2019
Meeting Date: 2/27/2019

LD File #: LDS19008 Associated File #1: ZC 19009 Associated File #2: E 19010

Planner: Dustin Severs

Applicant: Hayden Homes

Site Name: Delta Estates Phases 6-9

Project Location: East of Cheltenham Way and north of McLoughlin Drive in the SFR-10 zoning district

ProjectDescription: Consideration of a request for tentative plat approval for Delta Estates - Phases 6-9, a proposed 166-lot residential subdivision on two parcels totaling 31.64 acres; including a request for a change of zone for proposed Phases 6-8, totaling 22.64-acres, and an additional 0.14-acres of the adjacent Phase 5, from SFR-10 (Single Family Residential, ten dwelling units per gross acre) to SFR-6 (Single Family Residential, six dwelling units per gross acre); and a request for an Exception in order to allow a distance less than 200 feet between two intersections.

Specific Development Requirements for Access & Water Supply

Table with 3 columns: Reference, Comments, and Description. Contains two rows of requirements for OFC 505 and OFC 508.5.

CITY OF MEDFORD
EXHIBIT # Q
FILE # LDS-19-008/ZC-19-009/E-19-010

MMC 10.430

in front of lot 311; One on Ford Dr in front of lots 305/306; and one near the corner of Ford Dr/ McLoughlin Dr in front of lot 278.

The developer must choose one of the three design options in Medford Code Section 10.430.

In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus on 28 feet wide minor residential streets, the developer shall choose from one of the following design options outlined in Medford Code section 10.430:

(a) Clustered, offset (staggered) driveways, and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.

(b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.

(c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

This choice shall be submitted in writing to the Planner prior to the Planning Commission meeting. When the clustered-offset driveway option is chosen, submitted civil plans are required to show driveway locations which will be reviewed by the Fire Department and Engineering Department prior to development.

The Fire Department reserves the right to require parking restrictions with no parking signs in areas where the clustered-offset driveway option breaks down for short distances. Parking restrictions shall not be deemed as a separate option to the overall layout of the subdivision. If the developer by preference does not design the clustered/offset driveways into the overall design of the minor residential street, option (b) or (c) must be chosen.

The Oregon Fire Code requires; "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches" (OFC 503.2.1). "The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established in Section 503.2.1, shall be maintained at all times." (OFC 503.4).

OFC 503.2.1

The corners to the alleys located on the minor residential streets must have a minimum inside corner turning radius of 25' due to the fact the alleys will need to be used as Fire Department access or turn-around areas.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches. The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under section 503.2.1, shall be maintained at all times. The fire apparatus access road shall be constructed as asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 60,000 pounds.

(See also OFC 503.4; D102.1)

The turning radius on fire department access roads shall meet Medford Fire Department requirements (OFC 503.2.4).

OFC 503.5

Parking shall be posted as prohibited along both sides of the minimum access driveway.

Where parking is prohibited on public roads for fire department vehicle access purposes, NO PARKING signs shall be spaced at minimum 50' intervals along the fire lane (minimum 75' intervals in 1 & 2 family residential areas) and at fire department designated turn-around areas. The signs shall have red letters on a white background stating "NO PARKING".

Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths (20' wide) and clearances (13' 6" vertical) shall be maintained at all times (OFC 503.4; ORS 98.810-12).

Fire apparatus access roads 20-26' wide shall be posted on both sides as a fire lane. Fire apparatus access roads more than 26' to 32' wide shall be posted on one side as a fire lane (OFC D103.6.1).

This restriction shall be recorded on the property deed as a requirement for future construction.

Contact Public Works Transportation Manager Karl MacNair 541-774-2115 for further information.

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

MEDFORD PARKS & RECREATION FACILITIES MANAGEMENT

HEALTHY LIVES | HAPPY PEOPLE | STRONG COMMUNITY

TO: Dustin Severs - Planning Department
FROM: Haley Cox – Parks Planner
SUBJECT: Delta Estates Phases 6-9
DATE: February 27, 2019

The Parks Department has reviewed the application for tentative plat of Delta Estates Phases 6-9 and has the following comment:

Owen Drive is classified as a Major Arterial route, for which the code requires construction of a 10-foot planter strip between the road and sidewalk. McLoughlin Drive is classified as a Major Collector route, but is currently improved with 10-foot sidewalks and 5-foot planters, an exception to the standard cross-section required by code. The Parks Department recommends that the developer continue with the reduced planter strip and widened sidewalk on McLoughlin, and continue with the standard Arterial cross-section that was implemented on Owen Drive farther west.

Since planter strips on higher-order streets are maintained by the Parks Department in residential areas, the developer must submit landscaping and irrigation plans that are consistent with the Parks Department Landscape and Irrigation Specifications and the City Approved Street Tree List. Plans must be approved by the Parks Department and Medford Water Commission prior to installation, and the Department encourages collaboration with City staff throughout development of the plans.



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WWW.PLAYMEDFORD.COM | PARKS@CITYOFMEDFORD.ORG

CITY OF MEDFORD
EXHIBIT # R
FILE # LDS-19-008/ZC-19-
009/E-19-010



Dustin J. Severs

From: Amber Judd <JuddAJ@jacksoncounty.org>
Sent: Thursday, February 21, 2019 8:17 AM
To: Dustin J. Severs
Subject: File No. LDS-199-008/ZC-19-009./E-19-010 Project Name: Delta Estates Phases 6-9

Dustin,

The Airport requests an Avigation, Noise and Hazard Easement be a requirement of this project. In addition, due to the proximity to the Airport, the applicant needs to contact the FAA regarding filing a 7460-1 Notice of Proposed Construction or Alteration. The FAA contact is: Paul Holmquist, phone (206) 231-2990.

I have inserted some information below from the FAA's website:

The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference CFR Title 14 Part 77.9.

You must file with the FAA at least 45 days prior to construction if:

- Your structure will exceed 200 ft above ground level
- Your structure will be in proximity to an airport and will exceed the slope ratio
- Your structure involves construction of a traverseway (i.e. highway, railroad, waterway, etc...) and once adjusted upward with the appropriate vertical distance would exceed a standard of 77.9(a) or (b)
- Your structure will emit frequencies, and does not meet the conditions of the FAA Co-location Policy
- Your structure will be in an instrument approach area and might exceed part 77 Subpart C
- Your proposed structure will be in proximity to a navigation facility and may impact the assurance of navigation signal reception
- Your structure will be on an airport or heliport
- Filing has been requested by the FAA

If you require additional information regarding the filing requirements for your structure, please identify and contact the appropriate FAA representative using the Air Traffic Areas of Responsibility map for Off Airport construction, or contact the FAA Airport Region/District Office for On Airport construction.

Results

You exceed the following Notice Criteria:

Your proposed structure is in proximity to a navigation facility and may impact the assurance of navigation signal reception. The FAA, in accordance with 77.9, requests that you file.

77.9(b) by 15 ft. The nearest airport is MFR, and the nearest runway is 14LF/32RF.

The FAA requests that you file.

Thank you,

Amber Judd

CITY OF MEDFORD
EXHIBIT # 5
FILE # LDS-19-008/ZC-19-
009/E-19-010

Deputy Director-Administration
Rogue Valley International-Medford Airport (MFR)



1000 Terminal Loop Parkway, Suite 201
Medford, Oregon 97504
541-776-7222



CSA Planning, Ltd
 4497 Brownridge, Suite 101
 Medford, OR 97504
 Telephone 541.779.0569
 Fax 541.779.0114
 Jay@CSAplanning.net

Memorandum

To: Dustin Severs, Planner III
 Cc: Doug Burroughs, Development Services Manager
 James Limerick, Hayden Homes
 Mark Kamrath, CEC Engineering
 Date: March 27, 2019
 Subject: Delta Estates Phases 6-9 Revisions (LDS-19-008)

At the Land Development meeting for the above captioned subdivision, the City of Medford Public Works Department requested some significant revisions to the tentative plat. Essentially, Public Works requested the alleys be removed. Attached is a revised design that extends Street 'A' through to McLoughlin Street and adds a cul-de-sac at the eastern terminus of Carnelian Street. The net result is a reduction of residential lots by a single lot.

The revisions to the plat do require some supplemental findings addressing the City's cul-de-sac standards and a few other supplemental findings we would like to offer to address other outstanding items, as follows:

10.450 Cul-de-sacs, Minimum Access Easements and Flag Lots

- (1) Cul-de-sacs, minimum access easements and flag lots shall only be permitted when the approving authority finds that any of the following conditions exist:
 - (a) One or more of the following conditions prevent a street connection: excess slope (15% or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property, presence of a freeway or railroad.
 - (b) It is not possible to create a street pattern which meets the design requirements for streets.
 - (c) An accessway is provided consistent with the standards for accessways in Section 10.464 through Section 10.466.

Finding: The proposed cul-de-sac in the northeast corner of the site was a design revision requested by the Public Works Department. The issue in this corner of the site is that a full street connection would not meet the City's minimum street spacing requirements and the Carnelian intersection would be very close to the intersection of a minor arterial (Owen Drive) and major collector (McLoughlin Drive). An accessway is proposed that will provide for pedestrian and bike circulation in this area.

The minimum access drive on the south part of the property for lots 187, 188, 189 is proposed based upon the odd "property line jog" in this area. Existing development to the south precludes a street connection. The minimum accessway is the best approach to serve this area. No accessway is proposed at this location, because it would be unlikely to ever connect to anything. Instead, an accessway to the east is proposed that both provides access to the storm drain manhole and will provide a way for pedestrians to access the school from this neighborhood.

- (2) If a cul-de-sac is necessary, then the following standards shall apply:
 - (a) Cul-de-sac streets shall be as short as possible and shall not exceed 450 feet in length.
 - (b) Cul-de-sac streets shall have a vehicle turnaround area with a minimum right-of-way radius of forty-five (45) feet and a minimum paved section radius of thirty-seven (37) feet.

Finding: The proposed cul-de-sac in the northeast corner of the site is less than 450 feet in length and will have required radii.

- (3) If a flag lot is necessary, then the following standards shall apply:
 - (a) The access drive, or flag pole, shall have a minimum width of twenty (20) feet.

CITY OF MEDFORD
EXHIBIT # I
FILE # LDS-19-008/ZC-19-
009/E-19-010



- (b) The minimum lot frontage for a flag lot shall be twenty (20) feet.
- (c) The required front yard setback shall be measured from the lot frontage property line.
- (d) The minimum driveway throat width shall be determined as per Section 10.550.

Finding: Lot 188 could technically be interpreted to be a "flat lot". The minimum access easement is 20 feet in width, it satisfies the minimum frontage requirements and the "driveway" throat width will comply with requirement of the minimum access drives.

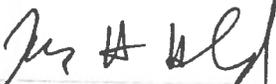
10.702 Lot Area and Dimensions

Each lot shall have an area, width, frontage, and depth consistent with that prescribed in this Article for the housing type, or commercial or industrial district in which the development, or the portion thereof, is situated, except in the following situations:

- (3) A new residential lot may exceed the maximum lot area only under the following circumstances:
 - (a) When an existing residence and associated yard area, containing improvements and established landscaping, occupy a larger area; or,
 - (b) When a portion of the lot is unbuildable for a reason beyond the control of the developer (i.e., due to creeks, oversized easements, etc.), the additional acreage, or fraction thereof, may not exceed the amount of unbuildable area.

Finding: Lots 187, 188, and 189 all exceed the maximum lot area for the SFR-6 zone. These three lots all comply with the SFR-4 zone and one option would be to just rezone that area to SFR-4. However, this small rezoning approach seems a little odd when the overall project complies with the SFR-6 minimum densities overall. In this instance, the minimum access easement provides more than just frontage and access to three lots. The access easement also provides access for the City to maintain the drainage tract being deeded to the City. Moreover, the City now has a drainage easement at the back of these properties. Because these drainage improvements are not even for any drainage from the subject property and were the result of the developer installing drainage facilities and dedicating land at the developer's sole expense to deal with urban storm drainage entering the subject property from prior developments where the City had no drainage easements, it is reasonable to consider the entirety of these drainage easements and service access thereto as "oversize easements." Attached is a map that shows, when these unbuildable areas are removed from the applicable lot size calculations, the lots range in size from 11,798 square feet of buildable area to 10,379 square feet of buildable area which is less than the 12,500 square-foot maximum lot size requirements.

CSA Planning, Ltd.



Jay Harland
President

Dustin J. Severs

From: Dustin J. Severs
Sent: Tuesday, March 12, 2019 10:23 AM
To: Jay Harland
Subject: FW: Local File ZC-19-009

Jay,
This is what DLCD sent to staff yesterday. Staff will be doing the heavy lifting on addressing this. But I think it would be helpful if it's addressed by the applicant as well.

From: LeBombard, Josh [mailto:josh.lebombard@state.or.us]
Sent: Monday, March 11, 2019 8:08 AM
To: Dustin J. Severs <Dustin.Severs@cityofmedford.org>
Cc: Matt H. Brinkley <Matt.Brinkley@cityofmedford.org>
Subject: Local File ZC-19-009

Dustin,
I just did a cursory review of the findings for this proposed zone change from SFR-10 to SFR-6. I did not see any mention of how this meets the City's needs as determined by your Housing Needs Analysis.

Cheers,
Josh



DLCD

Josh LeBombard

Southern Oregon Regional Representative | Community Services Division
Oregon Department of Land Conservation and Development
37 N. Central Avenue | Medford, OR 97501
Cell: (541) 414-7932
josh.lebombard@state.or.us | www.oregon.gov/LCD

CITY OF MEDFORD
EXHIBIT # U
File # LDS-19-008 ZC-19-009
-----E-19-010-----



CSA Planning, Ltd
 4497 Brownridge, Suite 101
 Medford, OR 97504
 Telephone 541.779.0569
 Fax 541.779.0114
 Jay@CSAplanning.net

Memorandum

To: Dustin Severs, Planner III
 Cc: Matt Brinkley, Planning Director
 Lori Cooper, City Attorney
 Date: March 12, 2019
 Subject: Housing Needs DLCD Comments

The City of Medford received comments from DLCD on file Number ZC-19-009 concerning "a lack of findings" addressing the City's Housing Needs Analysis.

No findings were provided because none are required under the applicable criteria. The City's zone change criteria is specific and provides that the Planning Commission *shall* approve the zone change where it satisfies the specific criteria in MLDC 10.204 (1) through (3). The criteria language is mandatory. General compliance with the Comprehensive Plan is not a criterion for the zone change. Compliance with the GLUP Map and facility adequacy is what is required. The evidence demonstrates the proposed zone change complies with the GLUP Map and the facility adequacy test has already been applied to the subject property.

Notwithstanding that the Housing Needs Analysis (or the Housing Element) is not criteria for the application, treating the Housing Element as criteria for specific zone changes is problematic precedent on a policy level. The straightforward nature of Medford's zone change criteria assures the framework of the City's plan is applied consistently to deliver planned housing for all types and densities. For example, zone changes that increase density for multi-family have caused political and neighborhood opposition on past applications. However, the City has consistently relied on its zone change criteria to explain that further analysis is not required to demonstrate anew the "need" to rezone for planned densities. The City's logic for multi-family density increases is just as true for zoning modifications to reduce density for single-family developments in the Urban Residential GLUP map designation. The structure of Medford's ordinance and plan provides flexibility for good reason. Planned densities are theoretical numbers that planners and planning commissions discuss at meetings, actual delivered housing is another matter altogether. Delivered housing is when the actual financial and economic factors of the housing market must be applied.

For the subject property, there is about 5 acres of land impacted by a historical agricultural pond that was not included as buildable when the City's Housing Needs Analysis as written. To be developed, an area much larger than the actual wetland area requires structural fill that is very expensive. Moreover, a portion of this area is wetlands (not-locally significant) that must be mitigated using the mitigation bank, which is also expensive. We investigated design alternatives for the clients as the development plans were created that looked at the different densities and whether or not filling the pond made financial sense. These two scenarios were developed:

- Scenario 1 (Proposed): Rezones 21.52 acres (for density calculation purposes removing the cell tower lot and right-of-way of both collectors that is beyond the centerline). This land area yields 112 lots. Hayden is absorbing the costs of wetland mitigation and the structural fill to make this portion of the site suitable for SFR-6 lots. This cost must be laid off by the entire development area.
- Scenario 2 (No Wetland Mitigation or Structural Fill): 16.52 acres is developed at the assumed Housing Element density for SFR-10 zoned land at 6.7 units to the gross acre. The remaining "pond impacted" area would be developed either as large lots under the SFR-2 zone or SFR-10 lots with a large common open space of undevelopable area of limited amenity value. Under this scenario, the land area would yield 120 lots.

CITY OF MEDFORD
EXHIBIT # V
FILE # LDS-19-008/ZC-19-
009/E-19-010



With Scenario 2, meeting the 6.7 lots per acre requirement would require small lots with smaller houses which would require a change to the product mix of the project and result in lower margins¹. The margins on a smaller-unit type product mix is insufficient to lay-off significant additional expenses. In other words, development of the rest of the area with SFR-10 would mean wetland mitigation and structural fill does not make financial/economic sense. Therefore, the historical "pond area" would stay a large undevelopable area. Undevelopable areas like this are accounted in Medford's density calculations (and allowed by State rules).

Once the economic and financial realities are accounted, the resulting housing is not actually very different. The net difference between the two scenarios is 8 lots. From a population density standpoint, Scenario 1 is likely to be slightly higher because larger houses tend to support larger household sizes, on average. As such, one would expect the SFR-6 zoning to provide housing for an equivalent, if not greater, number of people.

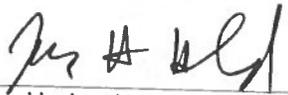
Lastly, the *State of Oregon* required the City to impose a trip cap at the time of the original zone change that prohibits more than 346 dwelling units, as explained in the submitted findings. As such, the site was never going to be able to achieve an average of 6.7 units to the gross-acre for the entire site (general assumption for housing supply in the SFR-10 zone in the Housing Element) because the *State of Oregon* required a condition of approval be imposed that effectively restricted the density to 5.32 units to the total gross acre. As such, rezoning was always anticipated by both the City and the State as development plans were prepared. The ultimate build-out of the site will be 315 units, which is a difference of less than half a unit per acre below than the maximum the *State of Oregon* allowed. That is a pretty good net delivery of housing for a project that will (or already has) delivered the following:

- A minor arterial street (curb-to-curb), Owen Drive.
- A major collector street (half plus 8'), McLoughlin Drive
- Storm drainage detention areas for these higher order roads
- Piped almost 1,200 feet of irrigation canal
- Reclaimed land currently unsuitable for standard single-family lots
- Stubbed utilities to adjacent planned growth areas
- Piped a drainage facility to address storm drainage from prior City development that was being released onto the property without any drainage easement.

Goal 10 is a balancing issue across the entire City. There are numerous factors that affect the supply of housing on individual sites and many of them are financial/economic or physical. The City has struck a reasonable balance between regulatory precision and the need to provide for flexibility that can respond to market and physical conditions to assure planned housing is delivered and not merely a theoretical exercise. I recommend the City maintain and defend its existing policy framework.

Please add this memo to the record. I have not copied Mr. Lebombard on this memo, but if the City believes it is necessary for some reason please feel free to do so.

CSA Planning, Ltd.


Jay Harland
President

¹This statement is based upon analysis and discussions with Hayden Homes during project design development. Hayden Homes has demonstrated expertise in the Medford market area and is one of the largest homebuilders and residential developers in Oregon.



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN#*
WN2019-0093

Responsible Jurisdiction

Staff Contact	Jurisdiction Type	Municipality
Dustin Severs	City	Medford
Local case file #	County	
LDS-19-008 ZC-19-009 E-19	Jackson	

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
11S	01W	08		1103,1104

Street Address

Address Line 2

City

State / Province / Region

Postal / Zip Code

Country

Jackson

Latitude

42.36577

Longitude

-122.838574

Wetland/Waterway/Other Water Features

There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

Local Wetlands inventory shows wetland, waterway or other water features on the property

The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Your Activity

It appears that the proposed project may impact wetlands and may require a State permit.

Applicable Oregon Removal-Fill Permit Requirement(s)

A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

A wetland delineation report (WD2016-0404) that covered most of this site was approved on 2/24/2017. However, I can't find evidence that a removal-fill permit application has been submitted for this project. Therefore, DSL recommends contacting the aquatic resource coordinator for Jackson County if impacts are proposed any onsite jurisdictional features.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WWW/Documents/Removal-FillFees.pdf>

Response Date

3/21/2019

Response by:

Lynne McAllister

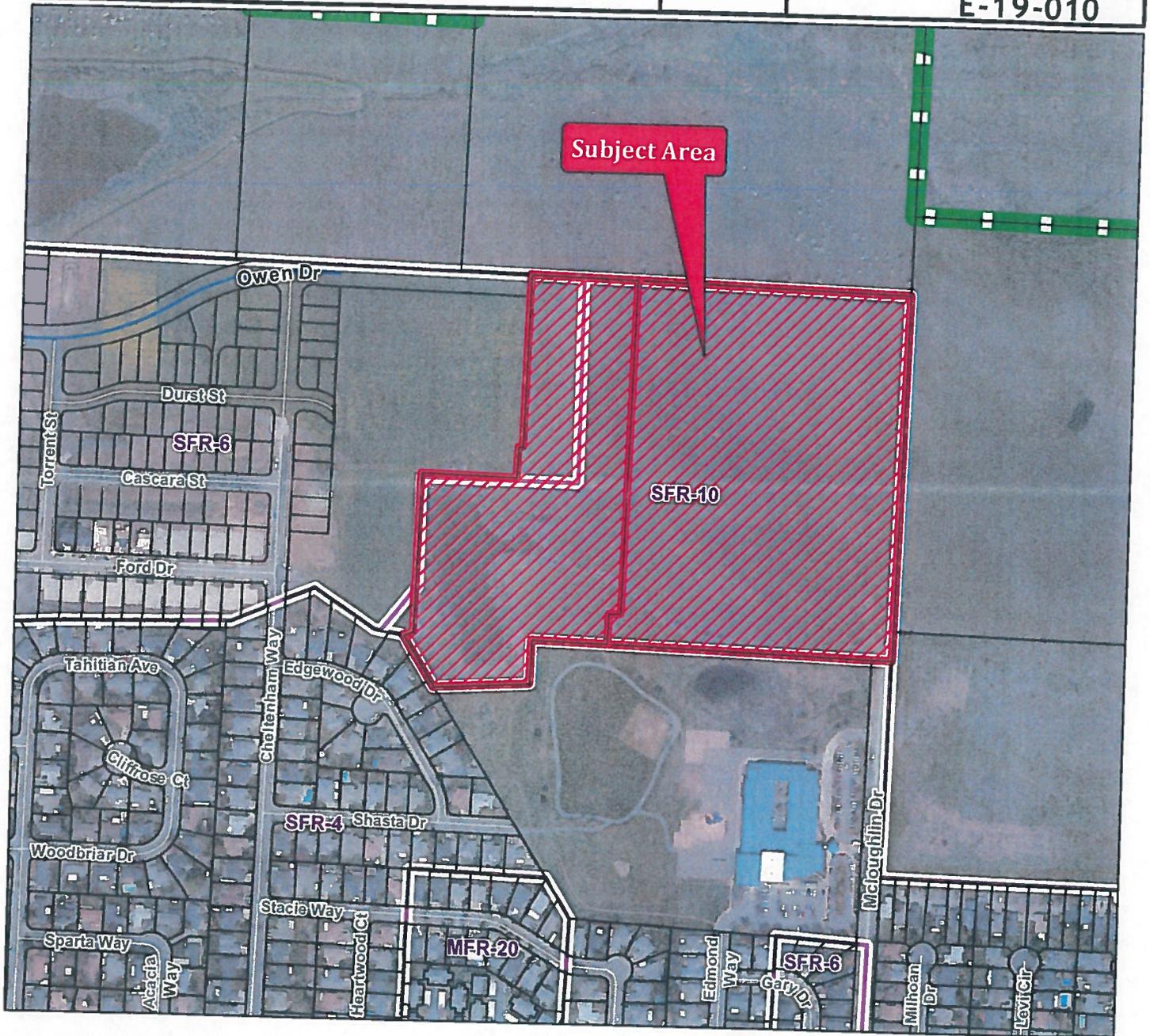
Response Phone:

503-986-5300

STAFF MEMO

To: Dustin Severs
From: Jennifer Ingram, Address Technician
Date: February 27, 2019
Subject: LDS-19-008

1. Proposed streets labeled Street 'A' – Street 'D' will require street names which meet the street naming code (see section 10.457 of Medford Municipal Code).
2. A minimum access drive address sign displaying the addresses for lots 187-189 will need to be placed at the entrance of the minimum access drive/easement.



Project Name:
Delta Estates
Phase 6-9

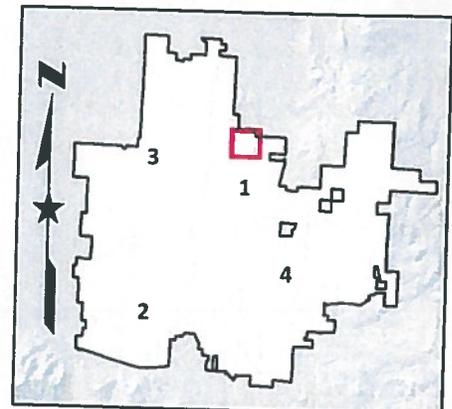
Map/Taxlot:

371W08 TL 1103-1104

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

02/04/2019





STAFF REPORT

for a type-III & type-IV quasi-judicial decision: Minor GLUP Amendment & Zone Change

PROJECT Columbia Care
 Applicant: Columbia Care Services, Inc.
 Agent: Richard Stevens & Associates

FILE NO. CP-19-021 / ZC-19-020

TO Planning Commission *for April 11, 2019 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director

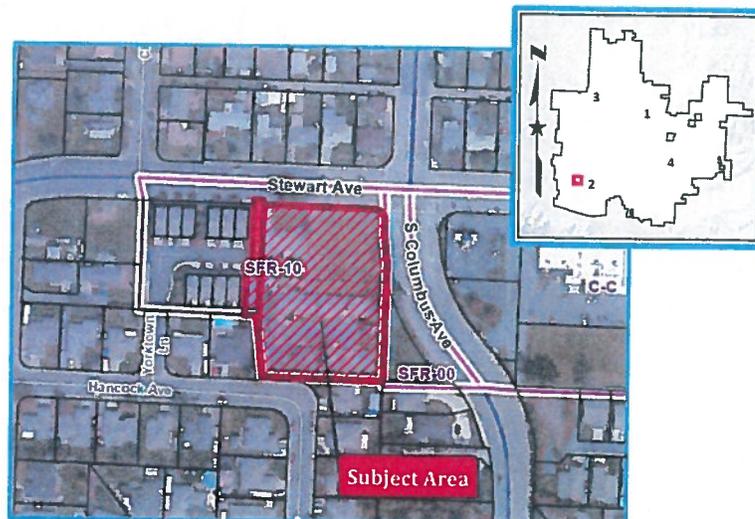
DATE April 4, 2019

BACKGROUND

Proposal

Request for a minor General Land Use Plan (GLUP) amendment to reclassify two contiguous parcels totaling 1.57 acres, located at the southwest corner of Stewart Avenue and South Columbus Avenue, and currently containing nine dwelling units, from Urban Residential (UR) to Urban Medium Density Residential (UM); along with an associated request to rezone the parcels from SFR-10 (Single-Family Residential, ten dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) (371W36BC TL 100 & 200).

Vicinity Map



Subject Site Characteristics

Zoning: SFR-10
GLUP: UR (Urban Residential)
Overlay(s): None
Use(s): Multiple family residential

Surrounding Site Characteristics

North Zone: SFR-6 (Single-Family Residential, six dwelling units per gross acre)
Use(s): Single-Family residential

South Zone: SFR-6
Use(s): Single-Family residential

East Zone: SFR-10 & SFR-6
Use(s): Residential

West Zone: SFR-00 (Single-Family Residential, one dwelling unit per lot)
Use(s): Single-Family residential

Related Projects

None

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.*

Medford Land Development Code §10.204, Zone Change 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 (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

- (3) *It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.*
 - (a) *Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*
 - (b) *Adequate streets and street capacity must be provided in one (1) of the following ways:*
 - (i) *Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
 - (ii) *Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
 - (iii) *If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:*
 - (a) *the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
 - (b) *when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if*

constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.*
- (c) In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction or covenant, which must be recorded with proof of recordation, returned to the Planning Department, and may include, but are not limited to the following:
 - (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,*
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.**

Authority

The Planning Commission is designated as the approving authority for Type-III land use actions involving zone changes. The subject application also includes a Type-IV quasi-judicial Comprehensive Plan Amendment. The Planning Commission is authorized to act as an advisory agency, 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.

ISSUES AND ANALYSIS

Project Summary

The subject site currently contains nine dwelling units – seven single-family units and one duplex – which are legal non-conforming residences built during the 1950s. Contingent on approval of their requests for a change to the site's GLUP designation and underlying zoning classification, it is the applicant's intent to remove the existing single-family home located at 1319 Stewart Avenue, and construct a 12-unit apartment building along with one duplex building, as shown on the applicant's preliminary existing/proposed site plan (Exhibit G).

In order to develop the property with multi-family units, the applicant will need to gain approval to change the property's GLUP designation to UM, while also gaining for the rezoning of the property to the MFR-15 zoning district, which is a permitted zone in the UM GLUP. Both requests have been submitted for concurrent review.

The Planning Commission is designated as the approving authority for the Type-III zone change request, while additionally serving as an advisory body for the Type-IV quasi-judicial GLUP change request, forwarding a recommendation to the City Council. The approval of the proposed change of zone will be contingent on subsequent approval of the proposed GLUP amendment by City Council.

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 G), the proposed zone change to MFR-15 does not meet the requirements for a TIA.

Other Agency Comments

Rogue Valley Sewer Services (RVSS) (Exhibit J)

The subject property is within the RVSS service area. According to the memo submitted by RVSS, there is an 8-inch sewer main along the southern property line of tax lot 100, and there is adequate system capacity for the proposed zone change.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits H-J), including the Rogue Valley Sewer Services (RVSS), it can be found that adequate facilities are available or can and will be made available to serve the future development of the site.

Committee Comments

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

FINDINGS AND CONCLUSIONS

Comprehensive Plan Amendment

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

Findings

While the Goals, Policy, or implementation Strategy identified in the City's Comprehensive Plan have not formally changed, the City has completed an Urban Growth Boundary amendment to accommodate future land need, which has been formally adopted by the State, and the analysis done through that process has provided information demonstrating a slight surplus in the number of acres available for Urban Residential (UR) development. The change of the subject property's GLUP designation from UR to UM will help balance the supply of UR designated land with that of UH designated land within the City.

Conclusions

The proposed change is consistent with pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of residential land.

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

Findings

The Housing Element of the Comprehensive Plan indicates the City will need 15,050 dwelling units to accommodate the projected population growth. This equates to approximately 753 new dwelling units per year. In addition, the City has committed, through adoption of the Regional Plan, to meet a residential density of 6.6 dwelling units per gross acre City-wide until 2035 and increasing that density to 7.6 dwelling units per acre between the years 2036-2060. These commitments are best met through a range of housing types across different residential zoning districts. The conversion of UR GLUP to the UM GLUP provides an opportunity to help meet target density requirements City-wide, increase housing supply, and locate higher densities in locations that have adequate or available public infrastructure and are located near existing services and amenities to accommodate the residents they serve.

Conclusions

The conversion of UR GLUP to the UM GLUP provides an opportunity to help meet target density requirements City-wide, increase housing supply, and locate higher densities in locations that have adequate or available public infrastructure and are located near existing services and amenities to accommodate the residents they serve.

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 fronted by two Major Arterial streets. A change to the UM GLUP will be more suitable for the subject site given the higher density allowed in the zoning district permitted in the UM GLUP designation (MFR-15) and the higher reliance on public transit for tenants living in multiple-family units. Locating higher densities in areas that have adequate or available public infrastructure, and which are located near existing services and amenities to accommodate the residents they serve, maximizes the efficiency of land uses within the current urbanizable area.

Conclusions

A change to the UM GLUP will be more suitable for the subject site given the higher density allowed in the zoning district permitted in the UM GLUP designation (MFR-15) and the higher reliance on public transit for tenants living in multiple-family units. Locating higher densities in areas that have adequate or available public infrastructure, and which are located near existing services and amenities to accommodate the residents they serve, maximizes the efficiency of land uses within the current urbanizable area.

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 UM 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 of designation will allow for the development of multiple-family dwelling units, which often require staff to operate, thereby providing the potential for additional employment opportunities.

Social: The surrounding area of the subject site is a mix of residential and commercial uses. The proposed change to the subject site is not anticipated to have a negative social consequence as the surrounding area is already a mix of commercial and residential uses.

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 of designation will allow for the development of multiple-family dwelling units, which often require staff to operate, thereby providing the potential for additional employment opportunities.

Social: No discernable social consequences would result with the proposed change of designation.

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

Not applicable

7. All 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

There are no streams on the property that would be impacted. The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusion

The proposed change will have no discernable effect on the production of pollutants. 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

Not Applicable

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 General Land Use Plan Element of the Comprehensive Plan states that the UM permits medium density urban residential uses, including townhouses, duplexes, apartments mobile home parks, and group quarters. The zoning district permitted in this designation is MFR-15. The site’s current UR designation, however, allows only for single-family residential zoning districts, which allow less density and fewer housing types. A designation change to UM will allow for residential development at a higher density, and with a greater flexibility of housing types, than its current UR designation permits.

Conclusion

The proposed designation change will expand the City’s existing housing stock, and allow for residential development at higher densities and with a greater flexibility of housing types.

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. A traffic impact analysis is not required for the subject site as part of the zone change procedure.

Conclusion

The City requires traffic studies to be conducted when it is anticipated that a development 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, at which time City staff will ensure that the anticipated transportation system needs are addressed. It has been determined that a traffic impact analysis will not be required for the subject site as part of the zone change procedure.

Goal 13 – Energy Conservation

Not Applicable.

Goal 14 – Urbanization

Not Applicable.

Goals 15 - 19 are not applicable.

Zone Change

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UM General Land Use Plan Map designation and the Transportation System Plan. The Commission can find that this criterion is met.
- With regard to Criterion 2, there are no locational criteria for a change of zone to MFR-15. The Commission can find that this criterion is met.
- With regard to Criterion 3, the agency comments included as Exhibits H-J, demonstrate that Category A facilities can be made to be adequate to serve the property at the time of issuance of a building permit for vertical construction. The Commission can find that this criterion is met.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the Final Order for approval of ZC-19-020 per the staff report dated April 4, 2019, including Exhibits A through J; and, 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 CP-19-021.

EXHIBITS

- A Conditions of Approval, drafted April 4, 2019.
- B Applicant's findings of fact (GLUP), received February 1, 2019.
- C Applicant's findings of fact (zoning), received February 1, 2019
- D Applicant's vicinity map, received February 1, 2019.
- E Applicant's GLUP map, received February 1, 2019.
- F Applicants' zoning map, received February 1, 2019.
- G Preliminary existing/proposed site plan, received February 1, 2019.
- H Public Works staff report, received April 3, 2019.
- I Medford Water Commission memo, received March 13, 2019.
- J Rogue Valley Sewer Services (RVSS) memo, received February 8, 2019.
Vicinity map

PLANNING COMMISSION AGENDA:

APRIL 11, 2019

EXHIBIT A

Columbia Care
CP-19-021 / ZC-19-020
Conditions of Approval
April 4, 2019

CODE REQUIRED CONDITIONS

1. The change of zone (ZC-19-020) shall be effective upon City Council approval of the General Land Use Plan (GLUP) map amendment (CP-19-021).

RECEIVED
FEB 01 2019
PLANNING DEPT

BEFORE THE CITY COUNCIL
FOR THE CITY OF MEDFORD, OREGON:

IN THE MATTER OF AN APPLICATION FOR)
A CHANGE IN GENERAL LAND USE PLAN)
(GLUP) MAP DESIGNATION FROM UR TO)
UM FOR A 1.57 ACRE PROPERTY,)
LOCATED ON THE SOUTHWEST CORNER)
OF THE INTERSECTION OF STEWART)
AVENUE AND SOUTH COLUMBUS)
AVENUE; COLUMBIA CARE SERVICES,)
INC., APPLICANT; RICHARD STEVENS &)
ASSOCIATES, INC., AGENTS)

FINDINGS OF FACT

I. RECITALS PERTAINING TO THE PROPERTY:

APPLICANT: Columbia Care Services, Inc.
3587 Heathrow Way
Medford, OR 97504

AGENTS: Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(541) 773-2646

PURPOSE OF APPLICATION:

The applicant is requesting a change of General Land Use Plan (GLUP) map designation from UR (Urban Residential) to UM (Urban Medium-Density Residential) for two tax lots totaling 1.57 net acres, located on the southwest corner of the intersection of Stewart Avenue and South Columbus Avenue. The property currently contains a total of 9 dwelling units which are addressed as 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317 and 1319 Stewart Avenue. The two parcels are also described as T.37S- R.2W- SEC.36BC, Tax Lots 100 & 200, within the Medford city limits.

7

The proposed change will cause the property to more closely align with the zoning locational standards of the Medford Land Development Code (MLDC) given its proximity to existing activity centers and transit service; it will increase the efficiency of land uses in the area; it will lead to a more economical and efficient use of existing public facilities in the vicinity; and it will also help to balance the supply of UR and UM properties within the Medford Urban Growth Boundary (UGB). The applicants' intent for the site is to provide for transitional low income housing for persons and families within the City of Medford.

II. APPLICABLE CRITERIA:

Comprehensive Plan Amendments to change General Land Use Plan (GLUP) Map Designation must be based on information and findings addressing the Criteria for Plan Amendments in the Goals, Policies, and Implementation Element of the Medford Comprehensive Plan, as follows:

1. A significant change in one or more Goals, Policies, or Implementation Strategies of the *Medford Comprehensive Plan*.
2. A 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. The maximum efficiency of land uses within the urbanizable area.
5. The environmental, energy, economic, and social (ESEE) consequences.
6. The compatibility of the proposed change with other elements of the *Medford Comprehensive Plan*.
7. All applicable Statewide Planning Goals.

**III. FINDINGS IN COMPLIANCE WITH THE CRITERIA FOR PLAN AMENDMENTS
TO CHANGE GENERAL LAND USE PLAN MAP DESIGNATION,
IN THE MEDFORD COMPREHENSIVE PLAN:**

The Criteria for Plan Amendments, found in the Goals, Policies, and Implementation Element of the Medford Comprehensive Plan, establishes different sets of criteria for various categories of Comprehensive Plan amendments, noting:

"Because of the important functional difference among various Comprehensive Plan components, no common set of criteria can be used to assess all proposed Plan amendments."

The section goes on to note that:

"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."

General Land Use Plan Map Designations; Amendments Shall be based on the following:

- 1. A significant change in one or more Goals, Policies, or Implementation Strategies of the Medford Comprehensive Plan.*
- 2. A 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. The maximum efficiency of land uses within the urbanizable area.*
- 5. The environmental, energy, economic, and social (ESEE) consequences.*
- 6. The compatibility of the proposed change with other elements of the Medford Comprehensive Plan.*
- 7. All applicable Statewide Planning Goals.*

A significant change in one or more Goals, Policies, or Implementation Strategies of the Medford Comprehensive Plan:

The City of Medford continues to have a goal of providing land to accommodate its 20-year land need for housing as required under Oregon Revised Statute (ORS) 197.296. While the City has not recently changed Goals, Policies, or Implementation Strategies relevant to the proposed change in GLUP map designation, the recent analysis completed through the process of expanding the Medford UGB demonstrates that there is a small surplus in the number of acres available for Urban Residential (UR) development. As discussed in detail below, the proposed GLUP map amendment will utilize a small portion of this surplus amount to change the GLUP map designation of the subject property and cause the property to more closely align with the zoning locational standards of the MLDC; increase the efficiency of land uses in the area; and lead to a more economical and efficient use of existing public facilities in the vicinity.

FINDING:

The recent analysis of available lands completed through the UGB amendment process demonstrates a small surplus in the supply of UR lands within the UGB. The City of Medford's Goal of providing land to accommodate its 20-year land need has not changed, however, the understanding of what exactly that need is, as it relates to each of the GLUP map designations is now better understood thanks to the UGB amendment process. This better understanding of both supply and anticipated demand helps the City of Medford to be responsive in adjusting GLUP map designations when shown to be appropriate. The proposed change of GLUP map designation will utilize a small portion of the surplus amount of UR land to change the GLUP map designation of the subject property and cause the property to more closely align with the zoning locational standards of the MLDC; increase the efficiency of land uses in the area; and lead to a more economical and efficient use of existing public facilities in the vicinity.

A demonstrated need for the change to accommodate unpredicted population trends to satisfy urban housing needs, or to assure adequate employment opportunities:

The City of Medford recently expanded its UGB to provide an adequate land supply for both residential and employment growth over the next 20 years. During that process, the City investigated its land supply, compared it against growth projections, and determined how much land was needed. According to the City's projections, there was

a need for a total of 885 acres of UR land and a total of 27 acres of UM land¹. The final area for UGB expansion included a total of 891 buildable acres of UR land and a total of 27 buildable acres of UM land². As shown in Table 1.1 below, the area added to the UGB created a 6-acre surplus of UR land while supplying the number of acres needed for the UM land category.

Table 1.1 UR and UM Land Supply Before the Proposed Amendment

	Acres of Additional Land Needed	Acres of Land Provided	Acres in Surplus (Deficit)
UR	885	891	6
UM	27	27	0

The proposed Comprehensive Plan Amendment will change 1.57 net acres (approximately 2.07 gross acres) from the UR to the UM GLUP map designation. As shown in Table 1.2 below, the proposed change will better balance the supply of UR and UM land types. This will be accomplished by reducing the surplus of UR lands to 4 acres while creating a 2-acre surplus in the UM land supply. While the proposed amendment will help to create a better balance in the supply of these two land types, the primary purpose behind the proposed amendment is to utilize a small portion of the existing surplus in UR land to change the GLUP map designation of the subject property and cause the property to more closely align with the zoning locational standards of the MLDC; increase the efficiency of land uses in the area; and lead to a more economical and efficient use of existing public facilities in the vicinity.

Table 1.2 UR and UM Land Supply After the Proposed Amendment

	Acres of Additional Land Needed	Acres of Land Provided	Acres Added (Subtracted) by Proposed Amendment	Acres in Surplus (Deficit)
UH	885	889	(2)	4
SC	27	29	2	2

FINDING:

The proposed change in GLUP map designation will help to provide adequate residential lands by balancing the supply of the UR and UM land categories.

¹ Pages 98 of the City of Medford Planning Commission staff report for file no. CPA-14-114 (attached for reference)

² Page 45 of the Jackson County Planning Commission packet for file no. 439-16-00008-LRP (attached for reference)

The orderly and economic provision of key public facilities:

The subject property is located on the southwest corner of the intersection of Stewart Avenue and South Columbus Avenue. Most of the area around the subject property is developed with single-family residences within the SFR-6 zoning designation. The properties to the east, across South Columbus Avenue, are zoned Community Commercial (C-C) and are developed with several commercial uses, including a drive-thru coffee stand, a convenience store and a restaurant. Approximately 60% of the subject property is currently developed with a total of 9 dwelling units. The Northeast corner of the property, located immediately adjacent to the intersection of South Columbus Avenue and Stewart Avenue, is currently undeveloped. The proposed GLUP map amendment will help to facilitate the development of the remainder of the property with densities that are more appropriate for the property's location.

Both Stewart Avenue and South Columbus Avenue are classified as major arterial streets. There is a stop for bus route 25 located across Stewart Avenue on the west side of South Columbus Avenue. There is also a stop for bus route 2 located across South Columbus Avenue on the north side of Stewart Avenue. The property's location along major transportation routes, near transit facilities, makes it an ideal candidate for up-zoning to allow for in-fill development that can better utilize these key public facilities. The proposed GLUP map amendment and concurrent zone change are also consistent with the zoning locational standards of MLDC Section 10.310 which identifies the MFR-15 zone as being "suitable and desirable for locations near neighborhood activity centers or mass transit." As discussed individually below, the area is currently served with existing key public facilities that can be utilized most efficiently by permitting a higher level of density than is allowed within the UR GLUP designation.

This amendment will not change the demand for residential development, but it will help to accommodate that demand using existing infrastructure. The alternative is to accommodate the demand for residential development with new greenfield development outside of the existing urban area which requires the extension of facilities and services and leads to less orderly and more expensive provisions for key public facilities.

Sanitary Sewer:

There is existing sanitary sewer service, provided by Rogue Valley Sewer Services (RVSS), utilized by the 9 existing dwelling units on the subject property. There are existing 8-inch sanitary sewer main lines along the southwest corner of the property and the southern edge of the property. The proposed change of GLUP designation for this 1.57-acre property will allow for as many as 10 additional dwelling units on the property (above what the current zone allows).

However, the existing zoning allows for single-family detached homes while the proposed zone does not. Detached single-family homes, on average, have a higher demand on sewer capacity than multiple-family dwellings do. With this, the proposed GLUP map amendment has the potential to create only a small increase in sewer demand. Per conversations with Nick Bakke, District Engineer for RVSS, there is adequate capacity in the vicinity of the property to handle the small increase in sanitary sewer demand that could come from the proposed GLUP map amendment.

Water Service:

Water service is provided by the Medford Water Commission, which is currently serving the subject property and vicinity. There is an existing 16-inch main line along the north end of the subject property in Stewart Avenue. The nine existing dwelling units on the site are currently provided water service through an existing ¾" and an existing 1" meter. The undeveloped portions of the site will be developed with residential development meeting the density standards of the MFR-15 zone. Adequate water service lines are available to continue to serve future uses on the subject site.

Water service for fire protection is also currently available in the vicinity of the site. Additional fire hydrants can be developed on the property, if needed for additional residential development.

Storm Drainage:

Any future development of the site will require an integrated storm sewer system, with the construction drawings prepared and the engineering to provide the storm sewer system in accordance with the City of Medford, at the time any new development is proposed. The proposed change in GLUP map designation will have no greater impact on the availability of storm water facilities in the vicinity.

Transportation:

The subject property is approximately 1.57 net acres or 2.07 gross acres in size. The existing zoning, SFR-10, allows for residential development at a maximum density of 10 dwelling units (DU) per gross acre. SFR-10 zoning allows for single-family detached homes which are expected to generate 9.57 average daily trips (ADT) per dwelling unit (ITE Manual 8th Edition). The 2.07 gross acre property could produce as much as 201 ADT ($2.07 \times 10 \text{ DU} = 20.7$ (21DU) $21 \times 9.57 = 200.97$ ADT) with the existing SFR-10 zoning. Properties zoned MFR-15 (the only zone allowed in the requested UM GLUP map designation) can develop with a maximum residential density of 15 DU per gross acre.

MFR-15 zoning does not allow for the development of single-family detached homes; however, the zone allows for the development of multiple-family – apartment dwellings. Apartments are anticipated to generate 6.65 ADT per dwelling unit. The 2.07-gross acre parcel could produce as much as 206 ADT ($2.07 \times 15 = 31.05$ (31DU) $31 \times 6.65 = 206.15$ ADT) with the proposed GLUP amendment.

The net increase in traffic is the difference between what the current zoning could produce and what the proposed zoning could produce. The net increase from the proposed GLUP map amendment and concurrent zone change is 5 ADT ($206 \text{ ADT} - 201 \text{ ADT} = 5 \text{ ADT}$). Since this number is below the threshold of 250 ADT increase, no traffic analysis is required.

The applicant submits that this requested GLUP map amendment and associated zone change will have a negligible effect on the capacity of the existing local street system as demonstrated by the fact that the proposed GLUP map amendment, change of zoning and future development of the property will produce traffic that is below the thresholds to require a Traffic Impact Analysis.

FINDING:

Based upon the information contained herein the City of Medford can find that the key public facilities necessary to develop the approximately 1.57-net acre (2.07 gross acres) subject property with uses permitted in the UM GLUP map designation, which includes: sanitary sewer, water service, storm sewer, and transportation infrastructure, are available in the vicinity and immediately adjacent to the site. It is demonstrated that there will be no significant impact to these facilities for the proposed uses. The ability to use existing infrastructure for the development of the subject property to meet a portion of the City's residential land need will lead to the orderly and economical use of existing key public facilities.

The maximum efficiency of land uses within the urbanizable area:

The property was changed from County SR-2.5 zoning to City SFR-10 zoning in 2000 through City file number ZC-00-110. At that time, the property was already developed with a total of nine dwelling units. The zoning assigned caused the property to become non-conforming to the zone (SFR-10) both in residential density (2.07 gross acres requires 12 – 21 dwelling units) and the types of dwellings permitted (several detached single-family homes and duplexes on a single parcel – not available for separate ownership). One remedy for the non-conforming density would be to add additional dwelling units to the property.

However, since SFR-10 zoning does not allow multiple-family development for rentals (all dwelling units must be available for separate/individual ownership, ie. Townhouses/condos in the SFR-10 zone), additional dwelling units cannot be added to the property under the current GLUP map designation and zoning without a land division. The proposed GLUP map amendment will make it possible to develop the remainder of the property in a way that resolves both the non-conforming structure-style issue and the non-conforming density issue.

As discussed above, per the recently approved UGB amendment process, the City has identified a small surplus of available UR land. This is not to say that there was an error in the UGB amendment process, but rather, the UGB amendment process operated on a very large scale, with a vast number of rules and other considerations that needed to be navigated. Now that the UGB amendment has been approved, the City can look at opportunities to fine-tune the availability of the different GLUP designations as needed to achieve the best balance of available land types. In this case, the City has the opportunity to convert a portion of this surplus UR land type to a more appropriate UM designation given the location of the subject property. The property is well suited for the requested UM GLUP designation and concurrently requested MFR-15 zoning designation as it is located near neighborhood activity centers (shopping, employment, schools, etc.) and mass transit services (MLDC 10.310). This change will facilitate infill development, helping to maximize the efficiency of land uses within the urbanizable area.

FINDING:

The City of Medford can find that the requested change in GLUP map designation from UR to UM will help to maximize the efficiency of land uses within the urbanizable area by facilitating infill development. Infill development will be encouraged by causing the property to better align with the zoning locational standards of the MLDC and by providing a path for the development of the remainder of the property that will be conforming to zoning standards for both density and dwelling type.

The environmental, energy, economic, and social (ESEE) consequences:

As discussed throughout these findings, the City of Medford recently completed a boundary expansion for its UGB. The approved expansion was the second phase of a two-step UGB amendment process. The first phase of the process was the Internal Study Areas (ISA's). The first phase was done consistent with ORS 197.296(6)(b), which requires that cities, before considering expanding their UGBs must consider changes to existing land use designations for the purpose of efficiently utilizing lands within the current urban area.

The proposed GLUP map amendment, like Phase I of the UGB amendment process, will help to more efficiently utilize lands within developed portions of the UGB. The proposed change in GLUP map designation from UR to UM will help to facilitate the development of the remainder of the subject property with a residential type and residential density that is appropriate for the use for transitional low income housing and for the area. There continues to be a need and demand for new multifamily residential affordable development in and around the City of Medford. This demand can either be met by developing lands within the existing urbanizable area, nearer the core of the city, or it can be met by adding new areas into the city along the edges of the existing urban area. The development of the remainder of the subject property equates to infill development in a portion of the urbanizable area with existing development and infrastructure.

Environmental: Infill development is much less impactful on the environment as it occurs in areas with existing urban development and it does not require the conversion of resource lands or natural areas. Infill development along with a development pattern with a mix of uses also reduce pollution by reducing vehicle miles traveled.

Energy: Infill development is more energy efficient as it occurs in areas nearer the core of the city, helping to reduce energy consumption by reducing vehicle miles traveled. In addition, it requires less energy to reuse existing infrastructure than it does to develop new infrastructure to serve development occurring beyond the current extent of urbanization.

Economic: Infill development is more economical as it uses/reuses existing infrastructure and services rather than requiring these services to be extended. As discussed in greater detail above, there is existing infrastructure for water, sanitary sewer, storm sewer, and transportation available to this property. There is a cost associated with the development of all these existing facilities that had to be paid when these utilities and this property were developed. Now that these facilities are in place, it is much more economical to use this existing site rather than to use a site along the periphery of the urban area which would require the extension of these services.

Social: The environmental, energy, and economic benefits discussed above are all social benefits as well. That is, there are social benefits realized by reducing environmental impacts, reducing energy consumption, and by reducing costs. In addition, the proposed GLUP map amendment will have the social benefit of providing for additional affordable housing in the community, which is greatly needed.

FINDING:

The City of Medford can find that by promoting infill development and the expanded use of existing infrastructure, the proposed change in GLUP map designation will have positive ESEE impacts overall. The benefits of infill development include but are not limited to: reduced cost by utilizing existing infrastructure, using less land and preserving open space and resource lands, and less energy consumption and less pollution based on reduced vehicle miles travelled. The proposed GLUP map amendment will also have the social benefit of providing additional opportunities for needed new transitional low income housing.

The compatibility of the proposed change with other elements of the Medford Comprehensive Plan and applicable Statewide Planning Goals:

One purpose of the Medford Comprehensive Plan is to implement the Statewide Planning Goals. This creates a large amount of overlap between various elements of the Comprehensive Plan and the corresponding Statewide Goals, for example, since the Economic Element of the Comprehensive Plan implements Goal 9, a finding of consistency with the Economic Element will also demonstrate consistency with Statewide Planning Goal 9. This being the case, the corresponding Comprehensive Plan elements and State Goals will be discussed together.

Goal #1: Citizen Involvement (Citizen Involvement Element):

The City of Medford has adopted a comprehensive citizen involvement program, involving the CCI (Committee for Citizen Involvement (the Planning Commission is also the CCI)), citizen recommendations, communications involving questionnaires and public notice for all land use actions that is consistent with state law, and in compliance with this goal. The proposed GLUP map amendment is being processed consistent with the process and procedures in place regarding citizen involvement.

FINDING:

The City of Medford, through the public notification program and Committee for Citizen Involvement, has provided adequate notice and has allowed for adequate citizen participation of all facets of the planning process. This application, by virtue of complying with the notice program administered by the City, is consistent with this Goal.

Goal #2: Land Use Planning (Implementation Element):

The City of Medford has adopted a long-range Comprehensive Plan and implementation strategy (The Medford Land Development Code) that is consistent with the requirements of Goal #2. The policy and framework for the land use decisions in Medford must comply with the Comprehensive Plan. The City, in reviewing this application under the provisions of the Criteria for Plan Amendments in the Goals, Policies, and Implementation element of the Comprehensive Plan, are demonstrating compliance with Goal 2.

FINDING:

The City of Medford will review this application for a Comprehensive Plan Amendment (change of GLUP map designation) consistent with the Criteria for Plan Amendments in the Goals, Policies, and Implementation element of the Comprehensive Plan, demonstrating compliance with Goal 2.

Goal #3: Agricultural Lands:

Not applicable.

FINDING:

This property is urbanizable land within the city limits of the City of Medford and is not agricultural land.

Goal #4: Forest Lands:

Not applicable.

FINDING:

This property is urbanizable land within the city limits of the City of Medford and is not forest land.

Goal #5: Open Space, Scenic and Historic Areas; Natural Resources (Environmental and Implementation Elements):

Not applicable.

FINDING:

This property is not identified as being open space, a scenic or historic area or resource, and it is not identified as either a natural resource or an area contributing to natural resource protection. The proposed change in GLUP map designation from UR to UM for this property that is currently developed with dwellings will have no effect on open space, scenic and historic areas, or natural resources.

Goal #6: Air, Water and Land Resource Quality (Environmental and Implementation Elements):

The purpose of this goal is to maintain and improve the quality of air, water and land resources of the state.

The subject property is located within the Bear Creek/Larson Creek sub-watershed, a portion of the larger Bear Creek water shed. All development in the City of Medford is required to provide storm water detention and water quality controls. The Subject property will be required to adhere to applicable drainage and water quality controls at the time of redevelopment. The property, when redeveloped, will be subject to criteria in the Comprehensive Plan and Land Development Code that are designed to provide for adequate levels of service and to protect air, water, and land resource quality.

FINDING:

Since the subject property, when redeveloped, will be subject to criteria in the Comprehensive Plan and Land Development Code that are designed to provide for adequate levels of service and to protect the air, water, and land resource quality, the City of Medford can find that conformance with the specific implementing ordinances will demonstrate compliance with this Goal.

Goal #7: Areas Subject to Natural Hazards (Environmental and Implementation Elements):

Not applicable. The site is not subject to flooding, mudslide, landslide, wildfire, or any other natural hazard.

FINDING:

Since the subject property is not in any floodplain, mudslide, landslide, wildfire, or other natural hazard area, the City of Medford can find that this Goal is not applicable to the proposed GLUP map amendment.

Goal #8: Recreational Needs (Public Facilities and Implementation Elements):

Parks, Recreation, and Leisure Services are included in the Public Facilities Element of the Medford Comprehensive Plan. The most current planning document for Medford's parks and recreation system is the 2016-2025 Medford Leisure Services Plan. The plan describes and maps the various recreational areas and facilities that are available or can be made available for the recreational needs of the people and visitors to the city. This site is not identified as either an existing or future park site and there are no additional park land needs identified near this property.

FINDING:

Not Applicable: The subject property is not identified in the 2016-2025 Medford Leisure Services Plan as an existing or future park site and there are no additional park land needs identified near this property.

Goal #9: Economic Development (Population, Land Use, Economic, and Public Facilities Elements):

Not applicable. The City of Medford has an adopted and acknowledged Economic Element which is intended to implement Goal 9. The City is required to provide an adequate supply of land to accommodate employment growth over the next 20 years. The proposed GLUP map amendment will have no effect on the available employment land supply.

FINDING:

This property is currently designated for residential uses and will continue to be available for residential development. The proposed GLUP map amendment will have no effect on the available employment land supply.

Goal #10: Housing (Environmental, Population, Land Use, and Housing Elements):

The City of Medford has an adopted and acknowledged Housing Element which is intended to implement Goal 10. The City is required to provide an adequate supply of land to accommodate residential growth over the next 20 years. The City has recently expanded its UGB to provide the required supply of residential land. According to the City's projections, there was a need for a total of 885 acres of UR land and a total of 27 acres of UM land. The final area for UGB expansion included a total of 891 buildable acres of UR land and a total of 27 buildable acres of UM land. The area added to the UGB created a 6-acre surplus of UR land while supplying the number of acres needed for the UM land category. The proposed Comprehensive Plan Amendment will change 1.57 net acres (approximately 2.07 gross acres) from the UR to the UM GLUP map designation. The proposed change will better balance the supply of UR and UM land types. This will be accomplished by reducing the surplus of UR lands to 4 acres while creating a 2-acre surplus in the UM land supply. While the proposed amendment will help to create a better balance in the supply of these two land types, the primary purpose behind the proposed amendment is to utilize a small portion of the existing surplus in UR land to change the GLUP map designation of the subject property to provide for needed low income housing for rental, which will also cause the subject site to more closely align with the zoning locational standards of the MLDC; increase the efficiency of land uses in the area; and lead to a more economical and efficient use of existing public facilities in the vicinity.

FINDING:

This property is currently designated for residential uses and will continue to be available for residential development.

Goal #11: Public Facilities and Services (Public Facilities Element):

The purpose of this 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 development.

There is existing sanitary sewer service, provided by Rogue Valley Sewer Services (RVSS), utilized by the 9 existing dwelling units on the subject property. There are existing 8-inch sanitary sewer main lines along the southwest corner of the property and the southern edge of the property. The proposed change of GLUP designation for this 1.57-acre property will allow for as many as 10 additional dwelling units on the property (above what the current zone allows). However, the existing zoning allows for single-family detached homes while the proposed zone does not. Detached single-family homes, on average, have a higher demand on sewer capacity than multiple-family dwellings do. With this, the proposed GLUP map amendment has the potential

to create only a small increase in sewer demand. Per conversations with Nick Bakke, District Engineer for RVSS, there is adequate capacity in the vicinity of the property to handle the small increase in sanitary sewer demand that could come from the proposed GLUP map amendment.

Water service is provided by the Medford Water Commission, which is currently serving the subject property and vicinity. There is an existing 16-inch main line along the north end of the subject property in Stewart Avenue. The nine existing dwelling units on the site are currently provided water service through an existing 3/4" and an existing 1" meter. The undeveloped portions of the site will be developed with residential development meeting the density standards of the MFR-15 zone. Adequate water service lines are available to continue to serve future uses on the subject site.

Water service for fire protection is also currently available in the vicinity of the site. Additional fire hydrants can be developed on the property if needed for additional residential development.

Any future development of the site will require an integrated storm sewer system, with the construction drawings prepared and the engineering to provide the storm sewer system in accordance with the City of Medford, at the time any new development is proposed. The proposed change in GLUP map designation will have no greater impact on the availability of storm water facilities in the vicinity.

FINDING:

The application will not place a burden on public agencies to provide or extend public services. Based upon the information contained herein, the City of Medford can find that there is available infrastructure for sanitary sewer, water service, and storm sewer in the vicinity and immediately adjacent to the site.

Goal #12: Transportation (Public Facilities Element):

The subject property is approximately 1.57 net acres or 2.07 gross acres in size. The existing zoning, SFR-10, allows for residential redevelopment at a maximum density of 10 dwelling units (DU) per gross acre. SFR-10 zoning allows for single-family detached homes which are expected to generate 9.57 ADT per dwelling unit. The 2.07 gross acres for the subject property could produce as much as 201 ADT (2.07X10DUX9.57 ADT =200.97 ADT) with the existing SFR-10 zoning. With the properties zoned MFR-15 (the only zone allowed in the requested UM GLUP map designation) can develop with a maximum residential density of 15 DU per gross acre. MFR-15 zoning does not allow for the development of single-family detached homes; however, the zone allows for the development of multiple-family – apartment

dwellings. Apartments are expected to generate 6.65 ADT per unit. With the 2.07-gross acre subject site it is anticipated that the property could generate 206 ADT ($2.07 \times 15 \times 6.65 = 206.15$ ADT) with the proposed GLUP amendment. The net increase in traffic is the difference between what the current zoning could produce and what the proposed zoning could produce. The net increase from the proposed GLUP map amendment and concurrent zone change is 5 ADT. Since this number is below the 250 ADT threshold for increased number of vehicle trips, no traffic analysis is required.

The applicant submits that this requested GLUP map amendment and associated zone change will have a negligible effect on the capacity of the existing local street system as demonstrated by the fact that the proposed GLUP map amendment, change of zoning and future development of the property will produce traffic that is below the thresholds to require a TIA.

FINDING:

The City of Medford can find that the proposed GLUP change will not result in an addition of more than 249 ADT to the transportation system. Per the Medford Land Development Code, an increase of 249 ADT or less does not require traffic analysis and is viewed as being consistent with the City's Transportation System Plan.

Goal #13: Energy Conservation (Environmental Element):

This goal is simply to "Conserve Energy".

The proposed change on the GLUP map designation, from UR to UM, will facilitate the development of needed low income housing on the north half of the property. The subject property contains approximately 1.57-acre site in an urban area with public facilities, utilities, and street infrastructure in place. Infill development with greater densities and redevelopment, in general, is more energy efficient as it occurs in areas nearer the core of the city, helping to reduce energy consumption by reducing vehicle miles traveled. In addition, it requires less energy to reuse existing infrastructure than it does to develop new infrastructure to serve development occurring beyond the current extent of urbanization.

The net ESEE impact of the proposed GLUP map designation is positive. There continues to be a demand for new low income housing residential development for rentals in and around the City of Medford. This demand can either be met by developing/redeveloping lands within the existing urbanizable area, nearer the core of the city, or it can be met by adding new areas into the city along the edges of the existing urban area.

FINDING:

The City of Medford can find that by promoting infill development, the proposed change in GLUP map designation will help to conserve energy. The benefits of infill development and the reuse of existing development include but are not limited to: Reduced cost by utilizing existing infrastructure, using less land and preserving open space and resource lands, and less energy consumption and less pollution based on reduced vehicle miles travelled.

Goal #14: Urbanization (Population, Land Use, Housing, Economic, Public Facilities, GLUP, and Implementation Elements):

This goal is to "provide for an orderly and efficient transition from rural to urban land use."

Goal 14 provides that urban growth boundaries shall be established to identify and separate urbanizable from rural land. Consistent with ORS 197.296(6)(b), cities, before considering expanding their UGBs must consider changes to existing land use designations for the purpose of efficiently utilizing lands within the current urban area. During Phase I of its Urban Growth Boundary (UGB) amendment process, the City identified lands which could be re-designated to more efficiently meet future needs for residential development and employment.

The proposed GLUP map amendment, like Phase I of the UGB amendment process, will help to more efficiently utilize lands within developed portions of the UGB. The proposed change in the GLUP map designation from UR to UM will enhance the redevelopment of the subject property to meet a portion of the City's residential land need, particularly needed low income housing for rental.

The City of Medford has recently expanded its UGB to provide an adequate land supply for both residential and employment growth over the next 20 years. During that process, the City investigated its land supply, compared it against growth projections, and determined how much land was needed. According to the City's projections, there was a need for a total of 885 acres of UR land and a total of 27 acres of UM land. The final area for UGB expansion included a total of 891 buildable acres of UR land and a total of 27 buildable acres of UM land. The area added to the UGB created a 6-acre surplus of UR land while supplying the number of acres needed for the UM land category.

The proposed Comprehensive Plan Amendment will change 1.57 net acres (approximately 2.07 gross acres) from the UR to the UM GLUP map designation. The proposed change will better balance the supply of UR and UM land types. This will be accomplished by reducing the surplus of UR lands to 4 acres while creating a 2-acre surplus in the UM land supply. While the proposed amendment will help to create a better balance in the supply of these two land types, the primary purpose behind the proposed amendment is to utilize a small portion of the existing surplus in UR land to change the GLUP map designation of the subject property and cause the property to more closely align with the zoning locational standards of the MLDC; increase the efficiency of land uses in the area; and lead to a more economical and efficient use of existing public facilities in the vicinity.

FINDING:

The application does not include a change to an urban growth boundary but rather it provides for the efficient use of land already within the UGB.

CONCLUSIONS:

Reviewing the above discussion and findings, the City of Medford can find that the application for a GLUP map designation change from UR to UM is found to be consistent with the applicable Statewide Planning Goals and Comprehensive Plan elements regarding citizen involvement; land use planning; air, water and land resource quality; housing; public facilities and services; transportation; energy conservation; and urbanization, and that Statewide Planning Goals 3, 4, 5, 7, 8 & 9 do not apply to this application.

IV. SUMMARY AND CONCLUSIONS:

In order for a Comprehensive Plan Amendment to change General Land Use Plan (GLUP) Map Designation to be approved, the Planning Commission must find that the request is supported by information and findings addressing the Criteria for Plan Amendments in the Goals, Policies, and Implementation Element of the Medford Comprehensive Plan.

A review of the application and these Findings of Fact demonstrates that this application complies with the applicable standards of the Medford Comprehensive Plan. This application is for a change in GLUP map designation, from UR to UM.

With this information provided, the applicants respectfully request that the City of Medford designate the subject property, (37-2W-36BC, Tax Lots 100 & 200), as Urban Medium-Density Residential (UM) on the General Land Use Plan (GLUP) map for the City of Medford, Oregon.

Respectfully Submitted,

RICHARD STEVENS & ASSOCIATES, INC.

BEFORE THE PLANNING COMMISSION
FOR THE CITY OF MEDFORD, OREGON:

IN THE MATTER OF AN APPLICATION FOR)
A CHANGE IN ZONING DESIGNATION)
FROM SFR-10 TO MFR-15 FOR A 1.57)
ACRE PROPERTY LOCATED ON THE)
SOUTHWEST CORNER OF THE)
INTERSECTION OF STEWART AVENUE)
AND SOUTH COLUMBUS AVENUE;)
COLUMBIA CARE SERVICES, INC.,)
APPLICANT; RICHARD STEVENS &)
ASSOCIATES, INC., AGENTS)

FINDINGS OF FACT

I. RECITALS PERTAINING TO THE PROPERTY:

APPLICANT: Columbia Care Services, Inc.
3587 Heathrow Way
Medford, OR 97504

AGENTS: Richard Stevens & Associates, Inc.
P.O. Box 4368
Medford, OR 97501
(541) 773-2646

PURPOSE OF APPLICATION:

The applicant is requesting a change of zoning designation from City of Medford Single-Family Residential – 10 dwelling units per gross acre (SFR-10) to City of Medford Multiple-Family Residential – 15 dwelling units per gross acre (MFR-15) zoning for two tax lots totaling 1.57 net acres, located on the southwest corner of the intersection of Stewart Avenue and South Columbus Avenue. The property currently contains a total of 9 dwelling units which are addressed as 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317 and 1319 Stewart Avenue. The two parcels are also described as T.37S-R.2W-SEC.36BC, Tax Lots 100 & 200.

The General Land Use Plan (GLUP) map designation for the subject property is to be concurrently changed from UR (Urban Residential) to UM (Urban Medium-Density Residential) to cause the property to more closely align with the zoning locational standards of the Medford Land Development Code (MLDC) given its proximity to existing activity centers and transit service; to increase the efficiency of land uses in the area; to lead to a more economical and efficient use of existing public facilities in the vicinity; and to help balance the supply of UR and UM properties within the Urban Growth Boundary (UGB). The applicants' intent is to provide for transitional low income housing on the subject site for the residents within the City.

Attachments:

- Exhibit A: A copy of the legal description for this property
- Exhibit B: An assessor's map with the site indicated
- Exhibit C: A current zoning map for the vicinity
- Exhibit D: A current GLUP map for the vicinity

II. APPLICABLE CRITERIA:

In order to approve a Zoning Amendment and change the Zoning Map, the applicant must submit findings addressing Section 10.204 of the Land Development Code. A review of Section 10.204(D) indicates that an application for a Zone Change must contain the following:

- 1. A vicinity map drawn to scale of 1"=1000' identifying the proposed area of change.*
- 2. An Assessor's map with the proposed zone change area identified.*
- 3. Legal description of the area to be changed. Legal description shall be prepared by a licensed surveyor or title company.*
- 4. Property owner's names, addresses and map and tax lot numbers within 200 feet of the subject property, typed on mailing labels.*
- 5. Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.204(B), Zone Change Criteria.*

FINDING:

The City of Medford finds that this application for a change in zoning designation from SFR-10 to MFR-15, with the information presented in support of the application, is consistent with the standards for submission as required above, accompanied with the applicable maps, the legal description of the area to be changed, the names and addresses of all adjacent properties within 200 feet typed on mailing labels, and findings consistent with the requirements of Section 10.204(B).

**III. COMPLIANCE WITH SECTION 10.204(B): OF THE
MEDFORD LAND DEVELOPMENT CODE:**

Section 10.204(B) provides that the approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds that the zone change complies with subsections (1) and (2) below:

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.

(2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below section (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.

In addition, 10.204(B)(3) states:

(3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

10.204(B)(1) CONSISTENCY WITH TRANSPORTATION SYSTEM PLAN AND THE GENERAL LAND USE PLAN MAP DESIGNATION

Discussion regarding TSP:

The adopted Medford Transportation Plan (TSP) addresses Chapter 660, Division 12 of the Oregon Administrative Rules which provides for implementation of the Statewide Transportation Goal (Goal 12), Transportation Planning Rule (TPR). It is also designed to explain how local governments and state agencies are responsible for transportation planning to address all modes of travel including vehicles, transit, bicycles and pedestrians. The TPR envisions development of local plans that will provide changes in land use patterns and transportation systems that make it more convenient for people to walk, bicycle, use transit, and drive less.

The TSP identifies both existing and future needs and includes improvements to meet those needs. In order to achieve those needs, the TSP has established the City's goals, policies, and implementation measures in order for the City to develop and maintain its transportation system for both the short and long-term needs. Like other portion of the Comprehensive Plan, the TSP is implemented through the Development Code. Sections 10.460 and 10.461 address the requirement for a traffic analysis letter (TIA) when an application has the potential of generating more than 250 net average daily trips (ADT).

The subject property is approximately 1.57 net acres or 2.07 gross acres in size. The existing zoning, SFR-10, allows for residential redevelopment at a maximum density of 10 dwelling units (DU) per gross acre. SFR-10 zoning allows for single-family detached homes which are expected to generate 9.57 ADT per dwelling unit. The 2.07 acre site could produce as much as 201 ADT ($2.07 \times 10 \text{ DU} = 20.7$ (21DU) $21 \times 9.57 = 200.97$ ADT) with its existing zoning.

Properties zoned MFR-15, the only zone allowed in the requested UM GLUP map designation, can develop with a maximum residential density of 15 DU per gross acre. The MFR-15 zoning does not allow for the development of single-family detached homes; however, the zone allows for the development of multiple-family – apartment dwellings. Apartments are expected to generate 6.65 ADT per unit. The 2.07-gross acre properties is anticipated to generate a total of 206 ADT ($2.07 \times 15 = 31.05$ (31DU) $31 \times 6.65 = 206.15$ ADT) with the proposed GLUP amendment and change of zoning. The net increase in traffic is the difference between what the current zoning could produce and what the proposed zoning could produce. The net increase from the proposed GLUP map amendment and concurrent zone change is 5. Since this number is below the threshold of 250 ADT, no traffic analysis is required.

The applicant submits that this requested zone change will have a negligible effect on the capacity of the existing local street system as demonstrated by the fact that the proposed change of zoning and future development of the property will produce traffic that is below the thresholds to require a TIA.

Discussion regarding GLUP:

The General Land Use Plan (GLUP) map designation for the subject property is to be concurrently changed from UR (Urban Residential) to UM (Urban Medium-Density Residential). The map designations contained in the General Land Use Plan Element of the Comprehensive Plan indicates that the permitted zoning district within the UM designation is MFR-15.

FINDING:

The net increase of vehicle trips generated with the proposed zone change is 5 ADT. Since this number is below the threshold of 250 ADT, no traffic analysis is required, the requested zone change is found to have a negligible effect on the capacity of the existing local street system and requested zone change is found to be consistent with the TSP.

The subject property General Land Use Plan Map designation is to be concurrently changed to Urban Medium-Density Residential (UM). The MFR-15 zoning requested is found to be consistent with the General Land Use Plan Map.

10.204(B)(2) CONSISTENCY WITH ADDITIONAL LOCATIONAL STANDARDS:

There are no additional locational standards applicable to the MFR-15 zone listed in Section 10.204(2) (2)(a), (2)(b), or (2)(c). However, MLDC Section 10.310 indicates that the MFR-15 zone is "suitable and desirable for locations near neighborhood activity centers or mass transit."

FINDING:

Not applicable. There are no additional locational standards applicable to the MFR-15 zone listed in Section 10.204(2) (2)(a), (2)(b), or (2)(c).

10.204(B)(3) COMPLIANCE WITH URBAN SERVICES AND FACILITIES

The Medford Comprehensive Plan, Public Facilities Element, provides the list of Category "A" services and facilities to be considered. These are:

Water Service
Sanitary Sewer and Treatment
Storm Drainage and
Streets, Transportation Facilities

Water Service:

Water service is provided by the Medford Water Commission, which is currently serving the subject property and vicinity. There is an existing 16-inch main line along the north end of the subject property in Stewart Avenue. The nine existing dwelling units on the site are currently provided water service through an existing ¾" and an existing 1" meter. The northern half of the site will be developed with residential development meeting the density standards of the MFR-15 zone. The southern half of the site will be redeveloped in the future, meeting the MFR-15 standards. Adequate water service lines are available to continue to serve future uses on the subject site.

Water service for fire protection is also currently available in the vicinity of the site. Additional fire hydrants can be developed on the property if needed for additional residential development.

Sanitary Sewer:

There is existing sanitary sewer service, provided by Rogue Valley Sewer Services (RVSS), utilized by the 9 existing dwelling units on the subject property. There are existing 8-inch sanitary sewer main lines along the southwest corner of the property and the southern edge of the property. The proposed change of GLUP designation for this 1.57-acre property will allow for as many as 10 additional dwelling units on the property (above what the current zone allows). However, the existing zoning allows for single-family detached homes while the proposed zone does not. Detached single-family homes, on average, have a higher demand on sewer capacity than multiple-family dwellings do. Therefore, the proposed GLUP map amendment and change of zoning has the potential to create only a small increase in sewer demand. Per conversations with Nick Bakke, District Engineer for RVSS, there is adequate capacity in the vicinity of the property to handle the small increase in sanitary sewer demand that could come from the proposed change of zoning to MFR-15.

Storm Drainage:

Any future development of the site will require an integrated storm sewer system, with the construction drawings prepared and the engineering to provide the storm sewer system in accordance with the City of Medford, at the time any new development is proposed. The proposed change in GLUP map designation will have no greater impact on the availability of storm water facilities in the vicinity.

Transportation:

The subject property is approximately 1.57 net acres or 2.07 gross acres in size. The existing zoning, SFR-10, allows for residential redevelopment at a maximum density of 10 dwelling units (DU) per gross acre. SFR-10 zoning allows for single-family detached homes which are expected to generate 9.57 ADT per dwelling unit. The 2.07 gross acre property could produce as much as 201 ADT ($2.07 \times 10 \times 9.57 = 200.97$ ADT) with the existing zoning. Properties zoned MFR-15 (the only zone allowed in the requested UM GLUP map designation) can develop with a maximum residential density of 15 DU per gross acre. MFR-15 zoning does not allow for the development of single-family detached homes; however, the zone allows for the development of multiple-family – apartment dwellings. Apartments are expected to generate 6.65 ADT per unit. The 2.07 gross acre site is anticipated to generate 206 ADT ($2.07 \times 15 \times 6.65 = 206.15$ ADT) with the proposed GLUP amendment and change of zoning. The net increase in traffic is the difference between what the current zoning could produce and what the proposed zoning could produce. The net increase from the proposed GLUP map amendment and concurrent zone change is 5 ADT. Since this number is below the threshold of 250 ADT, no traffic analysis is required.

The applicant submits that this requested GLUP map amendment and associated zone change will have a negligible effect on the capacity of the existing local street system as demonstrated by the fact that the proposed GLUP map amendment, change of zoning and future development of the property will produce traffic that is below the thresholds to require a TIA.

FINDING:

The City of Medford finds that based upon the information contained herein there are adequate Category "A" public facilities available and sufficient capacity exists to extend these facilities to serve the proposed zoning and use of the site as MFR-15.

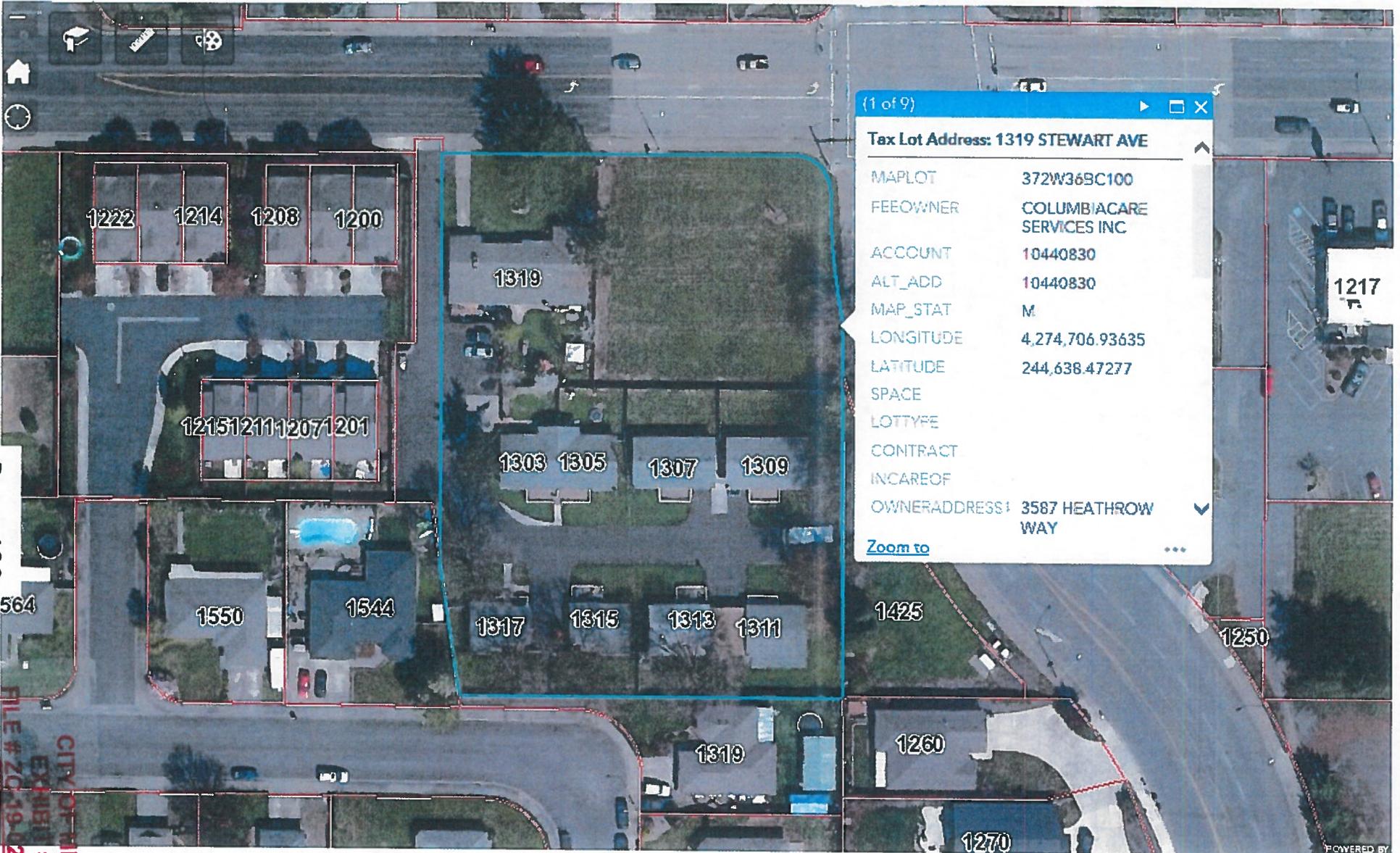
IV. SUMMARY AND CONCLUSIONS:

In order for an amendment to the Medford Zoning Map to be approved, the Planning Commission must find that the applicant has made the requisite findings for a change of zoning. A review of the application and the above Findings of Fact with the supporting documentation attached, demonstrates that this application complies with the applicable standards of the Land Development Code, is consistent with GLUP map and is consistent with the Medford TSP.

With this in mind, the applicant respectfully requests that the City of Medford designate the subject property, T.37S-R.2W-SEC.36BC, Tax Lots 100 & 200 as MFR-15 on the Official Zoning Map for the City of Medford, Oregon.

Respectfully Submitted,

Richard Stevens & Associates, Inc.



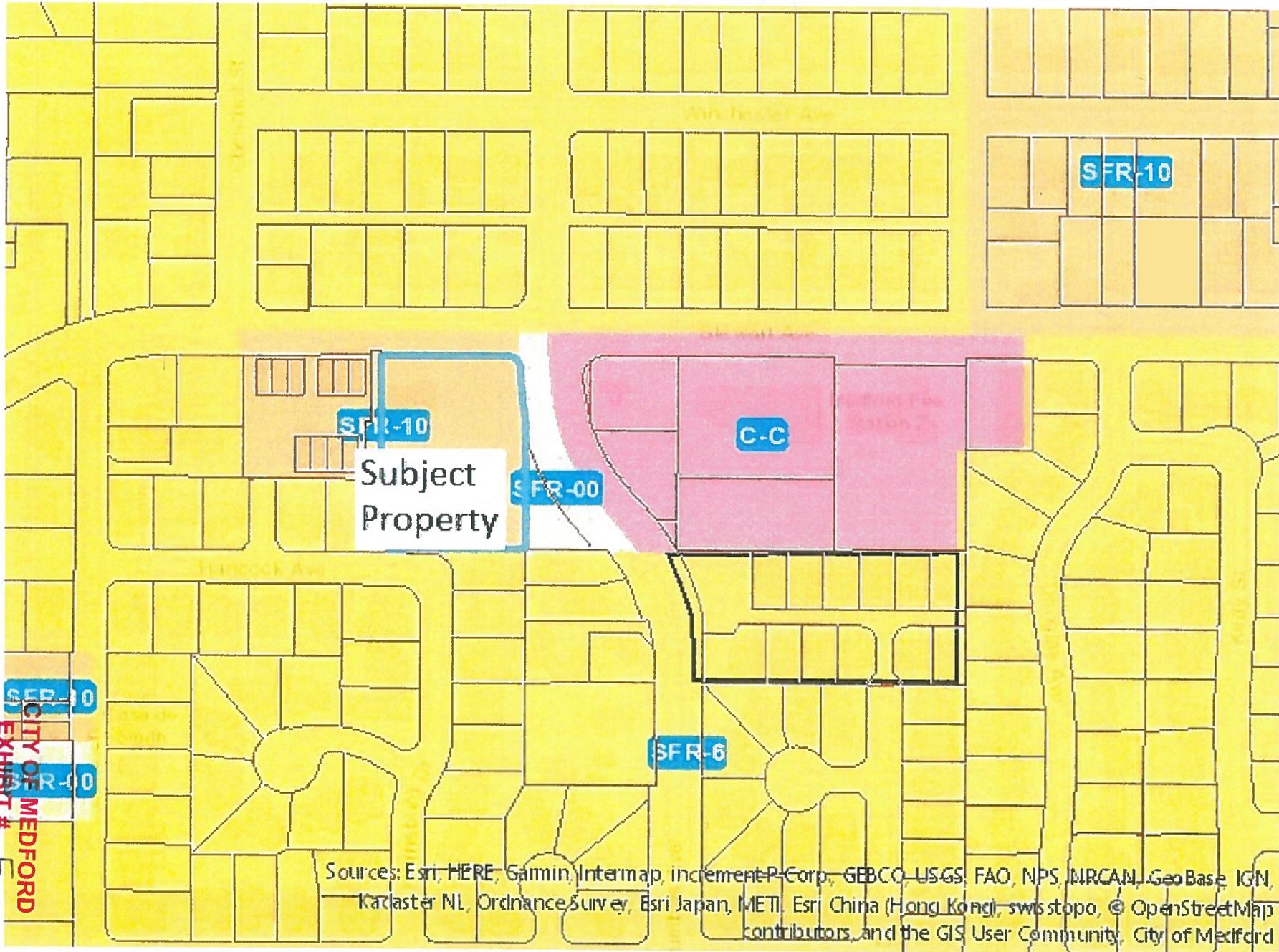
(1 of 9)

Tax Lot Address: 1319 STEWART AVE

MAPLOT	372W369C100
FEEOWNER	COLUMBIACARE SERVICES INC
ACCOUNT	10440830
ALT_ADD	10440830
MAP_STAT	M
LONGITUDE	4,274,706.93635
LATITUDE	244,638.47277
SPACE	
LOTTYE	
CONTRACT	
INCAREOF	
OWNERADDRESS	3587 HEATHROW WAY

[Zoom to](#)

Exhibit C: Zoning Map



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community, City of Medford

PROJECT INFO

PROPERTY: 37-20-36-BC TL #100 & 200

- NEW 2 UNIT MULTI FAMILY APARTMENT UNIT.
- (6) 1 BEDROOM APTS TYPE B
- (6) 1 BEDROOM APTS
- NEW DUPLEX
- (1) 1 BEDROOM TYPE A'
- (1) 1 BEDROOM

ADDRESS 1315 EXISTING HOUSE TO BE REMOVED
(8) REMAINING COTTAGE HOUSES TO REMAIN

SITE DATA & CALCULATIONS

DENSITY CALCULATIONS:
 TL #100 1.48 AC
 ROW to Centerline .50 AC
 TL #200 .09 AC
 GROSS ACRES 2.07 AC

HFR-15 DENSITY STANDARDS:
 MINIMUM 21
 MAXIMUM 31
 PROPOSED 14 NEW + 8 EXISTING = 22 TOTAL

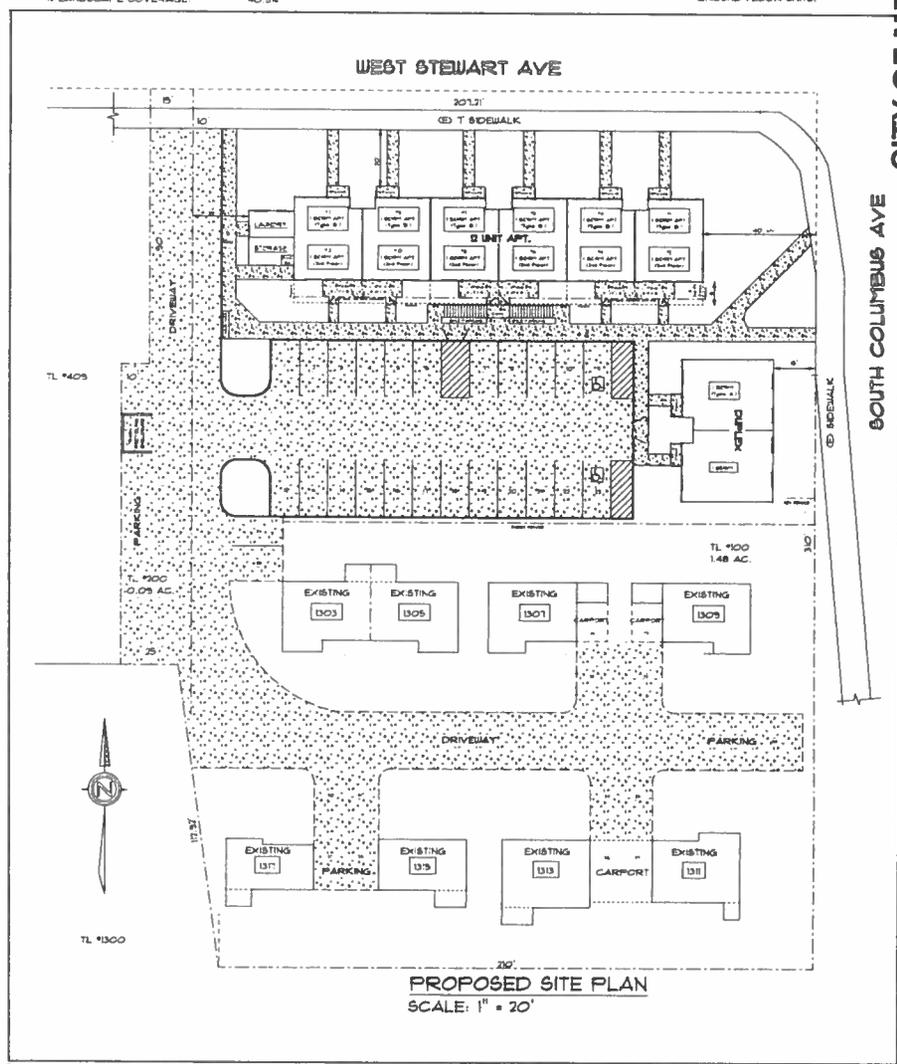
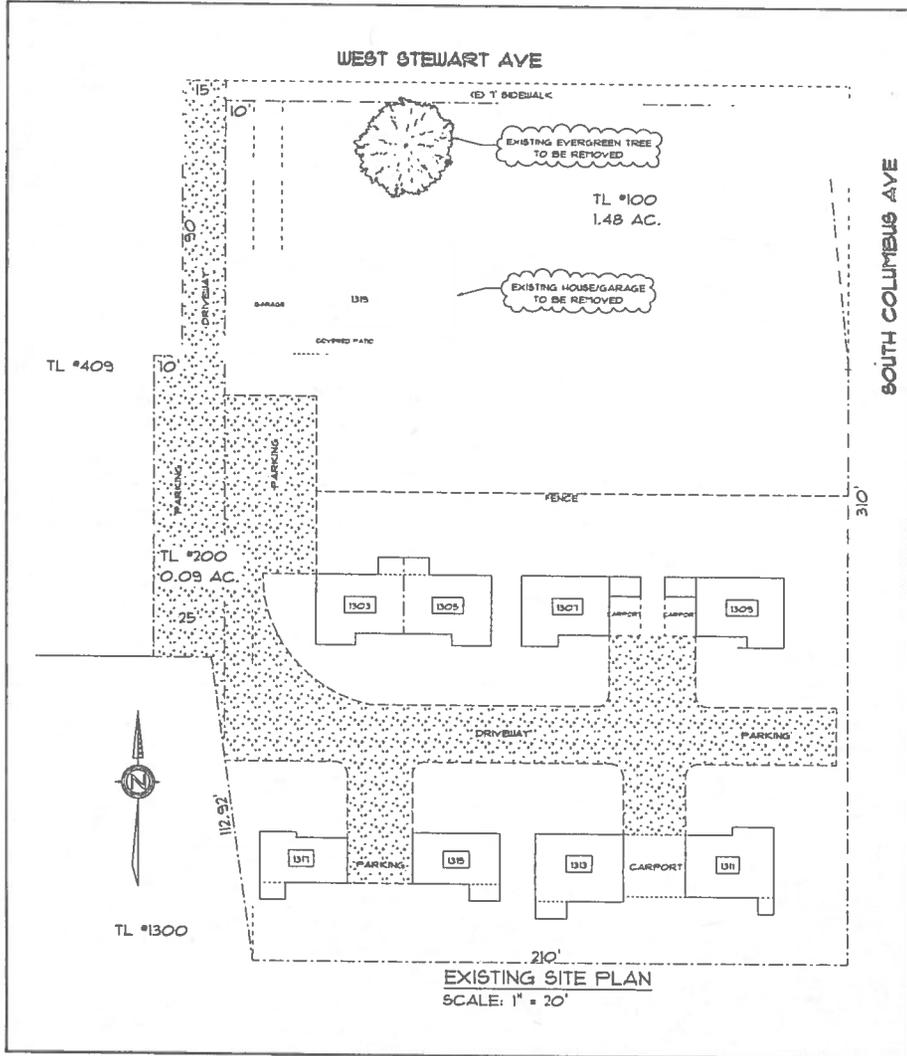
TOTAL SITE AREA: 68,388 SQ. FT.
 NEW APT. & DUPLEX FOOTPRINT: 5,846 SQ. FT.
 EXISTING COTTAGES FOOTPRINT: 5,206 SQ. FT.
 TOTAL BUILDING FOOTPRINT: 11,054 SQ. FT.
 % BUILDING COVERAGE: 16.2 %
 TOTAL PAVED AREA: 23,756 SQ. FT.
 % PAVED COVERAGE: 34.6 %
 ONSITE HARDSCAPE & DECK AREA: 5,781 SQ. FT.
 % HARDSCAPE & DECK COVERAGE: 8.5 %
 LANDSCAPE AREA: 7,787 SQ. FT.
 % LANDSCAPE COVERAGE: 40.5 %

OFF-STREET PARKING DATA

NEW APARTMENT/DUPLEX BLDGS: 23 SPACES PROVIDED INCLUDING 2 ADA STALLS

EXISTING COTTAGE HOUSES: 5 SPACES PROVIDED

- (B) BICYCLE PARKING AREA.
- (B) 5 SPACES PROVIDED UNDER STAIRS FOR UPSTAIR APARTMENT UNITS.
- (B) AT EACH PRIVATE YARD OF GROUND FLOOR UNITS.



PRELIMINARY PLAN
NOT FOR CONSTRUCTION

CITY OF MEDFORD

EXHIBIT #

COLUMBIA CARE CORPORATION L.L.C.

ColumbiaCare Senior Care #20-19-020-CP-19-021

3581 Heathrow Way
Medford, OR 97504

PROPOSED PROJECT:
ColumbiaCare Stewart Avenue
1319 W. Stewart Ave.
Medford, OR 97504

PRELIMINARY SITE PLAN

AO.O

1 OF 3



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 3/13/2019

Revised Date: 4/3/2019

File Number: ZC-19-020/CP-19-021

**PUBLIC WORKS DEPARTMENT STAFF REPORT
1303 – 1319 Stewart Avenue – Zone Change
(TL 100 & 200)**

Project: Request for a minor General Land Use Plan (GLUP) amendment to reclassify two contiguous parcels totaling 1.57-acres.

Location: Located at the southwest corner of Stewart Avenue and South Columbus Avenue, and currently containing nine dwelling units, from Urban Residential (UR) to Urban Medium Density Residential (UM); along with an associated request to rezone the parcels from SFR-10 Single-Family Residential, ten dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) (372W36BC TL100 & 200).

Applicant: Planner, Dustin Severs- Applicant, Columbia Care Services, Inc. – Agent, Richard Stevens & Associates.

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the services and facilities under its jurisdiction meet those requirements. The services and facilities that Public Works Department manages are sanitary sewers within the City's service boundary, storm drains, and the transportation system.

I. Sanitary Sewer Facilities

This site lies within the Rogue Valley Sewer Service (RVSS) area, however, these parcels drain to the City of Medford Sewer Service area. There is capacity in the existing City of Medford sanitary sewer system to allow this Zone Change.

II. Storm Drainage Facilities

This site lies within the Crooked Creek Drainage Basin. The City of Medford has storm drain

facilities in the area.

III. Transportation System

No traffic impact analysis (TIA) will be required for this zone change. The proposed application doesn't meet the requirements for a TIA, per Medford Municipal Code (MMC), Section 10.461 (3).

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

The above report is based on the information provided with the Zone Change 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\ZC only\2019\ZC-19-020_CP-19-021 Stewart Ave at S Columbus Ave (TLs 100 & 200)\ZC-19-020_CP-19-021 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: ZC-19-020/CP-19-021

PARCEL ID: 372W36BC TL's 100 & 200

PROJECT: Request for a minor General Land Use Plan (GLUP) amendment to reclassify two contiguous parcels totaling 1.57-acres, located at the southwest corner of Stewart Avenue and South Columbus Avenue, and currently containing nine dwelling units, from Urban Residential (UR) to Urban Medium Density Residential (UM); along with an associated request to rezone the parcels from SFR-10 Single-Family Residential, ten dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) (372W36BC TL100 & 200). Planner, Dustin Severs- Applicant, Columbia Care Services, Inc. – Agent, Richard Stevens & Associates.

DATE: March 13, 2019

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

CONDITIONS

1. No conditions currently. MWC will Condition this proposed development at the of Site Plan Review.

COMMENTS

1. The MWC system does have adequate capacity is available to serve domestic water to these parcels.
2. Off-site water line installation may be required Columbus Avenue.
3. On-site water facility construction may be required.
4. Static water pressure is approximately 62 psi.
5. MWC-metered water service does exist to this property. There is one (1) ¾-inch water which serves the existing building at 1317-1319 Stewart Avenue, and there is (1) 1-inch water meter which serves existing buildings at 1303-1315 Stewart Avenue.
6. Access to MWC water lines is available. There is an existing 16-inch water line on the north side of Stewart Avenue.

CITY OF MEDFORD
EXHIBIT # I
FILE # ZC-19-020 / CP-19-021
Page 1 of 1

Memo



To: Dustin Severs, Planning Department
From: Mary Montague, Building Department
CC: Applicant, Columbia Care Services, Inc.; Agent, Richard Stevens & Associates
Date: March 13, 2019
Re: ZC-19-020/CP-19-021; Columbia Care Comprehensive Plan & Zone Change

Building Department:

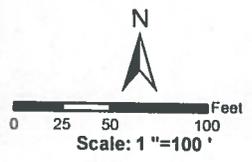
Please Note:

This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.

Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or building@cityofmedford.org.

For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or chad.wiltrout@cityofmedford.org.

1. Building Department has no comments for GLUP Change or Zone Change.
2. There are three expired permits on this property. One at 1307 Stewart Ave for plumbing; one at 1309 Stewart Ave. for Residential Remodel; and one for 1311 Stewart Ave electrical.



Water Facility Map
 City of Medford
 Planning Application:
 ZC-19-020/CP-19-021
 (372W36BC100 & 200)
 February 27, 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 digital addresses compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot be held responsible for any omissions or inaccuracies. There are no warranties, expressed or implied.
 File: 372W36BC100 & 200 Map Water - RS.mxd



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

February 28, 2019

City of Medford Planning Department
200 S. Ivy Street
Medford, Oregon 97501

Re: ZC-18-020/CP-19-021, Columbia Care (372W36BC TL100 & 200)

ATTN: Dustin,

The subject property is within the RVSS service area. There is an 8 inch sewer main along the southern property line of TL 100. Currently, there is adequate system capacity for the proposed zone change. Future development must be reviewed for compliance with RVSS standards.

Please feel free contact me with any questions.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNING\ZONE CHANGE\2019\ZC-19-020, CP-19-021_COLUMBIA CARE.DOC

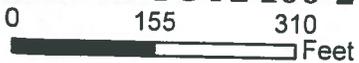


Project Name:

**Columbia Care
 Comprehensive Plan &
 Zone Change**

Map/Taxlot:

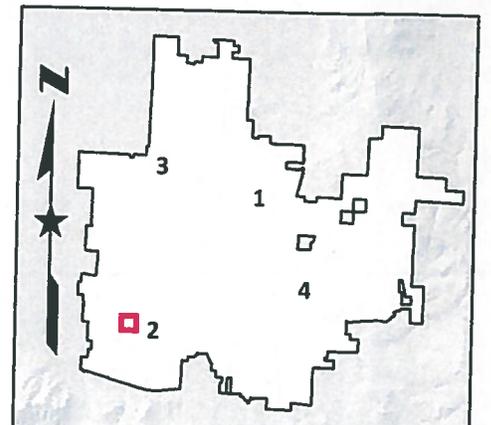
372W36BC TL 100-200



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

02/13/2019



Authority

This proposed plan authorization is a Type IV legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.106(D) and 10.108.

ANALYSIS

The adoption of a new Transportation System Plan was an important part of the Urban Growth Boundary expansion process and was necessary in order to update the citizen's vision for the City's transportation system. The plan outlines a number of goals, objectives, and action items that include incorporating the policies and principles of the plan into the Land Development Code. The proposal to amend the level-of-service standard, cross sections, and legacy street standards are first steps to align the plan and vision with the implementing regulations.

The amendment makes minor changes to the level-of-service regulations as the community standard remains at LOS D but makes an important distinction for two specific intersections identified in the TSP that fall below that standard. The modifications to the cross sections provide new opportunities to realize off road bicycle facilities and buffered bicycle facilities within the higher order street classifications as well as changes in some locations that ensure the safe evacuation of citizens in the event of an emergency. These new preferred standards can be realized as land is developed in the Urban Growth Boundary and as existing higher order streets are reconstructed to accommodate growth, changing demographics and making the community more resilient to disasters. In regards to legacy streets, this new concept provides opportunities to consider road improvements in the context of its surroundings and provide flexibility when determining the dedication of right-of-way.

The amendments were examined with the Planning Commission, Transportation Commission, and the Bicycle and Pedestrian Advisory Committee. Comments received have been discussed and appropriate changes have been made that are relevant to this amendment. The proposed changes are a necessary step to implement the Transportation System Plan.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.218. The criteria are rendered in italics; findings and conclusions in roman type.

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

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

Findings

The proposal addresses three specific topics found in the newly adopted Transportation System Plan. The first is Level-of-Service (LOS) which is a standard that measures the level of operation of an intersection using a graduated scale and is represented as a grade from A to F. It is measured in seconds and defines the average maximum amount of time a vehicle must wait at a stopped controlled intersection (e.g. traffic signal or stop sign) before proceeding. It is measured at a specific point in time when roads and intersections experience the greatest demand either in the morning or evening peak or "rush hour" timeframes.

The City's Level-of-Service standard has been LOS D in the past and continues to be the benchmark in the newly adopted TSP with two exceptions of note. The intersections of Stewart Avenue and South Pacific Highway and Barnett Road and Highland Drive are currently operating at LOS E. Each are unique locations that have existing constraints that make it difficult to find reasonable mitigation measures to improve the LOS at these intersections to the typical LOS D standard. As part of the TSP review, these intersections were discussed with the City Council and a reduced LOS standard was acknowledged with the expectation that the City would continue to evaluate and seek options to improve the performance at these locations.

Currently, the Development Code only discusses LOS in terms of meeting the D or better standard. The proposal will amend the LOS section of the code to reflect these two exceptions. Noting the difference in LOS for these two locations is important so that as development occurs near these intersections, it is clear to both staff and the development community what the baseline standard is and for each intersection to be evaluated accordingly.

The second revision addresses updating the cross sections for each of the various street classifications. For example, the City Council made changes to the regional/major arterial and minor arterial cross sections in the TSP by including a preferred option that separates the bicycle facility off the street and places it next to the sidewalk. The current cross sections in the Land Development Code do not include this preferred option. The proposal carries forward all of the cross sections identified in the TSP and updates the code to reflect the changes. As new streets are constructed, the City will look to these updated cross sections to identify the amount of right-of-way needed, the type of facilities to be built, and the placement of these facilities within the roadway template. Over time, these cross sections will improve the City's built environment and improve the users experience as they navigate the City's roadway network.

The third change incorporates standards for a new concept referred to as legacy streets. Legacy streets are streets that are improved but may be missing bike facilities, right-of-way, sidewalks, planter strips, turn lanes, or other facilities typically found in

the applicable cross-section. Legacy streets are also unimproved streets or alleys that are predominantly surrounded by developed properties that constrain the right-of-way. The City has a diverse roadway system that was built many years ago and some streets may be missing one or more facilities, be constrained by existing development, or built to a former cross section. Based on existing code, the City is required to follow the adopted cross sections in order to determine what improvements are needed as development occurs. Currently, there is very little flexibility afforded to the City in making any adjustments to the cross section. The new legacy street standards will provide a review process for the City to use that looks at the existing conditions and constraints of the right-of-way, evaluates how to incorporate missing facilities (e.g. sidewalk), and provides a structured flexibility to adapt to surrounding conditions and improve the roadway at the same time.

Conclusions

The adoption of the TSP in December outlined action items specific to amending the Land Development Code related to the three topics noted above; level-of-service, cross sections, and legacy streets. Each topic is relevant to development projects and is important to be incorporated into the Land Development Code in order to properly implement the policies of the Transportation System Plan and the vision of the transportation network for the City. 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 proposed code amendment supports the goals and policies found in the newly adopted 2018-2038 Transportation System Plan. Specifically the following goals, objectives and action items are relevant to this project.

GOAL 3 – LIVABILITY – Design and construct transportation facilities to enhance the livability of the City’s neighborhoods and business centers.

Objective 9- The City will balance transportation system objectives to improve mobility against objectives to avoid disruption of existing neighborhoods and nonresidential districts, and minimize impacts to individual properties.

Action Item 9-c: Incorporate context-sensitive street and streetscape design techniques in order to balance the needed street function for all users and modes with the needs of the surrounding built environment. The selected design solution

should take into consideration whether the street is new or an existing "legacy" street.

GOAL 4 – CONNECTIVITY - Achieve connectivity appropriate for planned land uses in the area for all modes which is well connected to the regional system.

Objective 11: The City of Medford will strive to develop and maintain a well-connected transportation system for all modes and users.

Action Item 11-c: Implement street design standards for existing facilities that allow for flexibility and application of alternative street designs where construction of facilities to the City's adopted design standard for new development would not be economically or physically feasible due to existing neighborhood and development constraints.

GOAL 5 – FINANCING – Optimize funding resources so that transportation investments are fiscally sound and economically sustainable.

Objective 16 – Amendments to the land development code and municipal code to implement the TSP shall be targeted for completion within 24 months of TSP acknowledgement.

Action Item 16-a: Modify land use review procedures to allow street cross-section standards to be applied in a flexible manner based on identified criteria or standards. Examples of flexibility may include: adopting multiple street cross-section alternatives for a single functional classification; establishing ranges of improvement widths for specific elements; allowing the elimination or reduction of aesthetic elements where constraints make it appropriate.

Action Item 16-c: Incorporate the legacy street standards into the Land Development Code in order to address future development requirements along these roadways and outline who has the authority to approve deviations.

The Transportation System Plan goals and objectives identify the incorporation of the updated cross sections and legacy street provisions into the Land Development Code so they can be implemented as development occurs along City roadways.

Conclusions

The amendment is relevant to the Transportation System Plan goals, objectives, and action items. 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 February. Public Works Engineering staff has worked closely with Planning staff to review and make suggested changes to the language. Jackson County Roads submitted a letter stating they do not have any comments (See Exhibit B). Medford Fire Department staff provided feedback and a revised graphic related to staggered driveways has been incorporated into the text.

The Department of Land Conservation and Development was e-mailed the draft language in late February. No comments have been received to date.

Conclusions

The City has reviewed and revised the draft language based on comments received from applicable referral agencies. This criterion is found to be satisfied.

3. *Public comments.*

Findings

A draft of the proposed text was e-mailed in February 2019 to a group of 45 citizens, developers, business owners, land use consultants, and non-profit representatives who have requested notification of code amendment projects. No specific comments have been received to date. A follow up to the group will be sent a week prior to the scheduled hearing to provide them with the latest draft and remind them of the hearing schedule for the project.

The Transportation Commission was provided the draft language and presentation at their first meeting on February 27, 2019. Staff met with several commissioners after the meeting to talk about and help answer questions about the amendment. A summary of comments from Commissioner Penland and an e-mail from Commissioner Pulver are attached (see Exhibits C and D). The language was modified in response to both commissioners' questions and comments. The Transportation Commission made a favorable recommendation at their March 20, 2019 meeting regarding the amendment understanding that staff was going to be making final updates.

The Planning Commission met on March 11, 2019, during a noon study session and discussed the proposed amendment with staff (see Exhibit E). Generally, the Commission was in favor of moving the amendment forward and sought clarification on a few topics including the need for an applicant to have to file for an exception if they did not agree with the cross section changes for legacy streets recommended by the City Engineer. Staff has drafted alternatives for the Commission to consider at a study session scheduled for April 8th. Also, there was discussion about clearly stating the regional/major arterial cross section with the separated off-road bicycle facility is the preferred and expected cross section when a new major arterial is being built. Staff has added language to the proposal making this clarification.

The Bicycle and Pedestrian Advisory Committee were presented the amendment at their monthly meeting on March 11, 2019 (see Exhibit F). The Committee discussed several different topics regarding the proposal including the cross section for minor collectors, concerns with the 14 foot sidewalk/shared use path along roadways that have multiple driveways, implementing a mitigation bank or fee-in-lieu system, signage, and measurement of bicycle lanes. Staff has added language providing the flexibility with the minor collector cross section.

The draft language is made available to the public on the City's webpage and two public hearings provide opportunities for the public to provide further comments.

Conclusions

The language was provided to members of the public interested in reviewing code amendments proposed by the City. Three of the City's citizen committee and commissions have been informed about the project and changes have been made to reflect their comments. The public is afforded an opportunity to provide additional comments through the hearing process before the Planning Commission and City Council. This criterion is found to be satisfied.

4. Applicable governmental agreements.

Findings

The City's transportation network in specific locations requires coordination with Jackson County and the Oregon Department of Transportation (ODOT).

The City and County have adopted an Urban Growth Management Agreement to ensure the efficient and orderly development of rural lands to urban lands within the Urban Growth Boundary. The agreement outlines the circumstances in which the City takes over jurisdiction of existing roads at the time of annexation. It also outlines the County's obligations to adhere to the City's structural road section

specifications when the County proposes the construction of new roads or the widening of roads in the City's Urban Growth Boundary and Urban Reserve.

Coordination with the ODOT is not specific to an existing governmental agreement but is relevant when the ODOT is proposing improvements to state facilities within the City's jurisdictional boundaries or when public or private development may cause impacts to state facilities.

Both County and State partners have been informed about the amendment.

Conclusions

Specific and general coordination efforts are in place between the City and County and the City and ODOT related to transportation. The proposed code changes provide consistency with the City's Transportation System Plan and ensure all of the jurisdictions are working under the same parameters. This criterion is found to be satisfied.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the applicable criteria are satisfied, forward a favorable recommendation for approval of DCA-18-179 to the City Council per the staff report dated April 4, 2019, including Exhibits A through F.

EXHIBITS

- A Proposed amendment
- B Letter from Jackson County Roads dated March 14, 2019
- C E-mail summary of meeting with Commissioner Penland
- D E-mail from Commissioner Pulver
- E Planning Commission study session minutes from March 11, 2019
- F Bicycle and Pedestrian Advisory Committee minutes from March 11, 2019 (to be provided)

PLANNING COMMISSION AGENDA: APRIL 11, 2019

10.012 Definitions, Specific.

* * *

Street, improved. A street having an improved paved section including curb and gutter. Improved streets may be considered legacy streets (see legacy street definition).

Street, legacy. A street that is improved, but may be missing bike facilities, right-of-way, sidewalks, planter strips, turn lanes or other facilities identified in the applicable cross-section identified in Article IV, or an unimproved street or alley that is predominantly surrounded by developed properties that constrain the right-of-way.

* * *

10.427 Street Classification System.

(A) Purpose. This chapter establishes a street classification system, as determined in the Transportation System Plan (TSP), applicable to all streets within the City and used to determine right-of-way improvement design standards, ~~unless alternative standards are provided by an adopted Neighborhood Circulation Plan or other special area plan. When Federal~~ It is the intent of the street classification system to:

- (1) Promote the safety and convenience of vehicular, pedestrian, and bicycle traffic;
- (2) Protect the safety of neighborhood residents;
- (3) Protect the residential character of neighborhoods by limiting traffic volume, speed, noise and fumes; and
- (4) Encourage the efficient use of land.

(B) Applicability. All existing and proposed streets within the City shall be identified by classification as follows below. The classification of higher-order streets shall be determined by the Functional Classification Map in the City of Medford ~~Street Functional Classification Plan Map~~ Transportation System Plan (TSP), as amended. All streets (existing or proposed) intended to be within the City of Medford’s jurisdiction shall adhere to the street classifications identified below unless alternative standards are provided by an adopted Zoning Overlay, Neighborhood Circulation Plan, the legacy street standards as established per 10.427(D-E) or other special area plan(s), including, but not limited to, plans contained in the Comprehensive Plan. —The classification of lower-order streets shall be consistent with any adopted Neighborhood Circulation Plan or other special area plan(s), and based upon adjacent zoning, and, in the case of residential streets, the number of dwelling units utilizing the street for vehicular access.

Street Classification

Highway
County, or state facility

Higher-Order Street System
Arterial, Regional, Major or Minor

Collector, Major, ~~Major Alternative~~, or Minor

Lower-Order Street System – Commercial/Industrial
Commercial
Industrial

Lower-Order Street System - Residential
Standard Residential
Minor Residential
Residential Lane

Non-Street Alternatives
Minimum Access Easement
Alley

(C) Street Classification and Cross-Section Development. Following the City Engineer’s discretion, the approving authority shall have the discretion to condition a specific cross-section for a particular development/land use review as it relates to the Medford Land Development Code, Comprehensive Plan, an adopted Neighborhood Circulation Plan, a Transportation Impact Analysis (TIA) and/or safety concerns. Cross-sections are contained in each subsection as identified in 10.428, 10.429, 10.430, 10.430A, and 10.430B. Each street shall contain, unless a legacy street and/or precluded by State or Federal law, access for pedestrian, bicycle, and automobile travel.

(D) Legacy Streets and Street Classification

Existing streets that are improved and do not meet the identified cross section as outlined in Sections 10.428 – 10.430B shall be known as legacy streets. Context-sensitive design of legacy streets shall be required as a condition of land use review/development. Streets with curb and gutter and/or approved through a Transportation Facility Development review process (Type IV land use review) may be considered a legacy street. Unless specified in an adopted Zoning Overlay, Neighborhood Circulation Plan or other special area plan(s), including, but not limited to, a plan(s) contained in the Comprehensive Plan the legacy street standards of 10.427 (D-E) shall apply to all streets that meet the below standards.

Legacy streets generally fall into one or more of **the following** seven categories:

- (1) Facilities exist for all travel modes, but are narrower than the current standard
- (2) Missing vehicle lanes
- (3) Missing center-turn-lanes
- (4) Missing planter strip and/or sidewalk
- (5) Missing bike facilities
- (6) Streets that are mostly improved to an old standard but have unimproved segments
- (7) Existing streets and alleys predominantly surrounded by developed properties on both sides

(E) Developing Legacy Streets and Land Use Reviews

Below are the standards applicable to a land use action(s) considering the development of a legacy street as defined in 10.012 Definitions, Specific.

(1) City Engineer Discretion. When approving authorities are considering conditions of approval, land use findings or other applicable items relevant to legacy street development they shall be subject to the discretion of the City Engineer. A conference with the City Engineer shall be required prior to submitting land use applications containing legacy streets; the City Engineer shall produce a memorandum summarizing the meeting and legacy street standards that would apply to the land use application and this memorandum shall be submitted as an exhibit with the land use application. If an adjustment from the City Engineer's determination is proposed, it shall be subject to the Exception land use review procedures in Section 10.186. Alternatives to this last sentence:

2 - If an adjustment from the City Engineer's determination is proposed, it shall be subject to the Exception land use review procedures in Section 10.186, but shall be exempt from fees and application forms related to the Exception Land Use Process.

3 - If an adjustment from the City Engineer's determination is proposed, it shall be subject to the criteria for an Exception in Section 10.186.

4 - If an adjustment from the City Engineer's determination is proposed, it shall follow the below criteria:

If an applicant affirmatively elects (in writing) to propose a roadway cross section different of what was determined necessary by the City Engineer it shall be left to the discretion of the approving authority to determine the roadway needs for the applicable legacy street. The approving authority may approve a land use application, as it relates to a legacy street, if it can find that the proposal conforms, or can be made to conform through the imposition of conditions with the following criteria:

-The requested adjustment to the legacy street standards will allow the project to achieve an equivalent or higher quality roadway than would otherwise result through the strict adherence to the legacy street standards and shall provide for pedestrian, bicycle, and vehicle travel.

- The requested adjustment to the legacy street standard will not increase safety hazards or increase delay as it relates to level-of-service.

5 - If an adjustment from the City Engineer's determination is proposed, deviations may be approved by the approving authority. The City Engineer has the ability to request review by the City Council if there are concerns over the modifications approved by the review body.

(2) Legacy Street Standards. Requirements of legacy streets may include street improvements, right-of-way (ROW) dedication, off-site improvements or rejection of the aforementioned improvements. The below standards for legacy street development, independently of each standard below, shall apply when applicable. As used below, "back of sidewalk" shall refer to the end of the required ROW moving away from the street centerline to the edge of the sidewalk

opposite of the street; the distance from the sidewalk the right-of-way shall be from the aforementioned edge shall be a half-foot (1/2') in residential zones and adjacent to the sidewalk in all other zones.

When the City Engineer is considering a legacy street the following shall apply:

(a) If existing facilities for all modes of travel exist on an improved street but are narrower than the current standard; then no street improvements or right-of-way dedication shall be required. Sidewalk reconstruction and right-of-way dedication shall be required if needed to meet ADA requirements along the frontage of the development.

(b) If the street is improved but is missing auto travel lanes, then right-of-way dedication sufficient to accommodate missing lanes shall be required at the time of development. No physical improvements of less than a full block length (See table 10.426-1) shall be required as it relates to 10.427(E)(2)(b).

(c) If the street is improved but is missing the center-turn-lane, then right-of-way dedication sufficient to accommodate turn lanes shall be required for properties within 200 feet of an intersection of a collector or arterial. ~~The 200 feet is measured from the subject property to the inside edge of the intersection right-of-way.~~ -If the property is greater than 200 feet from a collector or arterial intersection, no right-of-way shall be required. No physical improvements shall be required as it relates to 10.427(E)(2)(c). The 200 foot measurement may be modified at the discretion of the City Engineer with applicable analysis.

(d) If the street is improved but is missing planter strip or sidewalk, then sidewalk and planter strip construction shall be required by development. The planter strip width may be reduced or eliminated to fit the area context and surrounding roadways. Right-of-way dedication shall be reduced to the back of sidewalk.

(e) If the street is improved but is missing bike facilities, then alternatives in the priority listed below shall be required. Right-of-way dedication shall be determined by the City Engineer, consistent with the alternatives identified below. When an alternative is applicable, right-of-way dedication shall be reduced to the back of sidewalk or shared use path. When determining the applicability of 10.427(E)(5) it shall be done as identified below:

(i) Alternative routes via local streets or off-street paths as identified in the Transportation System Plan (TSP) shall be used.

(ii) When a bicycle project is identified in the TSP right-of-way dedication consistent with the project description shall be required.

(1.) When a 14 foot sidewalk (used as a shared-use path) is identified as a bicycle facility alternative the width may be reduced to no less than 10 feet where there are existing structures or utility infrastructure.

(f) If the street is mostly improved and between two higher order street intersections, then unimproved sections may be built to match the abutting cross section at the City Engineer's discretion. Right-of-way dedication, or the lack thereof, shall be provided in accordance with the existing built cross-section.

(g) If the existing street or alley is predominantly surrounded by developed properties, then cross-sectional elements and/or right-of-way dedication may be reduced

in width or eliminated at the City Engineer's discretion, to avoid existing structures and/or development, in the priority order listed below:

- (i) Planter strip width reduction
- (ii) Planter strip elimination
- (iii) Parking lane elimination
- (iv) Bike lane buffer area reduction or elimination
- (v) Bike Lane narrowing or elimination
- (vi) Center turn lane elimination (except at higher-order intersections)
- (vii) Lane or alley narrowing

Bike Lane narrowing or elimination

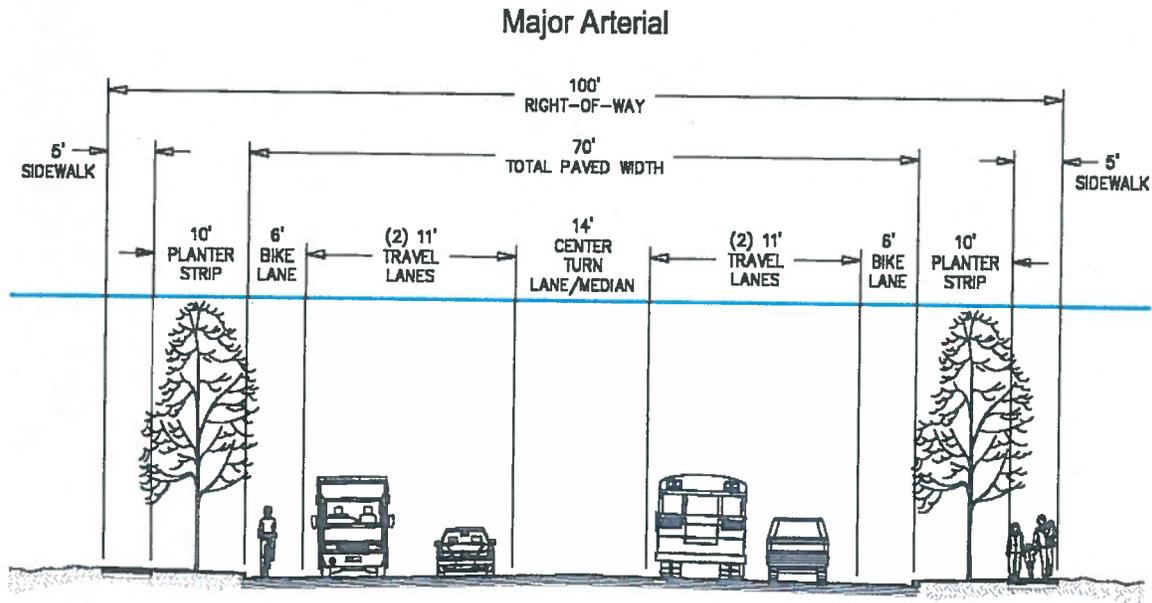
- (viii) Center turn lane elimination at higher-order intersections

(F) Pedestrian Crossings and Improvements for All Streets.

The City Engineer shall evaluate the existing pedestrian crossings for the entire length of the street and determine if new or upgraded crossings are warranted to be installed by the developer based on the impacts of the proposed development. Pedestrian crossings may include the installation of rapid flashing beacons, mid-block cross walks, pedestrian islands, or other safety measures determined to be necessary for the safety of pedestrians on the street.

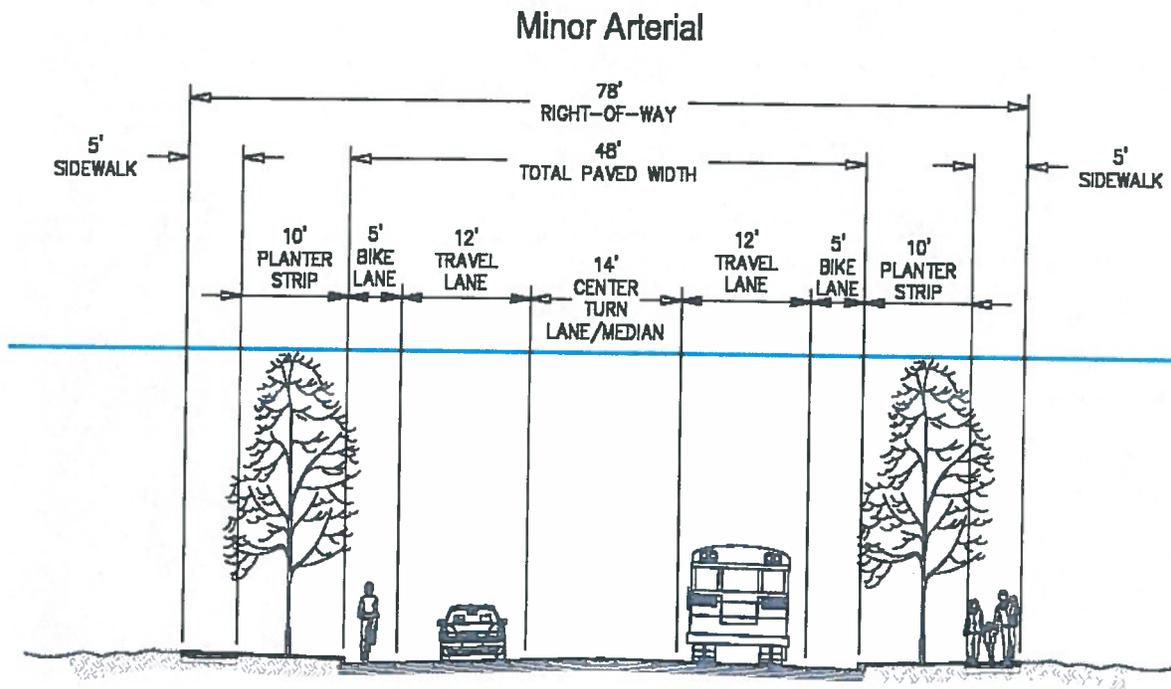
10.428 Higher-Order Street Classification System.

All higher-order (major) streets within the City are classified in one of the following categories:

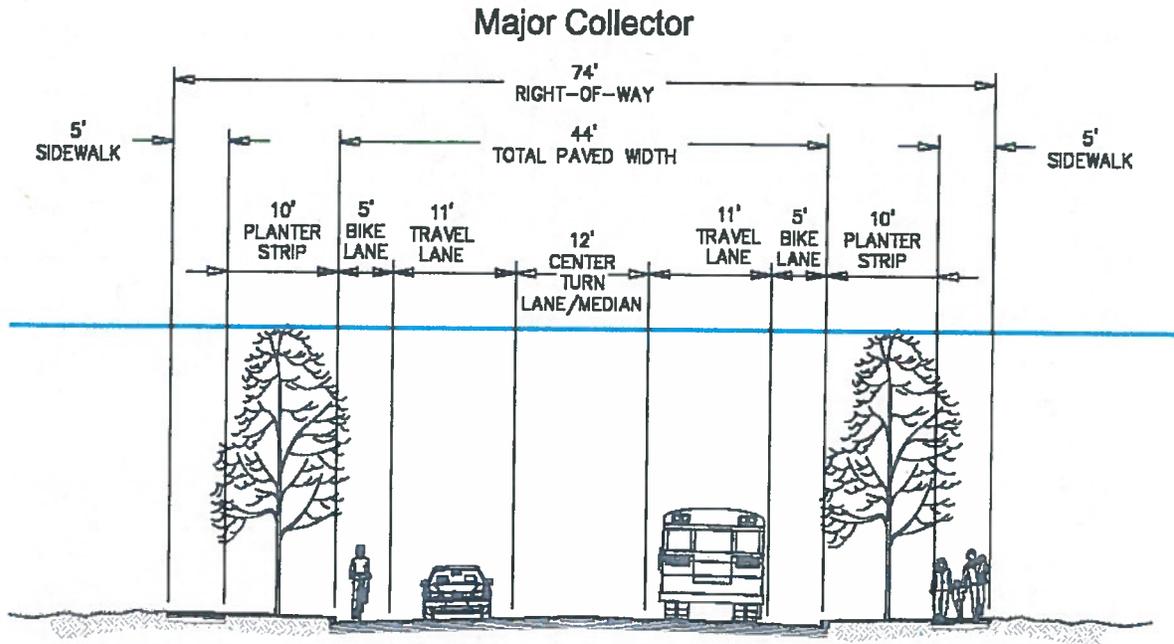


(1) Major Arterial. A higher-order street that carries heavy traffic volumes to and from collectors and other arterials, with most being traffic traveling through the urban area. Access is the most limited of any City street. The major arterial cross-section includes two (2) travel lanes and a six-

foot (6') wide bicycle lane in each direction, with a fourteen-foot (14') raised median or left turn lane, sidewalks, and planter strips. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. In the downtown or in other transit-oriented districts, street designs, including sidewalk width, planter strip use, and lane widths and numbers, may be adjusted through an adopted plan or code standards to create a "main street" like atmosphere.

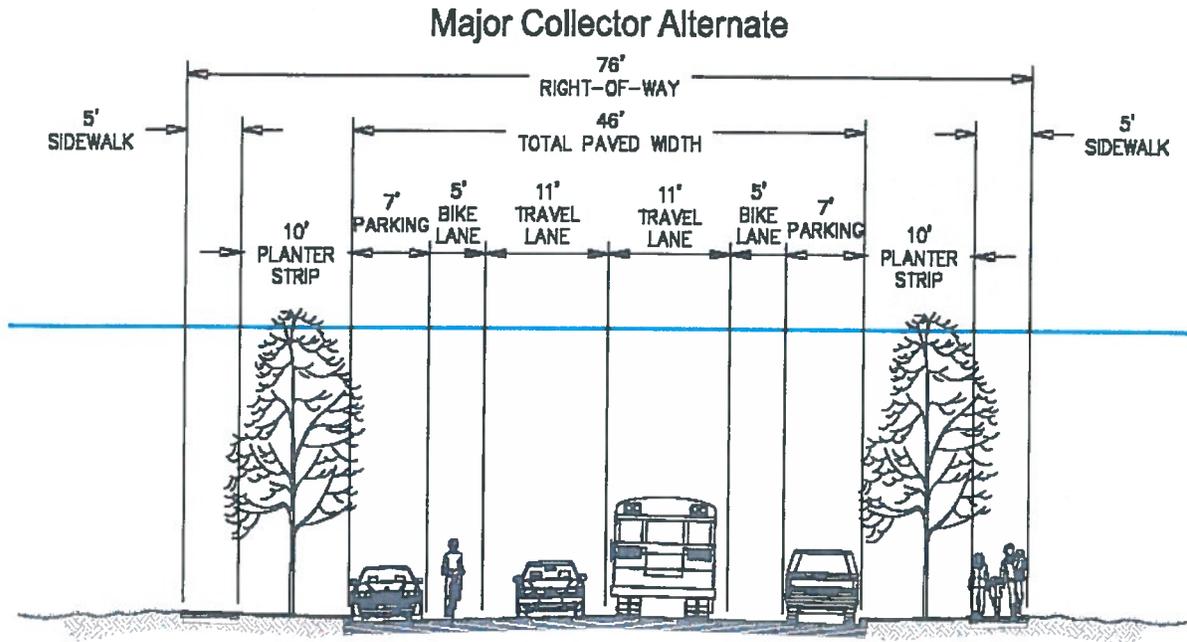


(2) Minor Arterial. A higher-order street that carries heavy traffic volumes, with most being traffic traveling within the urban area, and often connects two major arterials. The minor arterial street design is used where traffic volumes are high, but where there is limited room for street widening, or in the downtown or other transit-oriented districts, where a narrower roadway may be desirable. Access to minor arterial streets is very limited. Minor arterial cross sections have a single travel lane and a five-foot (5') wide bicycle lane in each direction, with a raised median or left turn lane, sidewalks, and planter strips. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. In the downtown or in other transit-oriented districts, street designs, including sidewalk width, planter strip use, and lane widths may be adjusted through an adopted plan or code standards to create a "main street" like atmosphere.



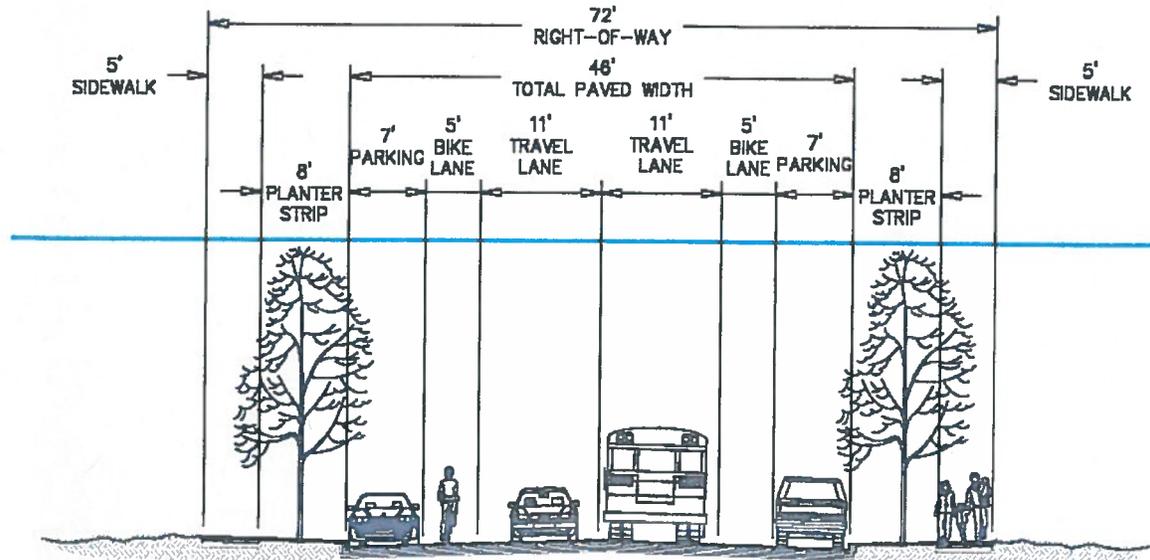
(3) Major Collector:

A higher order street that links arterial and lower order streets, and serves both access and traffic mobility functions. The major collector street cross section includes one (1) travel lane and a five-foot (5') wide bicycle lane in each direction, with a median or left turn lane, sidewalks, and planter strips. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. In the downtown or in other transit-oriented districts, street designs, including sidewalk width, planter strip use, and lane widths, may be adjusted through an adopted plan or code standards to create a "main street" like atmosphere. Individual residential driveway access for new development is not permitted on a major collector street if other reasonable means of access is available.



~~(4) Major Collector Alternative. On street parking is normally prohibited on major collector streets, except where included in an adopted neighborhood plan, neighborhood circulation plan, or transit-oriented districts. The Major Collector Alternative design includes on street parking, and does not have a median or center turn lane.~~

Minor Collector



(5) Minor Collector. A higher-order street that extends through neighborhoods, linking residential traffic on local streets with other collectors and arterial streets, and upon which a greater emphasis is placed on direct access, as compared with major collector streets, which have greater emphasis on through-traffic movement. The minor collector cross-section includes one (1) travel lane and a five-foot (5') wide bicycle lane in each direction, with sidewalks, and planter strips. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. An on-street parking lane is included on each side of the street. In the downtown or in other transit-oriented districts, street designs, including sidewalk width, planter strip use, and lane widths may be adjusted through an adopted plan or code standards to create a "main street" like atmosphere.

(A) Regional Arterial and Major Arterial Description. The Regional Arterial and Major Arterial classifications are primarily used for roadways with high traffic volumes and regional connections. Regional Arterials have the same cross-section as Major Arterials, but are intended to have greater access control to facilitate the movement of regional traffic. Both these classifications correspond to the Federal Highway Administration (FHWA) Other Principal Arterial classification. Arterials are higher-order facilities that are generally intended to connect to several collector roadways or provide links to higher order interstate or highway facilities. One-hundred feet of right-of-way is required for Major Arterials to allow construction of a five-lane roadway section, bicycle facilities, and detached sidewalks with a planter strip.

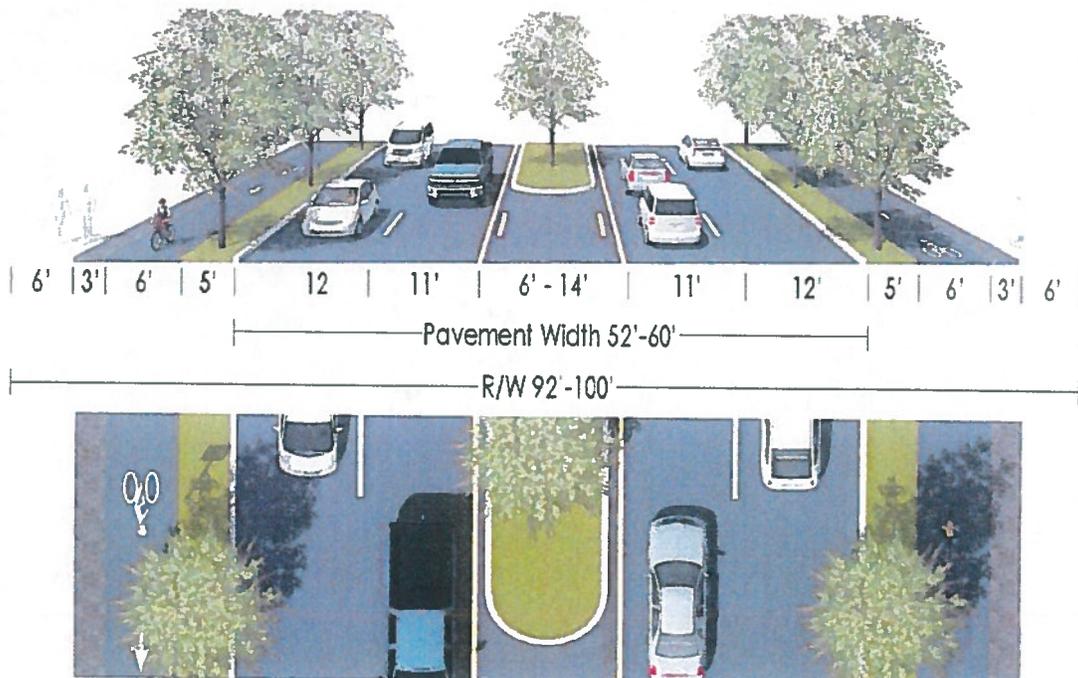
If a new regional or major arterial is built then the cross section with the separated bicycle facilities under number 1 below shall be used. For existing regional and major arterials, the use of this same cross section shall be evaluated first before considering the other cross sections for this roadway classification. An applicant shall justify to the approving authority why the use of either of the other two cross sections is being requested.

Where right-of-way is constrained on existing roadways, flexibility may be provided to allow modifications, consistent with the Legacy Street standards in 10.427. The width of the planter strip is measured from the face of curb to the edge of the sidewalk. Additionally, the median lane can be reduced to six feet if a 2-foot wide raised median is built and is compatible with the area context and surrounding roadways as determined by the City Engineer.

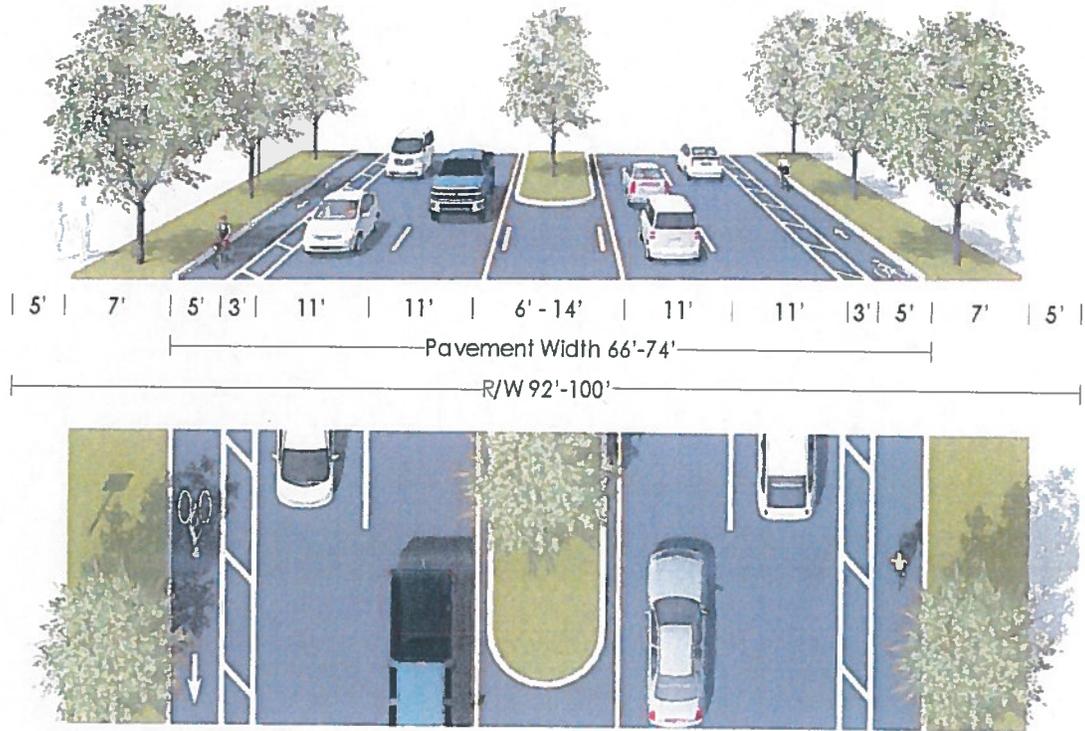
Examples of Regional Arterials in the City of Medford include N. Phoenix Road and Foothill Road while examples of Major Arterials include roads such as McAndrews Road and Barnett Road.

Regional, Major Arterial Cross-Sections. The following are the major/regional arterial cross-sections:

(1) Regional Arterial, Major Arterial, with Separated Bicycle Lanes. For use along regional and/or major arterial roadways when new and/or unimproved.



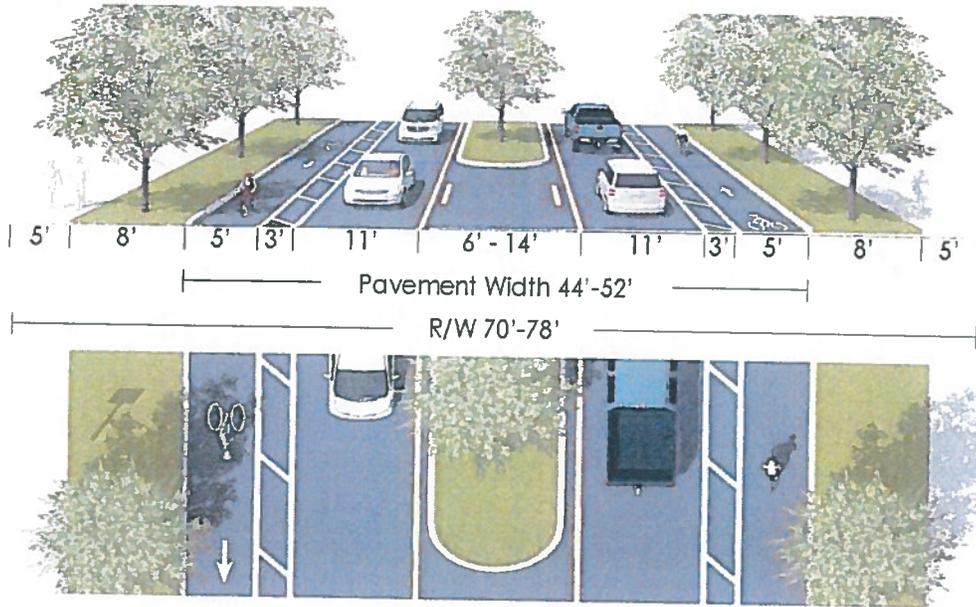
(2) Regional Arterial, Major Arterial, with Buffered Bicycle Lanes. For use along regional and/or major arterial roadways at the approving authority's discretion.



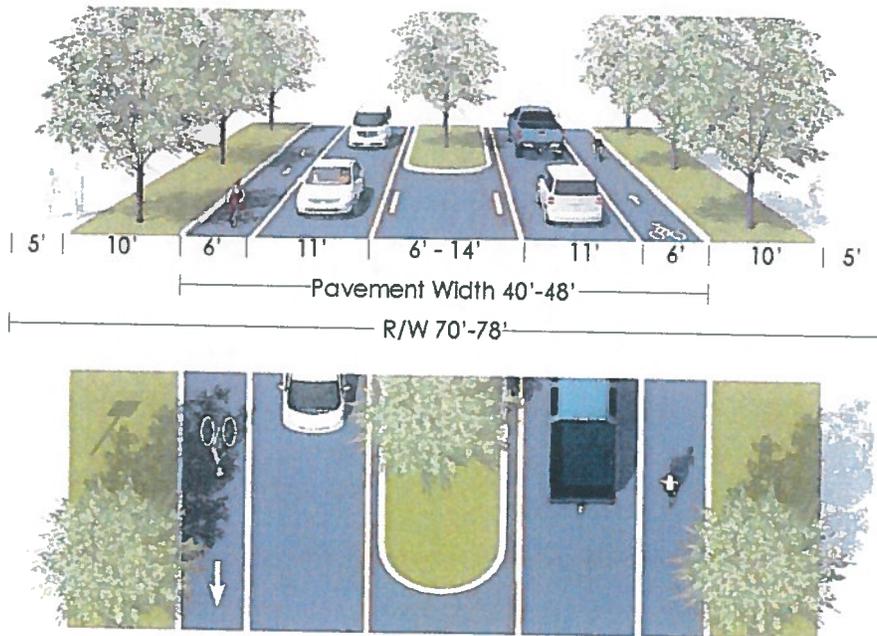
(3) Regional Arterial, Major Arterial, with Standard Bicycle Lanes. For use along regional and/or major arterial roadways with right-of-way constraints and with approving authority approval.



(2) Minor Arterial, with Buffered Bicycle Lanes. For use along minor arterial roadways at the approving authority's discretion.



(3) Minor Arterial, with Standard Bicycle Lanes. For use along minor arterial roadways with right-of-way constraints and with approving authority approval.

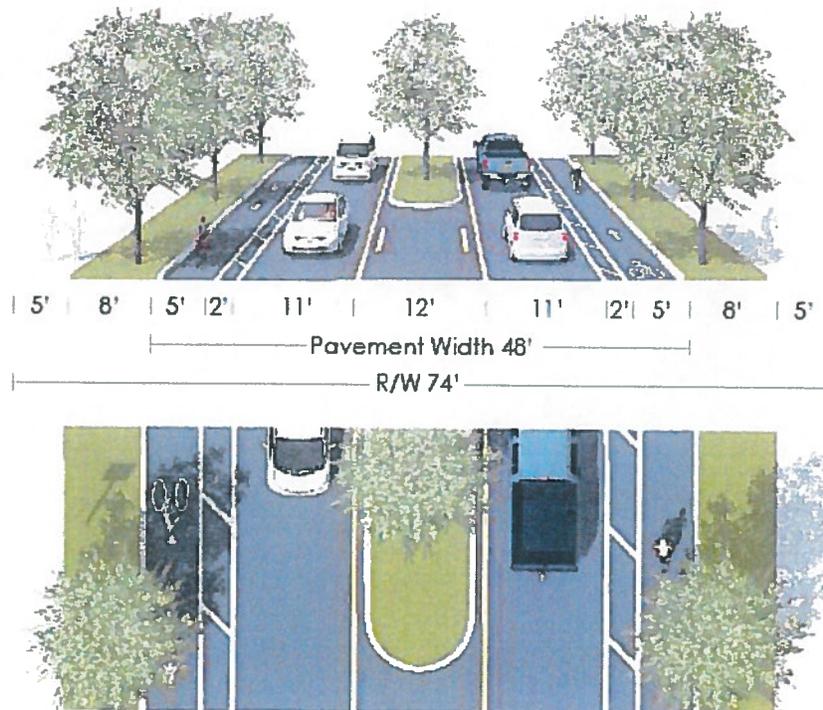


(C) Major Collector Description. The Major Collector classification is used for streets that link arterial and lower-order streets and serve moderate traffic volumes. Collectors serve both mobility and access functions with a three-lane roadway section, bicycle lanes, and detached sidewalks with a landscaped planter strip. Within this classification on-street parking is not provided. Where right-of-way is constrained on existing roadways, flexibility may be provided to allow modifications, consistent with the Legacy Street standards in 10.427. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. ~~In the downtown or in other transit-oriented districts, S~~street designs, including sidewalk width, planter strip use, and lane widths, may be adjusted through an adopted plan or **modified** code standards to create a “main-street” like atmosphere **in locations such as downtown or transit-oriented districts**. If designated as an Evacuation Route, per the Functional Classification Map in the adopted TSP, no raised median shall be constructed in the center turn lane.

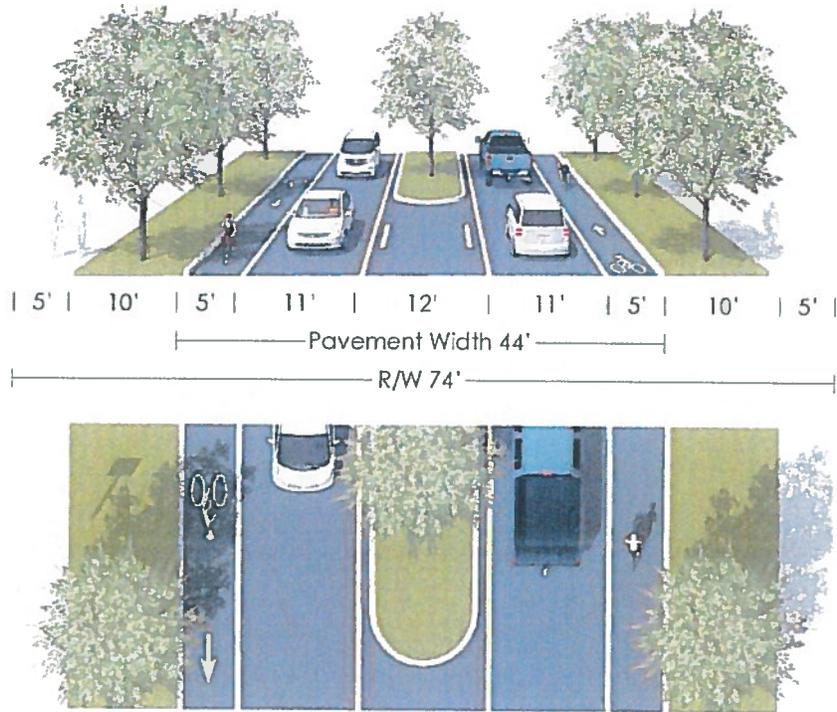
Examples of Major Collectors in the City of Medford include Lozier Lane, Hillcrest Road, Siskiyou Boulevard, Black Oak Drive, and Springbrook Road.

Major Collector Cross-Sections. The following are the major collector cross-sections:

(1) Major Collector, with Buffered Bicycle Lanes. For use along major collector roadways when new and/or unimproved.



(2) Major Collector, with Standard Bicycle Lanes. For use along major collector roadways at the approving authority's discretion.



(D) Minor Collector Description. Minor Collectors place a greater emphasis on access than throughput as compared to major collectors and serve relatively low traffic volumes. Most Minor Collectors run through neighborhoods and link residential streets to higher-order collectors and arterials. This classification includes a similar paved width to major collectors but includes on-street parking and no center turn lane. Where right-of-way is constrained on existing roadways, flexibility may be provided to allow modifications, consistent with the Legacy Street standards in 10.427. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. ~~In the downtown or in other transit-oriented districts, s~~Street designs, including sidewalk width, planter strip use, and lane widths, may be adjusted through an adopted plan or ~~modified~~ code standards to create a “main-street” like atmosphere ~~in locations such as downtown or transit-oriented districts.~~

~~For the construction of new minor collectors or reconstructing existing streets, the City Engineer is authorized to evaluate reconfiguring this cross section. Reconfiguration may include:~~

- ~~(i) Switching the locations of the bicycle facility and the parking lane and adding buffers to protect the bicyclist and the person entering and existing the vehicle;~~
- ~~(ii) Physically separating the bicycle facility with a barrier from the parking lane; or~~
- ~~(iii) Separating the bicycle facility off the roadway entirely.~~

~~Sight distance at intersections and clear line of sight for bicyclists shall be incorporated into the design. This may require removing parking stalls near intersections. The installation of parking lanes shall be evaluated based on the surrounding uses on the street and determined to be appropriate for the location.~~

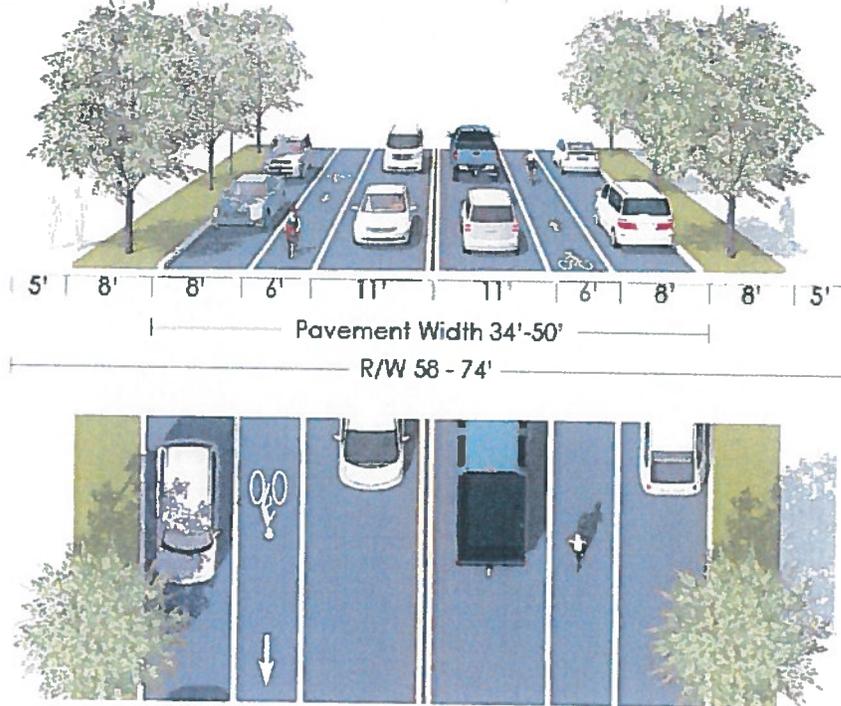
Special Note:

- (i) Parking is not eligible for SDC credits, and is constructed at the developer’s expense; and
- (ii) The range in pavement width accounts for the possibility of no on-street parking. When no on-street parking is constructed, right-of-way widths shall be adjusted.
- (iii) The location of on-street parking and the bike lane may be switched to provide relief to bicyclist. Discretion shall be left to the approving authority.

Examples of Minor Collectors in the City of Medford include Oregon Avenue, Dakota Avenue, Holly Street and S. Oakdale Avenue.

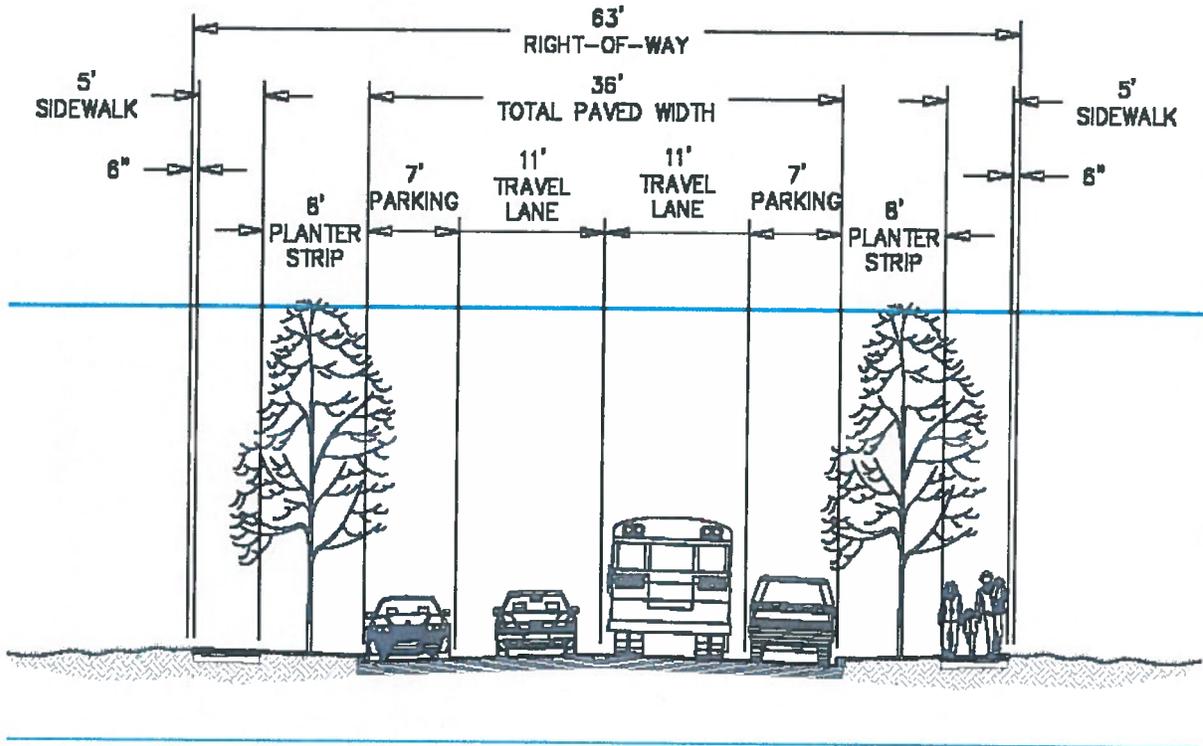
Minor Collector Cross-Section. The following is the minor collector cross-section:

(1) Minor Collector with Standard Bicycle Lanes. For use along minor collector roadways when new and/or unimproved.

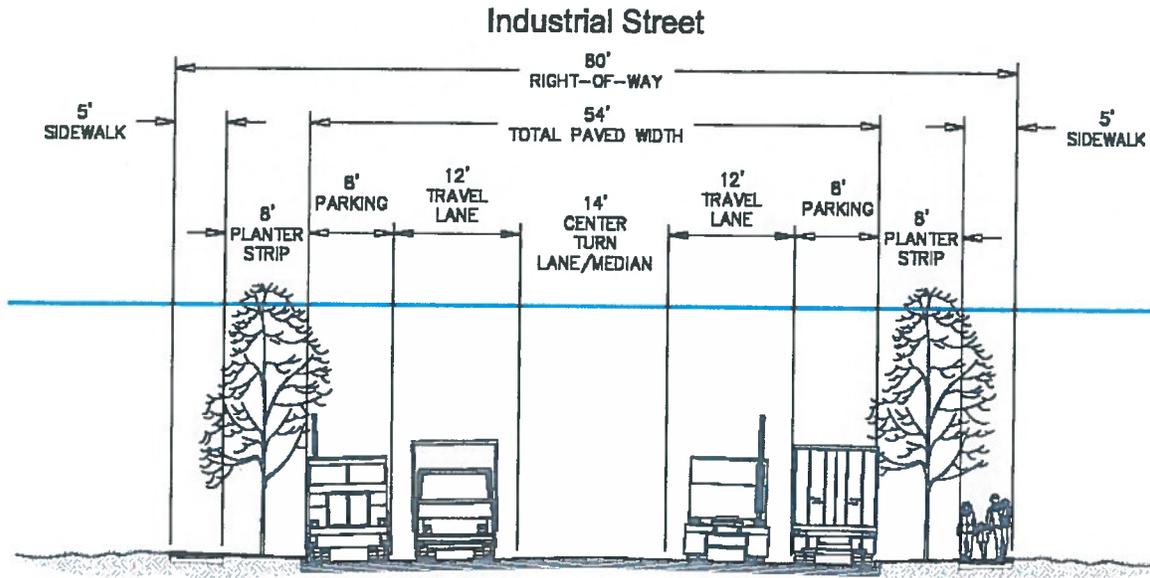


10.429 Lower-Order Commercial/Industrial Street Classification System.

Commercial



~~(1) Commercial Street. A lower order street that is within or abutting a commercial zoning district. Commercial streets are intended to provide frontage and direct access for commercial uses. The commercial street cross section includes one (1) travel lane and an on street parking lane in each direction, with sidewalks and planter strips. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. Sidewalk width and planter strip use may be adjusted through an adopted plan or code standards to create a “main street” like atmosphere.~~



(2) Industrial Street.

A lower order street that is within or abutting an industrial zoning district. Industrial streets are intended to provide frontage and direct access for industrial uses. The industrial street cross-section includes one (1) travel lane and an on street parking lane in each direction with a center turn lane, sidewalks, and planter strips. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk.

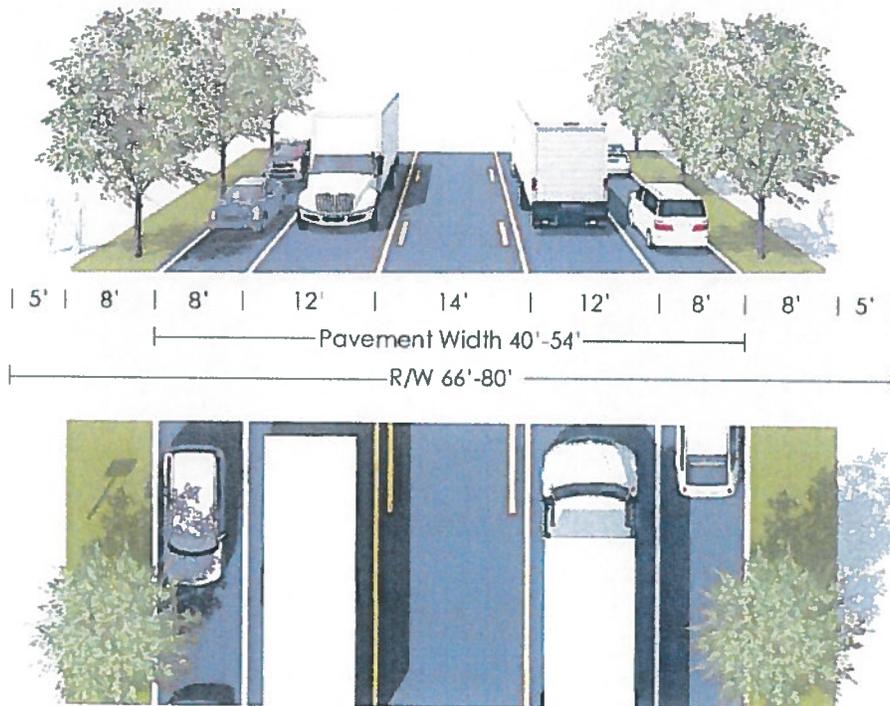
(A) Industrial Street Description. The Industrial Street classification is used for local streets within or abutting industrially zoned lands. Industrial streets provide frontage and direct access to industrial uses and link them to collectors and arterials to facilitate mobility for vehicles and goods. This designation provides wider travel lanes and a center turn lane/median to accommodate heavy trucks. Industrial Streets also provide on-street parking, sidewalk, and planter strips on both sides of the street. This cross section is an option for industrially zoned lands when the commercial street standard is not adequate for the expected volume of truck traffic. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk.

Special Note:

- (i) Left-turn lane may be omitted at the developer’s request with approval from the City Engineer.

Industrial Street Cross-Section. The following is the industrial street cross-section:

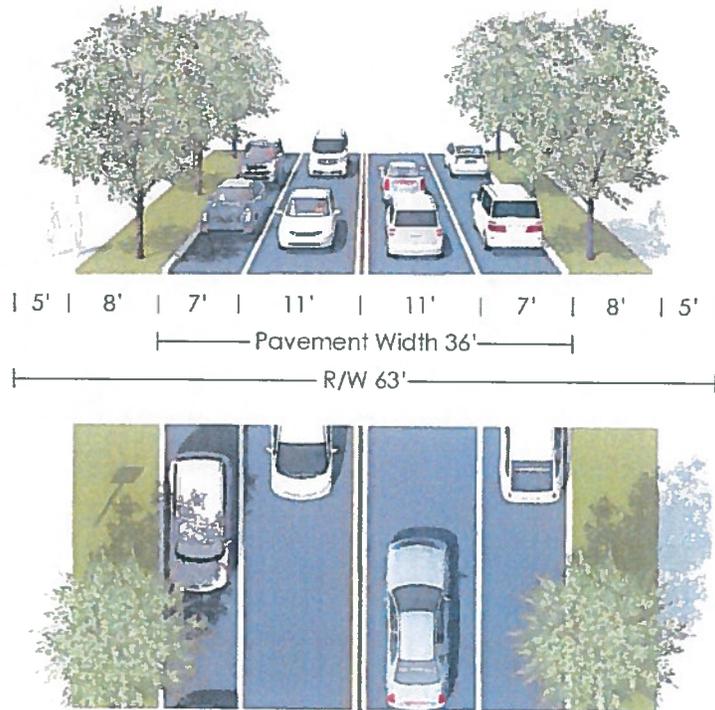
(1) Industrial Street with 8-foot Parking Lane. For use along industrial streets serving primarily industrial land uses, secondarily commercial land uses.



(B) Commercial Street Description. The Commercial Street classification is a local street that is intended to provide frontage and direct access to land uses within a commercially zoned district. Commercial streets link downtown and commercial centers with other parts of the City and provide vehicular and pedestrian mobility and access by providing one travel lane and on-street parking in each direction with a sidewalk and planter strip on both sides. The Municipal Code allows for adjustments in sidewalk width and planter strip use to create a “main street” atmosphere. The Commercial Street classification can also be used for industrially zoned lands where lower volume truck traffic is expected. This section is identical to Standard Residential, but the parking lane may be striped. Six inches of right-of-way is to be provided behind the sidewalks. The width of the planter strip is measured from the face of curb to the edge of the sidewalk.

Commercial Street Cross-Section. The following is the commercial street cross-section:

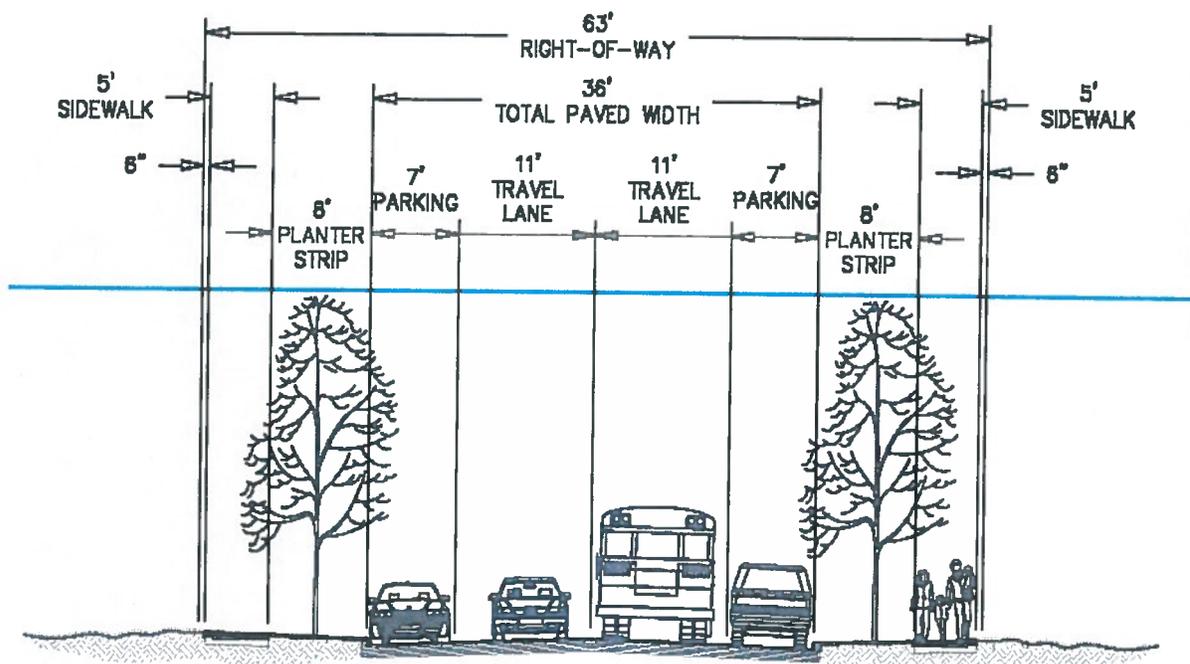
(1) Commercial Street with 7-foot Parking Lane. For use along commercial streets serving primarily commercial land uses, secondarily residential land uses.



10.430 Lower-Order - Residential Street Classification System.

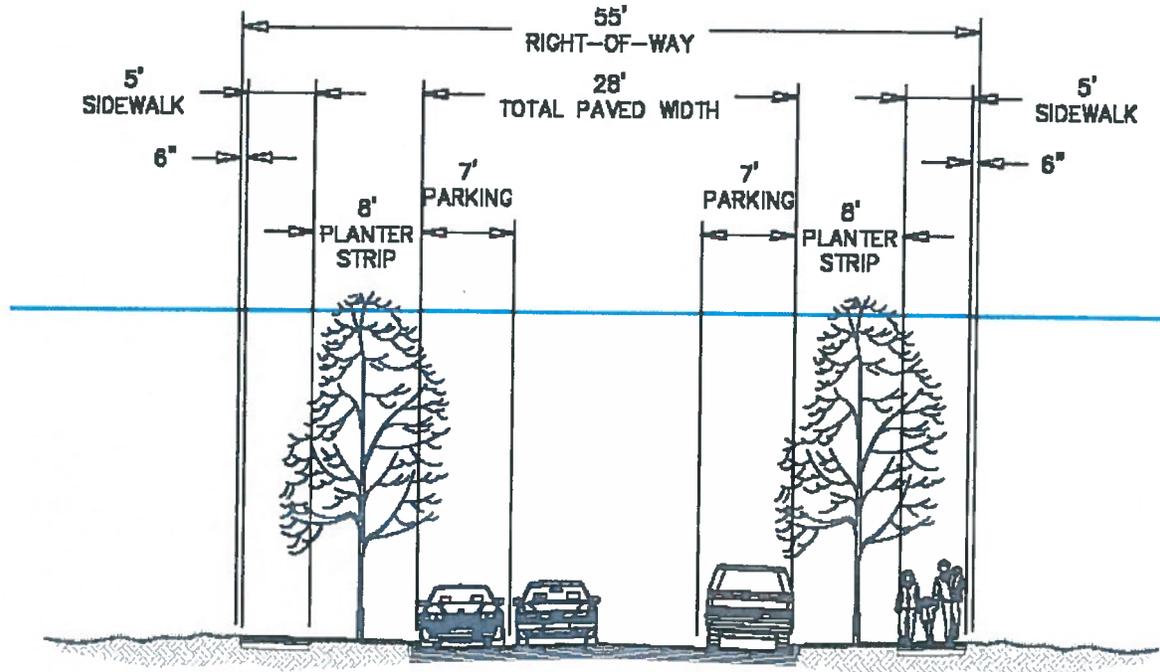
Residential streets conduct local traffic to collector and arterial streets at relatively low traffic volumes and speeds and provide important direct land access to individual parcels. There are three (3) categories of residential streets as follows:

Standard Residential



(1) Standard Residential Streets. A street which provides direct access to immediately adjacent residentially zoned land and connections between collector street and minor residential streets. Design requirements for a standard residential street include two (2) travel lanes with on-street parking, sidewalks, and planter strips on both sides. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk.

Minor Residential



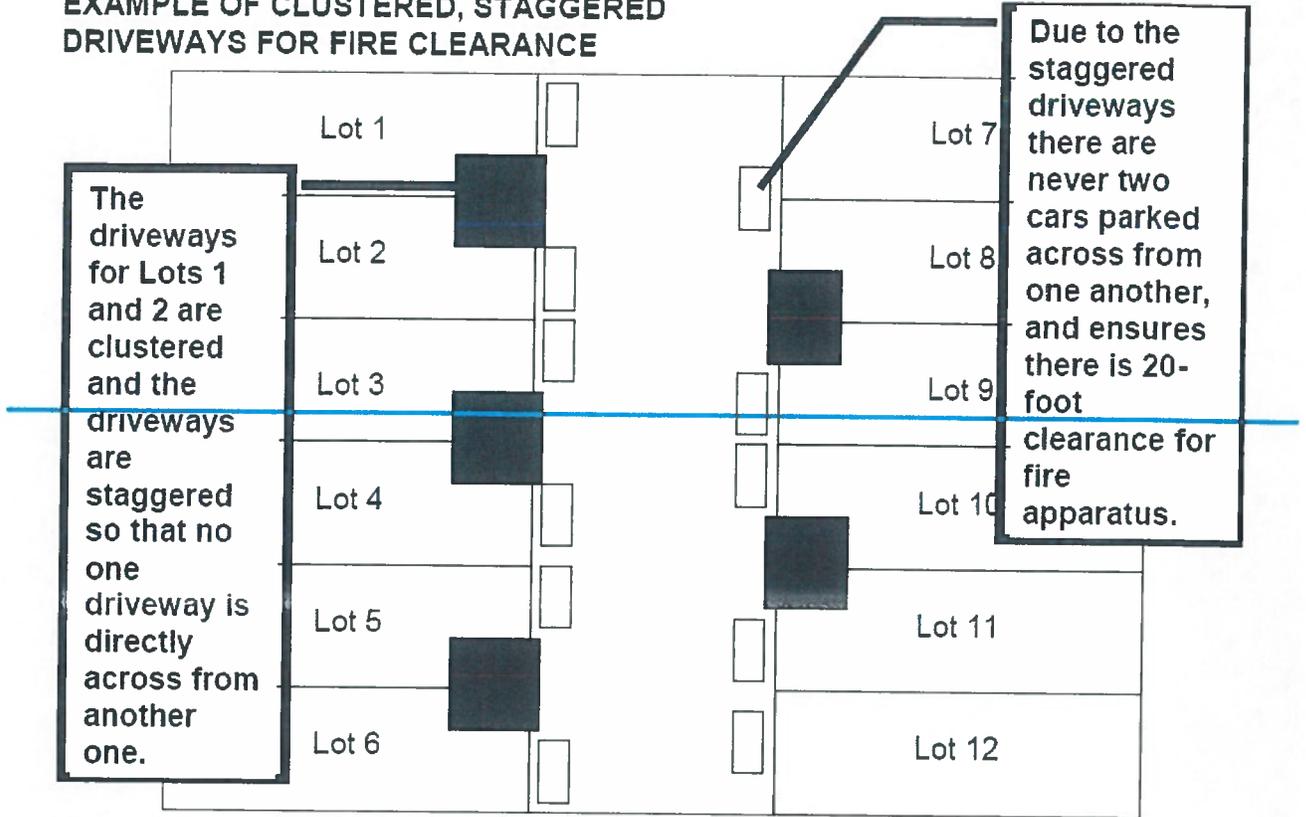
~~(2) Minor Residential Streets. A street which provides direct access to immediately adjacent residentially-zoned land and neighborhood street connectivity, and which serves up to one hundred (100) dwelling units. On-street parking is provided on both sides of the street. Design requirements for a minor residential street include two (2) travel lanes with sidewalks and planter strips on both sides. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the developer shall choose from one of the following design options:~~

~~(a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250 feet.~~

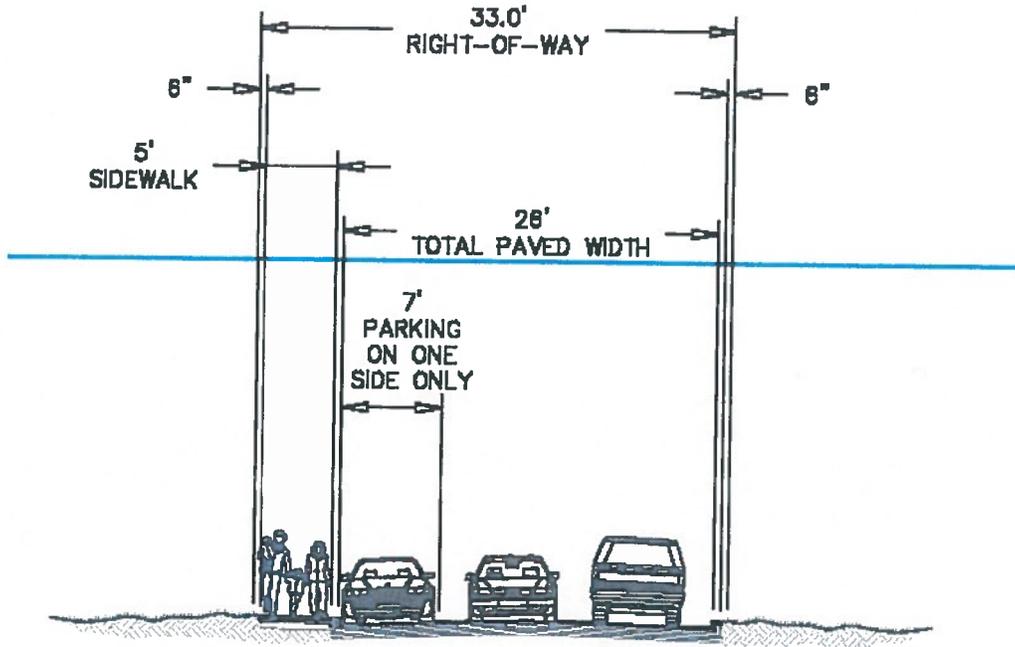
~~(b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500 feet.~~

~~(c) Total paved width of 33 feet with five and a half (5 ½) foot planter strips.~~

EXAMPLE OF CLUSTERED, STAGGERED DRIVEWAYS FOR FIRE CLEARANCE



Residential Lane

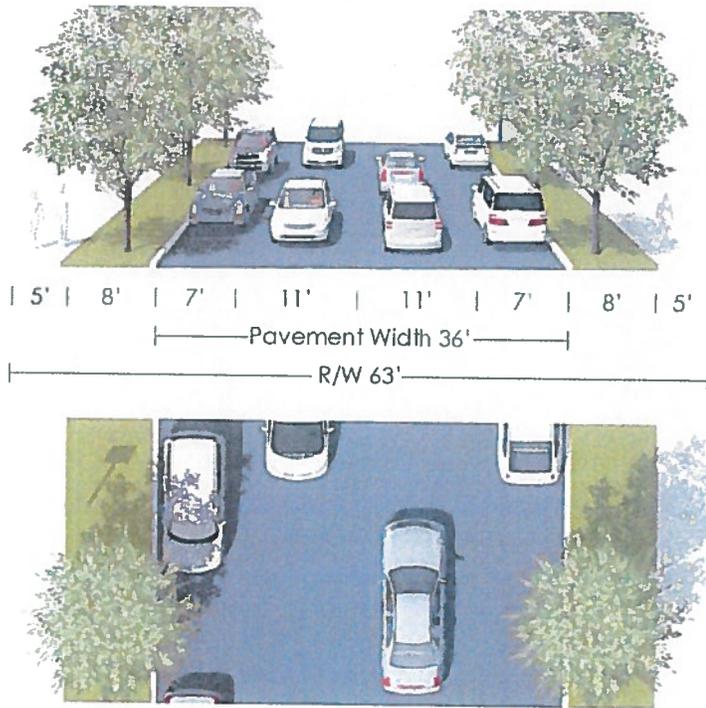


~~(3) Residential Lane. A street having the sole function of providing direct access to immediately adjacent residentially zoned land, and upon which a maximum of eight (8) dwelling units take access. A residential lane is a short street (no more than 450 feet in length) with a single travel lane, and parking on one side. Sidewalks shall be provided on the parking side of the street, and planter strips are not required. Those residential lanes that are not through streets shall terminate in a standard cul-de-sac that complies with Section 10.450.~~

(A) Standard Residential Street Description. Standard residential street classification is a local street that prioritizes access over throughput and generally serves less than 2,500 vehicles per day. The standard residential street classification is the highest of the residential roadway classifications, connecting neighborhoods to collector roadways. This designation provides one travel lane and on-street parking in each direction with a sidewalk and planter strip on both sides. Typical volumes and speeds on Standard Residential streets are low enough to accommodate shared use of travel lanes between bicyclists and motorists. Six inches of right-of-way is to be provided behind the sidewalks to accommodate property survey monumentation. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk.

Standard Residential Street Cross-Sections.

(1) Standard Residential Street. For use along standard residential roadways.



(B) Minor Residential Street Description. A street which provides direct access to immediately adjacent residentially zoned land and neighborhood street connectivity; and which serves up to one hundred (100) dwelling units. On-street parking is provided on both sides of the street. Design requirements for a minor residential street include two (2) travel lanes with sidewalks and planter strips on both sides. The width of the planter strip is measured from the face of curb to the front edge of the sidewalk. Those minor residential streets that are not through streets shall terminate in a standard cul-de-sac that complies with Section 10.450. In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the ~~developer~~ applicant shall choose from one of the following design options:

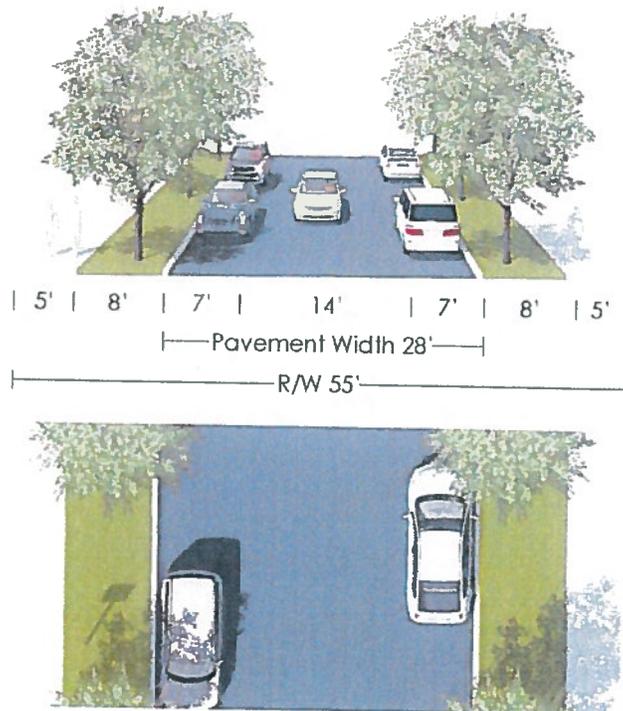
~~(a)~~ (1) Clustered, offset (staggered) driveways (for an example see 10.430(C) ~~example~~) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet shall be provided. The Fire Department shall approve the design of offset/staggered driveways.

~~(b)~~ (2) All dwellings that front and take access from minor residential streets shall ~~to~~ be equipped with a residential (NFPA 13D) fire sprinkler system; and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 500-feet.

~~(c)~~ (3) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.

Minor Residential Street Cross-Sections.

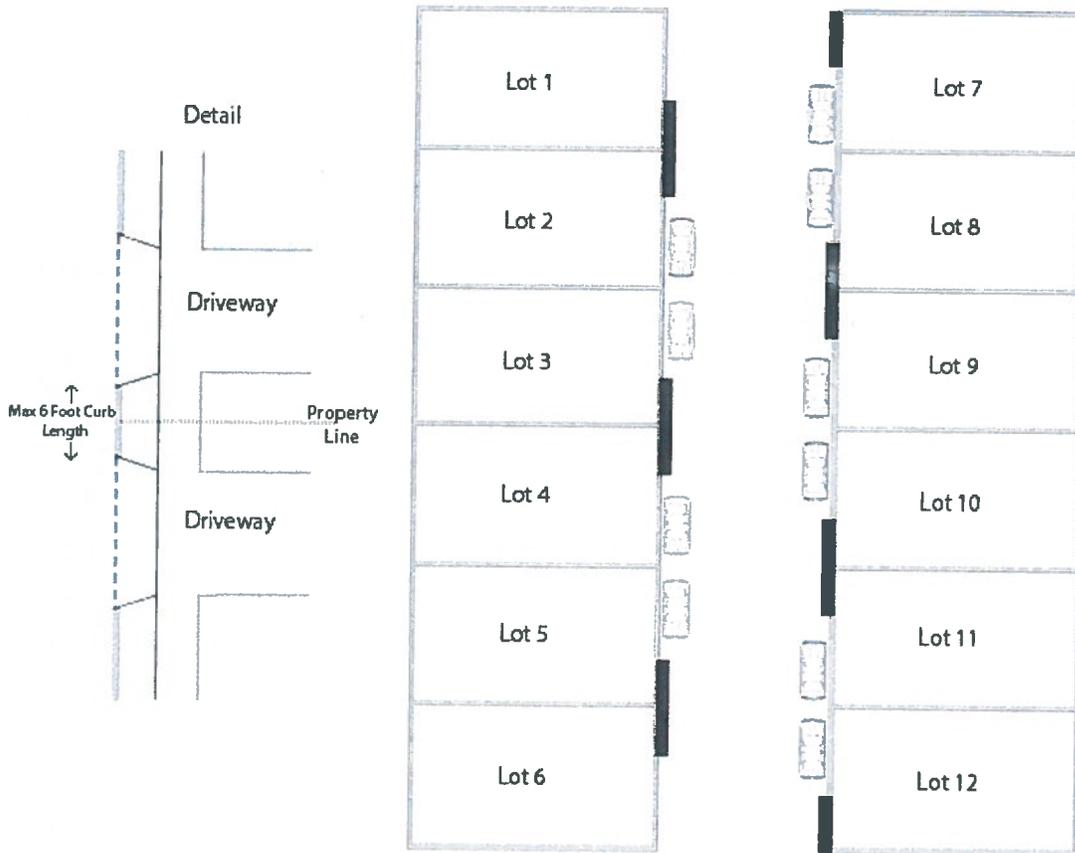
(1) Minor Residential Street. For use along minor residential roadways.



(C) Minor Residential Street Driveway Clustering/Staggering

To ensure a minimum 20 foot clearance for access of a fire apparatus (i.e. fire-truck), along minor residential streets, and allow for the ability to have a setup area in an emergency event driveways shall be clustered and/or staggered. The image below represents how clustering/staggering can be accomplished. Lots 1 and 2, 3 and 4, 5 and 6, 8 and 9, and 10 and 11 are clustered together. The clustered driveways are offset on the opposite side of the street; in other words, clustered driveways shall not be directly across from another cluster.

Clustered/Offset Driveways



Not to Scale

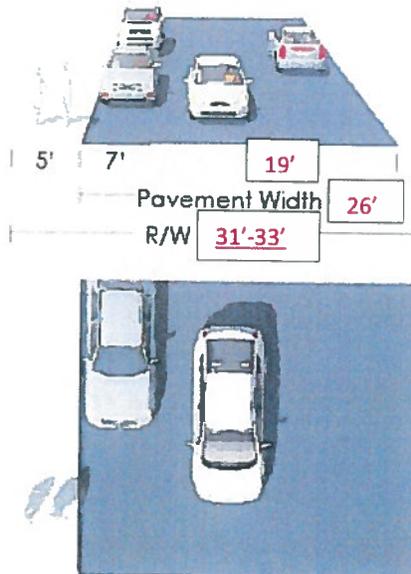
(C) Residential Lane Description. Residential Lanes are the lowest order of the local residential facilities. These roads can serve a maximum of 8 residences and extend no more than 450 feet. Those residential lanes that are not through streets shall terminate in a standard cul-de-sac that complies with Section 10.450. Six inches of right-of-way is to be provided behind the sidewalks or curb if no sidewalk is present. The right-of-way width provides for future sidewalks and landscape strips on both sides of the roadway. Sidewalks shall be provided on the parking side of the street, and planter strips are not required.

Special Note:

- (i) Additional two feet of right-of-way is required for drainage behind the curb with no sidewalk when the road is on the outside border of a development. The additional two feet are not required when street is internal to the development and there is a Public Utility Easement (PUE) behind the curb.

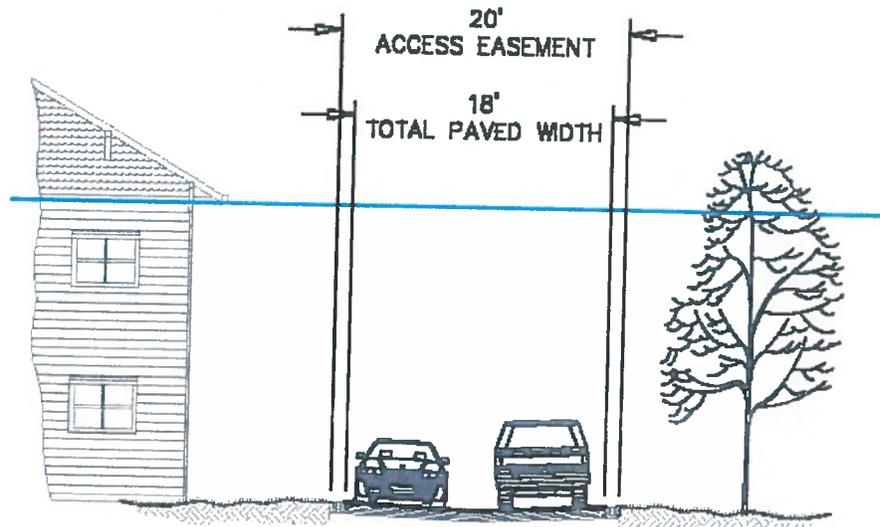
Residential Lane Cross-Sections.

(1) Residential Lane. For use along residential lane roadways.



10.430A Non-Street Alternatives.

Minimum Access Easement (Private)



(A) Minimum Access Easements, General. There are two types of minimum access easements a minor and a major. An easement containing a shared driveway having the sole function of providing direct access to immediately adjacent residentially zoned land. Minimum access easements differ from residential lanes and public streets in that they are privately maintained.

Special Note:

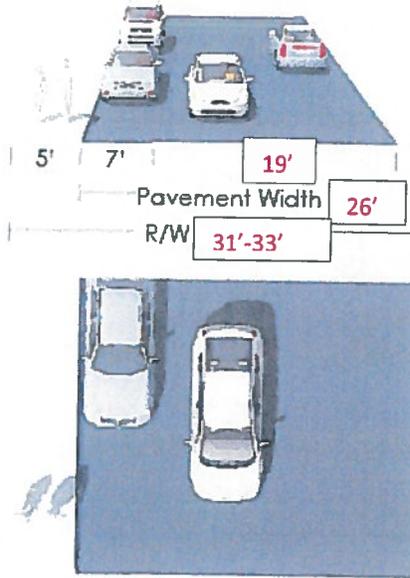
- (i) Public Utility Easements (PUE), when required, may be underneath the pavement of a minimum access easement.

The associated descriptions and cross-sections can be seen below.

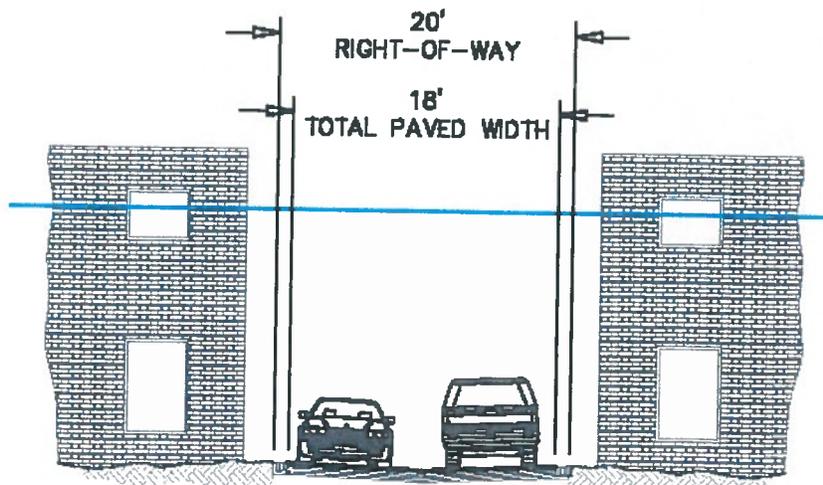
(1) Minor Minimum Access Easement. An easement containing a shared driveway having the sole function of providing direct access to immediately adjacent residentially zoned land, and upon which a minimum of two (2) and maximum of three (3) dwelling units (not including Accessory Dwelling Units-ADU's) take access. A minor minimum access easement must meet the minimum driveway turnaround standards in Section 10.746(11). Minor ~~M~~minimum access easements are permitted subject to Section 10.450. A minor minimum access easement does not have sidewalks or planter strips. No parking is permitted on a minor minimum access easement. A minor minimum access easement is considered a street for purposes of meeting lot frontage requirements, and for setback purposes. Therefore, a minor minimum access easement creates street side yards and corner lots. A minor minimum access easement does not create a through lot.



(2) Major Minimum Access Easement. An easement containing a shared driveway having the sole function of providing direct access to immediately adjacent residentially zoned land, and upon which a minimum of four (4) and maximum of eight (8) dwelling units (not including Accessory Dwelling Units-ADU's) take access. A major minimum access easement must meet the minimum driveway turnaround standards in Section 10.746(11). Parking is allowed on one side of a major minimum access easement except in dedicated fire department turn-around areas. Major minimum access easement are permitted subject to Section 10.450. A major minimum access easement is considered a street for purposes of meeting lot frontage requirements, and for setback purposes. Therefore, a major minimum access easement creates street side yards and corner lots. A minimum access easement-major does not create a through lot.



Alley

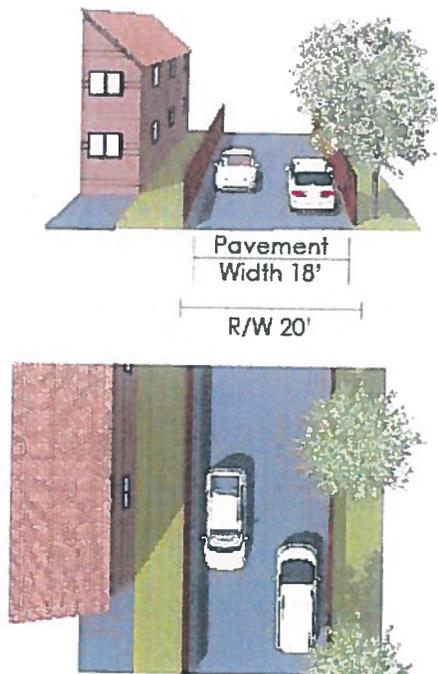


(2) (B) Alley

(1)A. Private alley: A private right-of-way, that is not a street, designed for primary or secondary means of access to abutting property, and which may or may not provide passage through blocks from street to street. Parcels abutting a private alley must also front on a street as defined herein, but not necessarily take primary motor vehicle access from a street.

(2)B. Public alley: A public right-of-way, that is not a street, designed for primary or secondary means of access to abutting property, and with passage from street to street. Parcels abutting an alley must also front on a street as defined herein, but not necessarily take primary motor vehicle access from a street.

(3)C. Standards: Alleys shall have a minimum width of twenty feet (20'), with a curb radius of not less than fifteen feet (15') at an intersection with a street. Parking within an alley is only permitted subject to a permit issued for service vehicles pursuant to Section 6.340. If an existing alley is unpaved and a property owner wants to develop their property and use the alley for access, and this results in an increase in the average daily trips (ADTs) in the alley, then the property owner shall pave the alley from their property to the nearest paved intersecting street.



10.430B Standards Applicable to All Streets.

Table IV-1 sets forth general standards for all types of City streets. The application of these standards is set forth above.

Table IV-1
Medford Street & Non-Street Alternatives Cross-Sections Dimensions

Functional Classification	Features/Dimensions (Each Direction)					Left Turn Lane/Median**	Total Paved Width	Total Right-of-Way Width
	Travel Lane	Bike Lane (Buffer Width)	On-Street Parking	Sidewalk	Planter Strip ‡			
Regional & Major Arterial	44'	6'	None	5'	10'	14'	70'	100'
(w/ Separated Bicycle Lanes)	11-12'	6'(3')	None	6'	5'	6'-14'	52'-60'	92-100'
(w/ Buffered Bicycle Lanes)	11'	5'(3')	None	5'	7'	6'-14'	66'-74'	92-100'
(w/ Standard Bicycle Lanes)	11'	6'	None	5'	10'	6'-14'	62'-70'	92-100'
Minor Arterial	42'	5'	None	5'	10'	14'	48'	78'
(w/ Separated Bicycle Lanes)	12'	6'(3')	None	6'	5'	6'-14'	30'-38'	70'-78'
(w/ Buffered Bicycle Lanes)	11'	5'(3')	None	5'	8'	6'-14'	44'-52'	70'-78'
(w/ Standard Bicycle Lanes)	11'	6'	None	5'	10'	6'-14'	40'-48'	70'-78'
Major Collector	44'	5'	None	5'	10'	12'	44'	74'
Alternative	44'	5'	7'	5'	10'	None	46'	76'
(w/ Buffered Bicycle Lanes)	11'	5'(2')	None	5'	8'	12'	48'	74'
(w/ Standard Bicycle Lanes)	11'	5'	None	5'	10'	12'	44'	74'
Minor Collector	11'	5-6'	7-8'	5'	8'	None	46-34'-50'	72-58'-74'
Commercial Street	11'	None	7'	5'	8'	None	36'	63'
Industrial Street	12'	None	8'	5'	8'	14'	40'-54'	66'-80'
Standard Residential	11'	None	7'	5'	8'	None	36'	63'
Minor Residential (See 10.430(B2) for	11-14'	None	7'	5'	8'	None	28' ***	55'

Functional Classification	Features/Dimensions (Each Direction)					Left Turn Lane/ Median**	Total Paved Width	Total Right-of-Way Width
	Travel Lane	Bike Lane (Buffer Width)	On-Street Parking	Sidewalk	Planter Strip *			
design options.)								
Residential Lane	17' <u>19'</u>	None	7' One Side	5' One Side	None	None	26' ***	31' <u>to 33'</u>
<u>Minor Minimum Access Easement</u>	18'	None	None	None	None	None	18'	20'
<u>Major Minimum Access Easement</u>	19' <u>21'</u>	<u>None</u>	<u>7'</u> <u>One Side</u>	<u>5'</u> <u>One Side</u>	<u>None</u>	<u>None</u>	26' <u>28'</u>	33' <u>34'</u> 36'
Alley	18'	None	None	None	None	None	18'	20'

~~Note 1: These street standards apply to new or reconstructed streets under the jurisdiction of and maintained by the City of Medford. Jackson County and ODOT have their own street design standards that are applicable to facilities under the jurisdiction of and maintained by those agencies.~~

~~Note 2: See the Central Business (C-B) District Overlay and adopted specific or Neighborhood Circulation Plans for exceptions to these standards.~~

~~* A pedestrian pad may be required in the right of way at bus stops to ensure ADA compliance. A pedestrian pad is at minimum a four-foot (4') wide area between the bus stop and curb where a bus ramp would be deployed. Planter strips may be eliminated in areas with greater pedestrian activity (such as Downtown or in transit-oriented districts) to provide up to fifteen (15) feet of walking area, including a "furniture zone" for utilities, benches, trees and other streetscape components.~~

~~** Raised medians shall be installed with turn bays as necessary. Traffic analysis shall be conducted to determine the need for turn bays and required vehicle storage length.~~

~~*** Street width numbers are not additive. When vehicles are parked on both sides of the street, travel lane width is effectively reduced to accommodate only a single vehicle at any one time.~~

10.431 Street Improvement.

All new street improvements required as a condition of development shall be improved to the standards set forth in this chapter unless otherwise specified herein or excepted as per Section 10.186. For purposes of this section, the term new street shall be defined as an unimproved street or existing street which does not have curb and gutter and/or meet the cross-sections per 10.428, 10.429, 10.430, 10.430A, and 10.430B.

(A) Street Improvements and Transit Facilities

(1) A pedestrian pad may be required in the right-of-way at bus stops to ensure ADA compliance. A pedestrian pad is at minimum a four-foot (4') wide area between the bus stop and curb where a bus ramp would be deployed. Planter strips may be eliminated/interrupted in areas with greater pedestrian activity (such as Downtown or in transit-oriented districts, per the TSP) to provide up to fifteen (15) feet of walking area, including a "furniture zone" for utilities, benches, trees and other streetscape components.

(B) Street Improvements and Dedications for City-Owned Parkland

~~(1) Street improvements and right-of-way dedications shall be found by the Planning Commission to be reasonably associated with impacts caused by the park necessary for service to the park.~~

~~(2) The requirements for street utility improvements, associated with a land division for City-owned parkland, may be deferred to the time of a Park Development Review application. A final plat of the land division may proceed in advance of such required improvements. Any lots created that are not intended for park purposes shall comply with the dedication and improvement provisions.~~

(C) Street Improvements and Turn Bays.

~~(1) Raised medians shall be installed with turn bays as necessary. Traffic analysis shall be conducted to determine the need for turn bays and required vehicle storage length.~~

* * *

10.451 Additional Right-of-Way and Street Improvements.

Whenever an improved arterial or collector street are abutting or within a development and do not meet current City Standards, ~~only~~ additional right-of-way and improvements, as per Table IV-1 in Section 10.430B10.427, shall be required as a condition to the issuance of a development permit, unless otherwise occupied by structures in which case only a partial dedication will be required.

* * *

10.462 Maintenance of Level of Service D.

Whenever level of service (LOS) is determined to be below ~~level D~~ the target listed in Table IV-2 for arterials or collectors, development is not permitted unless the developer makes the roadway or other improvements necessary to maintain level of service ~~D~~ respectively. See Table IV-2 below for description of service levels. Level of service criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode. The following are the level of service standards for intersections in the City of Medford.

TABLE IV-2
SERVICE INTERSECTION LEVELS OF SERVICE FOR ARTERIAL AND COLLECTOR STREETS

	Typical Traffic Flow Conditions
Service Level A Barnett Road & Highland Drive	Relatively free flow of traffic with some stops at signalized or stop sign controlled intersections. Average speeds would be at least 30 miles per hour. The volume to capacity ratio would be equal or less than 0.60. LOS E
Service Level B South Pacific Highway (Hwy 99) & Stewart Avenue	Stable traffic flow with slight delays at signalized or stop sign controlled intersections. Average speed would vary between 25 and 30 miles per hour. The volume to capacity ratio would be equal or less than 0.70. LOS E
Service Level C Citywide (unless otherwise listed)	Stable traffic flow but with delays at signalized or stop sign controlled intersections to be greater than at Level B but yet acceptable to the motorist. The average speeds would vary between 20 and 25 miles per hour. The volume to capacity ratio would be equal to or less than 0.80. LOS D
Service Level D	Traffic flow would approach unstable operating conditions. Delays at signalized or stop sign controlled intersections would be tolerable and could include waiting

Typical Traffic Flow Conditions

~~through several signal cycles for some motorists. The average speeds would vary between 15 and 20 miles per hour. The volume to capacity ratio would equal or be less than 0.90.~~

Service Level E

~~Traffic flow would be unstable with congestion and intolerable delays to motorists. The average speed would be approximately 15 miles per hour. The volume to capacity ratio would be 1.00.~~

Service Level F

~~Traffic flow would be forced and jammed with stop and stop and go operating conditions and intolerable delays. The average speed would be less than 15 miles per hour.~~

NOTE:

~~The average speeds are approximations observed at the various levels of service but could differ depending on actual conditions~~



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
dejanvca@jacksoncounty.org
www.jacksoncounty.org

March 14, 2019

Attention: Kyle Kearns
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Consideration of a land development code amendment
Various city maintained roads.
Planning File: DCA-18-179.

Dear Kyle:

Thank you for the opportunity to comment on consideration of a land development code amendment to modify the Level of Service (LOS) and roadway cross-section standards in the MLDC to reflect the 2018-2038 Transportation System Plan. Jackson County Roads has no comment.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chuck DeJanvier'.

Chuck DeJanvier, PE
Construction Engineer

Carla G. Paladino

From: Kyle W. Kearns
Sent: Thursday, March 7, 2019 11:56 AM
To: Carla G. Paladino; Karl H. MacNair; Peggy Penland
Subject: Legacy Streets Meeting Summary - Peggy Penland

Hello everyone,

Peggy and I met today to discuss the cross-section/legacy street text amendment and had a great discussion about her views and desired role in the Transportation Commission. Below is a summary of her comments/concerns/questions. '

Legacy Streets

- Concerned that #3 (missing center-turn-lane) prioritizes automobiles over pedestrians.
 - o We were unsure of what to add to address this concern. One thought (paraphrasing) was "The City Engineer may not ask for ROW when safety concerns for the pedestrian crossing at the intersection are to worsen with the lane expansion"
 - o Add a #8 that is specific to pedestrian crossings on legacy streets
- We discussed the Morningside & Table Rock Road intersection at length and how the addition of a turn lane there made it more dangerous to cross.
 - o **Karl:** Would the legacy street standards have applied here if the turn lane was missing and development occurred? Also what were the reasons for a turn lane here which made the crossing larger and more difficult?
- I had noticed while meeting with Peggy we do not have an alternative route for Stewart addressed for #5

Transportation Commission Generally

- Peggy would like a meeting topic on crossings, mid-block crossings and the standards that apply and how we determine the application of certain intersection/crossing improvement for pedestrians
- She was also interested in looking to see how the Transportation Commission could get involved with Safe Routes to Schools/Parks projects
- We also discussed the idea of evaluating pedestrian crossings in the City and how we can improve the safety of them through a project selection process (much like some of the work that was done in the TSP). We had discussed how she will be bringing this up at a future meeting.

Peggy, if I forgot anything please let us know. Thank you for meeting today and sharing your thoughts. We look forward to your participation and role in the Transportation Commission.

Best,

Kyle Kearns | Planner II
City of Medford Planning Department

Phone: 541-774-2380

Carla G. Paladino

From: Karl H. MacNair
Sent: Monday, March 11, 2019 4:48 PM
To: Kyle W. Kearns; Carla G. Paladino; Peggy Penland
Cc: Cory J. Crebbin; Alex T. Georgevitch
Subject: RE: Legacy Streets Meeting Summary - Peggy Penland

Peggy and Kyle,

Sorry for not getting back to you last week. Table Rock Rd is an unimproved street, so the Legacy Street language about roads that are predominantly surrounded by development may apply when that segment of Table Rock Rd is built out. A lot of the existing houses look like they will constrain the right-of-way.

That said, Legacy Streets do not apply to the project for a left turn lane at Table Rock Rd & Morningside Rd. That project was identified as a need in the Central Point Costco TIA. Traffic was projected to increase quite a bit when Costco was built. There was a crash history at the intersection with a high proportion of northbound rear-end crashes. Costco paid a proportional share toward the installation of a left turn lane to mitigate that existing problem. It's a traffic safety improvement, not a street improvement project or frontage improvement, which is why Legacy Streets doesn't apply.

Regarding pedestrian safety at the intersection, there is no marked crossing there but it is a legal crosswalk. The project will make the road wider for pedestrians who are crossing Table Rock Rd, but I think the left turn lane will help all modes of traffic. It will give the left turners a place to sit out of the through lane while they wait for a gap in the southbound traffic. This will reduce some of the pressure on them to pick shorter gaps in traffic because they won't be holding up the northbound traffic. I think this will make traffic at the intersection a little less chaotic and hopefully safer for everyone. Also, after the turn lane is installed there will also be a de-facto refuge on the north side of the intersection in the shadow of the left turn lane.

I hope that helps, Peggy. I'm happy to discuss further if you'd like.

Sincerely,

Karl H. MacNair, PE
Transportation Manager
City of Medford | Public Works | Engineering
200 S. Ivy | Medford, OR 97501
Office: (541) 774-2115
karl.macnair@cityofmedford.org

From: Kyle W. Kearns
Sent: Thursday, March 07, 2019 11:56 AM
To: Carla G. Paladino <Carla.Paladino@cityofmedford.org>; Karl H. MacNair <Karl.MacNair@cityofmedford.org>; Peggy Penland <PROP59@msn.com>
Subject: Legacy Streets Meeting Summary - Peggy Penland

Hello everyone,

Peggy and I met today to discuss the cross-section/legacy street text amendment and had a great discussion about her views and desired role in the Transportation Commission. Below is a summary of her comments/concerns/questions. '

Carla G. Paladino

From: Jared Pulver <jaredpulver@pulverandleever.com>
Sent: Saturday, March 16, 2019 6:03 PM
To: Kyle W. Kearns
Cc: Carla G. Paladino
Subject: Comments on package from 1st Transportation Committee Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Kyle-

Here are my comments:

10.012 – I don't feel like there is a clear difference between Street, improved and Street, legacy

10.427(E)(7) – Seems like the 1st priority would be to mirror the surrounding development (whatever it is or isn't). After that, (g) bike lane narrowing or elimination should be at the same level as (d) Bike lane buffer. If we can't build them to a usable level, we shouldn't build. I would like to see a scenario where in a pinch we do larger sidewalks that can accommodate bikes and pedestrians.

10.428 (A)(B)(C) and (D) – In the 1st or 2nd Paragraph of all of these sections it says something to the effect..."In the downtown or in other transit oriented districts...to create a "main street" like atmosphere." If this only applies to greenfield development, that might be ok, but I would recommend that portion of the language be struck. It will still allow some discretion for development in limited circumstances perhaps at the approval of SPAC, PC and/or Planning Director.

In these same sections, as we discussed the other day, I think it needs to be clear for greenfield development, that Option 1 with the separate multiuse path is the expectation.

10.429 (A) and (B) – Why no bike lanes on Industrial and Commercial streets? Industrial I can sort of understand, but I would assume we want to support/encourage people biking to work. If it's not on the road, will it require a contribution to an off road path somewhere in the vicinity?

10.430 (B) (2) – Is the fire sprinkler change currently in place? This is a big deal/expense. Does the staggered/clustered driveway solution not solve the issue for a street like this?

I think that's all I've got.

Unfortunately I won't be at the meeting Wednesday. Let me know if we need to discuss.

Thanks,

Jared Pulver, Principal Broker
Pulver & Leever Real Estate Company
1060 Crater Lake Avenue, Suite C
Medford, OR 97504
Licensed Real Estate Broker in the State of Oregon
(541) 773-5391 (Office)



Planning Commission

Minutes

From Study Session on **March 11, 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
 Bill Mansfield
 David McFadden
 Patrick Miranda
 Jared Pulver
 Jeff Thomas

Staff Present

Kelly Evans, Assistant Planning Director
 Carla Paladino, Principal Planner
 Eric Mitton, Deputy City Attorney
 Karl MacNair, Transportation Manager
 Kyle Kearns, Planner II

Commissioners Absent

David Culbertson, Excused Absence
 E. J. McManus, Excused Absence

Subject:

20.1 DCA-18-179 Level of Service and Cross Sections

Kyle Kearns, Planner II reported that on December 6, 2018 Medford adopted a new Transportation System Plan into the Comprehensive Plan. Included in the update are new Goals, policies, action items, policy direction and follow up items for City staff. Also included in the Plan are:

- Roadway cross-sections paired with new functional classifications
- Intersection performance standards (level-of-service)

In order to be consistent with the Comprehensive Plan, staff needs to amend the Municipal Code to include:

- New level of service standards
- Roadway cross sections

Commissioner Pulver asked, on the graphic of new level of service standards what do the letters represent? Karl MacNair, Transportation Manager reported that the letters at the intersections mean volume to capacity ratio. It is a different way of measuring congestion. Volume to capacity ratio looks at the theoretical capacity of the intersection and how much volume is projected through the intersection. Level of service looks at seconds of delay.

Commissioner Miranda asked, does the closer the number gets to 1 is that closer to the letter E or closer to the letter A? Mr. MacNair stated that 1 would be at capacity and it would be an E or F level of service letter.

Commissioner Pulver asked, is it fair to say the South Medford Interchange is failing? Mr. MacNair stated that in 2038 it definitely is. It has issues today such as backups to the freeway in the mornings.

Commissioner Pulver asked, what is ODOT's position on that? Mr. MacNair reported that ODOT is open for discussion. The City identified it as needing further study. Conversations have begun.

Commissioner McFadden stated that the City took over the OPS of Riverside and Central years ago. Is the breaking point between Medford and ODOT for maintenance at Stewart Avenue or Garfield? Mr. MacNair reported that it is 100 feet south of Stewart Avenue. Commissioner McFadden stated that part of that intersection is within ODOT's maintenance area but the one at Highland is not. Is that correct? Mr. MacNair reported that is correct. The jurisdictional line at Highland is the south side of the crosswalk. The intersection at Barnett and Highland is the City's but the south approach to it is all ODOT's maintenance.

Commissioner McFadden asked, in order to get another turn lane east coming north from the freeway would be ODOT's responsibility for installing a second turn lane? Mr. MacNair stated it would have to be a joint project.

Mr. Kearns reported that the level of service updates are not going to pertain to ODOT intersections because it is not the City's standards. They are in the Plan as such but will have to be analyzed.

Policy direction in the Transportation System Plan directed staff to:

- Action Item 9-c: Incorporate context sensitive street and streetscape design techniques...to balance the needed street function for all uses and modes with the needs of the surrounding built environment...
- Action Item 16-c: Incorporate the legacy street standards into the Land Development Code in order to address future development requirements...and outline who has the authority to approve deviations.

Staff has presented this to the Transportation Commission and is asking for comments/recommendation by March 20, 2019. Those will be incorporated into the draft Planning Commission hearing.

It has been reviewed with Public Works staff in five separate meetings.

Provided at Land Development Committee meeting on March 6, 2019. The Medford Fire-Rescue comments incorporated pertained to fire turnaround and driveway staggering/clustering.

Main updates contained in the draft are:

- Updated roadway cross-sections
- Updated level of service standards
- Addition of "Legacy Street" standards

Roadway Cross-Sections Main Points:

- The inclusion of a Regional Arterial cross-section
- Preference of separated bicycle facilities (i.e. outside the pavement with the curb) on Arterials and Collectors
- Refinement of the minimum access easement to include a major and minor standard (8/3 dwelling units permitted, respectively)
- Updated ROW width standards to reflect the TSP

Chair McKechnie stated that he thinks it would be helpful to compare what is being proposed versus current versus historically. He gets irritated with different street standards. Some have no curb and gutter just pavement and ditches. There are more streets with curb and gutter with no sidewalks. There are sidewalks tight with curb and gutter and sidewalks tight with a park strip.

Commissioner Pulver thinks what will be in the packet that comes to the Planning Commission will have the most recent proposal. That is what the Transportation Commission reviewed.

Mr. Kearns reported that on page 40 of today's memorandum has the current chart that shows what is proposed versus what existed. With each of the cross-sections it shows new and old images.

Chair McKechnie prefers graphics versus text.

Mr. McNair reported that the lane widths have not changed. They have had 11 foot lanes in previous iterations and carried those forward. General rule of the Regional Major Arterial cross-sections have 12 foot lanes and outside lanes with separated bicycle facilities because that is a buffer to the curb line. There will be graphics of old and new in the text amendment.

Commissioner McFadden has problems with turn lanes off a busy street. Staff has eluded to the outside lanes being wider to accommodate turning. At what point does the Code call for a turn lane to pull traffic off the faster streets of Arterials and Collectors to get traffic into a shopping center, etc.? Mr. MacNair reported that it is not defined in the Code. ODOT has right turn lane warrants that are based on speed, through volume and turn volume. It is a chart that plots the though volume and turn

volume. There are several under and over 45 mph. There is a different line on the graph that if over, a turn lane is warranted, under a turn lane is not warranted. Just because it is warranted does not mean it is automatically built. It indicates it is beneficial at that point.

Commissioner McFadden asked, is that type of topic being addressed dramatically by the City? Mr. MacNair reported no. The only turn lane being addressed is the center turn lane that provides a left turn lane at intersections. The City defaults having the center turn lane or left turn lane. Right turn lanes are on a case by case basis.

Legacy streets is a street that is improved, but may be missing curb and gutter, bike facilities, right-of-way, sidewalks, planter strips, turn lanes or other facilities identified in the applicable cross-section identified in Article IV. Examples of streets include: Barnett, Stanford Avenue, McAndrews, Delta Waters, Main Street, Crater Lake Avenue, Stevens Street.

Staff has proposed a prescriptive process to address:

- (1) Facilities existing for all travel modes, but are narrower than the current standard
- (2) Missing vehicle lanes
- (3) Missing center-turn lanes
- (4) Missing planter strip and/or sidewalk
- (5) Missing bike facilities
- (6) Streets that are mostly improved to an old standard but have unimproved segments
- (7) Existing streets and alleys predominantly surrounded by developed properties on both sides. If the existing street or ally is predominantly surrounded by developed properties on both sides, then cross-sectional elements and/or right-of-way dedication may be reduced in width or eliminated at the City Engineer's discretion, to avoid existing structures and/or development, in the priority order listed below:
 - a) Planter strip width reduction
 - b) Planter strip elimination
 - c) Parking lane elimination
 - d) Bike lane buffer area
 - e) Center turn lane elimination (except at higher-order intersections)
 - f) Lane or alley narrowing
 - g) Bike lane narrowing or elimination

Mr. MacNair stated that on (7) it states if the street is developed by properties on both sides. There might be situations where there is developed property on one side so one might want to reduce on that side and the other side that is not developed could get the full right-of-way dedication. He is wondering if staff should strike "on both sides" language.

Vice Chair Foley stated that Riverside has sidewalks varying from narrow to narrow and curb tight, curb tight and wide to narrow with planter strips. As properties develop along there what is going to be done? Mr. MacNair reported that the TSP calls for a corridor plan on Riverside/Central Avenue. The City acknowledges the standards do not fit those types and needs a focused review.

Vice Chair Foley reported that properties could intermittently develop along Riverside. How is that going to be addressed? Mr. Kearns reported that on page 9 of the agenda packet the City allows for neighborhood plans, circulation plans and zoning overlays in the Comprehensive Plan to override the requirements of Legacy Streets. The City knows they need to do neighborhood plans and corridor plans for several of the City streets.

Mr. MacNair stated that on Legacy Streets (4) talks about when the street is improved but is missing planter strips and or sidewalk. If there is no sidewalk on the developing property the sidewalk and planter strip would be required. The planter strip may be reduced or eliminated to fit the area context and surrounding roadway. It leaves some judgement call. The City Engineer is going to make a recommendation and if the applicant does not agree they can file an exception.

Chair McKechnie likes what staff is doing. He thinks it will give staff, Planning Commission and Site Plan and Architectural Commission flexibility. He objects to requiring people to file an exception because they disagree with staff. That is additional paperwork and fees. He does not think that is right. If there is some discretion and staff does not agree with the discretion, but there is flexibility allowed in the ordinance, the property owner should be able to come without additional expense or the stigma of having to prove they are right and staff is wrong, it should be able to go to the deciding body for adjudication.

Commissioner McFadden does not mind the issue of the property owner having to justify.

Chair McKechnie stated that an exception by nature has to prove that somehow it cannot meet the current standard.

Commissioner McFadden commented that they need a minor exception that can be handled at the Commission meeting in order that it comes to their attention. They do not want someone to slide an exception through the Commission. They want to see the discussion and prompted to make the decision, not raise it to the level of needing a full separate or combined major exception.

Mr. Kearns asked, what if there was an exception to the fees but use the exception criteria to allow them to explain why they do not have to go through the City Engineer's discretion. Using the same criteria but not having the applicant apply for an exception.

Chair McKechnie does not think the property owner should not be considered guilty and have to prove their innocence. It is a judgment call that the appropriate commission makes the final decision.

Mr. Kearns asked, does the Commission want this to come up at the hearing or have staff rework the language? Ms. Paladino reported that staff would come up with several options.

Commissioner Miranda suggested that staff rework the language before going to hearing.

Vice Chair Foley likes the concept. It makes sense because it is going to be a judgment call.

Mr. Kearns commented that staff would provide options at the hearing. Ms. Paladino asked, does the Commission want those options before the hearing? Ms. Paladino reported that there could be another study session or staff send the options out by email and the Commission could get back with staff. Chair McKechnie stated he thinks that would be good.

Mr. Mitton reported that in an area where one side is developed and several empty lots on the other side that may not be predominantly surrounded by developed properties on both sides but on the side that is developed wanting the ability to have a planter strip with reduction. The language could be changed to developed properties and reduce it on the side where predominantly developed.

The Planning Commission hearing is scheduled for Thursday, April 11, 2019. City Council hearing on Thursday, May 16, 2019.

Does the Planning Commission feel that this is solid enough with the changes discussed to bring forward with everything entailed. Legacy streets will be separated out. Staff is comfortable moving forward.

Commissioner Pulver reported that the Transportation Commission met with a lot of new parties to it. There was supposed to be feedback by next week regarding this presentation. How much feedback has been received? Mr. Kearns stated that he and Ms. Paladino met with three of the members and presenting to another member today and BPAC tonight on this presentation. The people they have talked to have given a thumbs up.

Commissioner Pulver is fine with moving forward with the presented schedule. Commissioner Miranda concurred.

Vice Chair Foley asked, does staff anticipate a lot of feedback at the hearing? Is there a group or the same group that appealed the Transportation System Plan agitated? Ms. Paladino replied not that staff is aware of.

Mr. Kearns reported they could but cross-sections are bike friendly.

Commissioner Pulver stated that he heard City Council's preferred cross-section was separated multiuse paths. For Greenfield Development that was the desired direction. In his opinion it is important that it has teeth. Mr. Kearns addressed Commissioner Pulver's point that on pages 17 and 18 of the agenda packet references the major/regional arterial cross-sections. There is some teeth in there. Ms. Paladino stated that staff could add for something completely new it is expected to build the certain cross-section. Commissioner Pulver commented that if that is the intent it should read that way.

Mr. Kearns stated that under the major/regional arterial cross-sections under (1) being separated on all new development; (2) could be at the discretion of the approving authority (buffered bicycle; and (3) right-of-way constraints and adding at the discretion of the approving authority if that gets the preference City Council desired. Commissioner Miranda commented that makes sense.

Ms. Paladino reported staff will make a draft and either set up a Planning Commission study session the week of the hearing for their review and comments.

20.2 Comprehensive Planning Division Projects for 2019-2021

Carla Paladino, Principal Planner reported that there are three divisions in the Planning Department: (1) Current planning; (2) Comprehensive-Long Range Division; and (3) Housing and Community Development.

Near Term Projects Land Development Code:

- Cross Sections, Legacy Street, Level of Service PC: 04/11/2019
CC: 05/16/2019
- Concurrency PC: 04/25/2019
CC: 06/06/2019
- Cottage Housing PC SS: 03/25/2019
PC: 05/09/2019
CC: 06/20/2019

Cottage Housing schedule will change as staff wants to discuss the concept with the Development Community and see what product might work.

- Minor Historic Review Amendments – Includes administrative review of signs, new awnings, fences, and window/door replacements in non-historic/non-contributing buildings.
- House Keeping Amendments

- Housing Amendments (Round 1)
- Annexation Hearing Review
- Food Trucks in the ROW
- Wetland regulations
- Shared-use Trails
- Wildland Interface/Evacuation Plans/Defensible Spaces landscape provisions
- Riparian corridors in UGB expansion areas – 2020
- Commercial Design Standards – 2020
- Other TSP changes

Comprehensive Plan

- Downtown Plan Update (City Center 2050 Plan update)
- Residential Downtown Market Study
- Downtown Parking Study
- Downtown Design standards
- Southeast Plan Update (P-1 zoning, GLUPs, streets (Barnett))
- Natural Hazards Mitigation Plan Review focusing on Wildfires and Drought
- Climate Adaptation Plan (work with Parks Department)
- City Annual Call for Zone Changes in upGLUPed areas

Commissioner McFadden asked, was that related to the increased density next to the arterial areas; arterial and collector streets? Ms. Paladino reported no. This is the internal study areas. Ms. Evans stated this was part of the UGB work. Ms. Paladino commented this was the 450 acres that was upGLUPed throughout the City.

- Annual Parks Zoning /PS GLUP update
- Adopt Liberty Park Plan
- Natural Hazards Mitigation Plan Review focusing on Wildfires and Drought
- Riverside Avenue Corridor Plan – 2020
- Housing Element update - 2021 – 2023
- Population Element update - 2021 – 2023

Commissioner McFadden asked, where does staff see additional comments and direction being developed for low income housing and homeless issues. Ms. Paladino reported with long range will be with housekeeping and housing amendments. That is really in the housing and community development department. It will be a group effort. There are pieces of that in the long range division.

Chair McKechnie suggested putting commercial design standards as a low priority. Ms. Evans commented that the benefit to doing that is staff could do administrative decisions. If there are clear and objective standards.

Ms. Evans reported that the Transportation System Plan goes to LUBA. The hearing is tomorrow. Staff will keep the Planning Commission informed. Ms. Paladino stated that

staff will be calling in to listen if any Commissioner is interested. The hearing is at 1:45 p.m.

Commissioner Pulver stated that he believed Ms. Evans told him that in regards to that people in the expansion areas can submit an application now. Ms. Evans replied that is correct. Mr. Mitton stated that because the appellant did not file a stay the proceeding the Transportation System Plan functions as if no one appealed during the duration of the appeal.

Commissioner Pulver asked, are there any applications in the works? Ms. Evans stated staff has talked to all kinds of people. Staff has not seen any pre-applications.

30. Adjournment

The meeting was adjourned at 1:09 p.m.



Submitted by:

Terri L. Richards

Recording Secretary



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a type-III quasi-judicial decision: **Land Division**

PROJECT Declans Landing
Applicant: Glen Clark
Agent: Scott Sinner Consulting, Inc.

FILE NO. LDS-19-018

TO Planning Commission

for April 11, 2019 hearing

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director

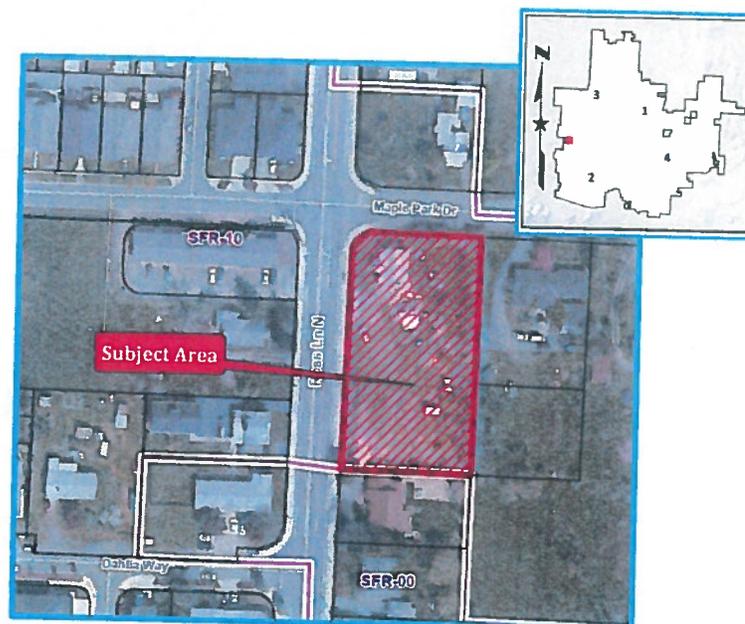
DATE April 4, 2019

BACKGROUND

Proposal

Consideration of tentative plat approval for the Declans Landing Subdivision – a proposed 2-phased, 7-lot residential subdivision to be developed as duplex lots, on a 1.12-acre parcel located at 738 N Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W23DD1300).

Vicinity Map



Subject Site Characteristics

Zoning: SFR-10 (Single-Family Residential, ten dwelling units per gross acre)
GLUP: UR (Urban Residential)
Overlay(s): None
Use(s): Single-Family residence

Surrounding Site Characteristics

North Zone: SFR-10
Use(s): residential

South Zone: SFR-00 (Single-Family Residential, one dwelling unit per lot)
Use(s): residential

East Zone: SFR-10
Use(s): residential

West Zone: SFR-10
Use(s): residential

Related Projects

PA-18-154 Pre-application for subject request

Applicable Criteria

MLDC 10.270: Land Division Criteria

The approving authority (Planning Commission) shall not approve any tentative plat unless it first finds that, the proposed land division together with the provisions for its design and improvement:

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*

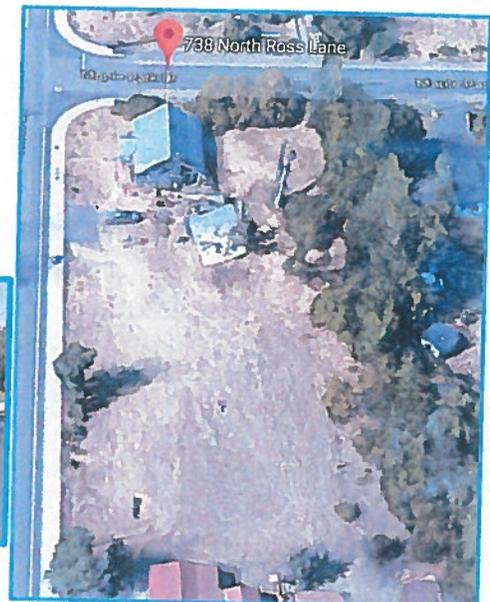
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

ISSUES AND ANALYSIS

Project Summary

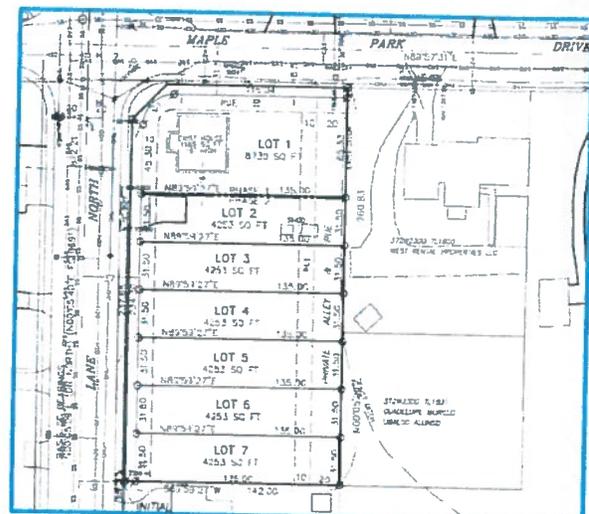
Site History

The subject site currently contains a single-family residence identified as lot 1 on the tentative plat, which will remain with the proposed development. The applicant submitted a pre-application for the subject proposal, which was reviewed by staff on November 28, 2018.



Current Proposal

With the subject request, the applicant is requesting a 2-phase, 7-lot subdivision to be developed with duplex dwelling units divided by lot lines. The portion of the site containing the existing single-family residence is identified as lot 1 on the tentative plat, and identified as the first phase of the development. Pursuant to MLDC 10.708(A)(c), oversized residential lots with an existing house and yard are not subject to the dimensional standards of the underlying zoning district. Accordingly, the proposed lot area of lot 1 (8,730 s.f.) shown as exceeding the minimum lot size for the SFR-10 zoning district, is permitted.



Lots 2-7, as identified on the tentative plat, are proposed to be developed as duplex dwellings divided by lot lines. As stated on the applicant's submitted findings (Exhibit D), the applicant intends to construct duplexes between lots 2 and 3, lots 4 and 5, and lots 6 and 7. The dimensional standards for duplex dwellings are subject to the duplex dwelling standards found in MLDC 10.713, which vary from the standards of the site's underlying SFR-10 zoning; however, the calculation of the site's minimum/maximum density is subject to the site's zoning district.

Density

Density Table

SFR-10	Allowed	Shown
Min. /Max. Density <i>6.0 to 10.0 dwelling units per gross acre</i>	7 min. / 11 max.	7 lots

As shown on the Density Table above, based on 1.12 gross acres of land, the creation of seven lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-10 zoning district, as per MLDC 10.710.

Development Standards

Site Development Table (MLDC 10.713)

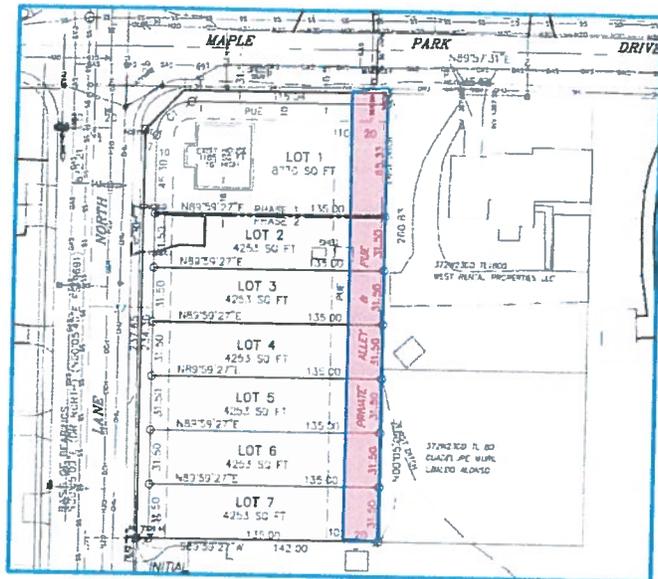
SFR-10 Duplex Dwellings	Lot Area	Min. lot Width (Interior)	Min. lot Depth	Min. Lot Frontage
Required	3,000 to 6,250 sq.ft.	30 feet	90 feet	30 feet
Shown	4,253 sq.ft.	31.5 feet	135 feet	31.5 feet

As shown in the Site Development Table above, it can be found that the seven proposed lots meet all the dimensional standards for duplex dwelling lots in the SFR-10 zoning district, as found in MLDC 10.713.

Shared Driveway Access

The applicant is proposing access to the lots to be provided by a shared driveway running parallel with North Ross lane, and accessed off of Maple Park drive along the site's northerly frontage. Per MLDC 10.550(3)(a)(1), parcels are prohibited from taking access off of a higher order street when that parcel abuts the right-of-way of a lower order street.

The site is fronted along its westerly boundary by North Ross Lane, classified as a Major Collector street; and is fronted along its northerly boundary by Maple Park Drive, classified as a Standard Residential street. Accordingly, access for the proposed development is only permitted off of Maple Park Drive for the proposed development.



Given the access restraints of the site, the applicant is proposing the creation of a 20-foot wide shared driveway to serve all seven lots, providing access to the proposed duplex units to the rear of the property. Since the alley does not connect two public streets, the alley is proposed to be private and maintained by the residents with a shared access and maintenance agreement.

Facility Adequacy

Per the agency comments submitted to staff, including the Rogue Valley Sewer Services (Exhibits E-H), it can be found that, with the imposition of the conditions of approval contained in Exhibit A, there are adequate facilities to serve the future development of the site.

Other Agency Comments

Rogue Valley Sewer Services (RVSS) (Exhibit H)

The subject property is within RVSS service area. In their submitted report, RVSS requires that future sewer improvements be designed and constructed in accordance with RVSS standards.

As a condition of approval, the applicant will be required to comply with the conditions of RVSS.

Jackson County Roads (Exhibit I)

Maple Park Drive is a County local road and is County-maintained. Jackson County's report states that the County has no current plans for improvements to Maple Park Drive, and recommends that the City request jurisdiction of this road. Jackson County also requests to review and comment on the hydraulic report including the calculations and drainage plan.

Committee Comments

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

FINDINGS AND CONCLUSIONS

Land Division

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Article IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (Declans Landing), which has been reviewed and approved by the City's Address Technician; and criteria 4 - 6 are not applicable to the subject development.

Staff recommends that the Commission adopt the Findings of Fact as provided by staff.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-19-018 per the staff report dated April 4, 2019, including Exhibits A through I.

EXHIBITS

- A Conditions of Approval, drafted April 4, 2019.
- B Tentative Plat, received January 30, 2019.
- C Conceptual Grading & Drainage Plan, received January 30, 2019.
- D Applicant's Findings of Fact & Conclusions of Law, received January 30, 2019.
- E Public Works Staff Report, received March 13, 2019.
- F Medford Water Commission memo & associated map, received March 13, 2019.
- G Medford Fire Department Report, received March 13, 2019.
- H Rogue Valley Sewer Services (RVSS) report, received February 28, 2019.
- I Jackson County Roads report, received March 1, 2019.
Vicinity map

PLANNING COMMISSION AGENDA:

APRIL 11, 2019

EXHIBIT A

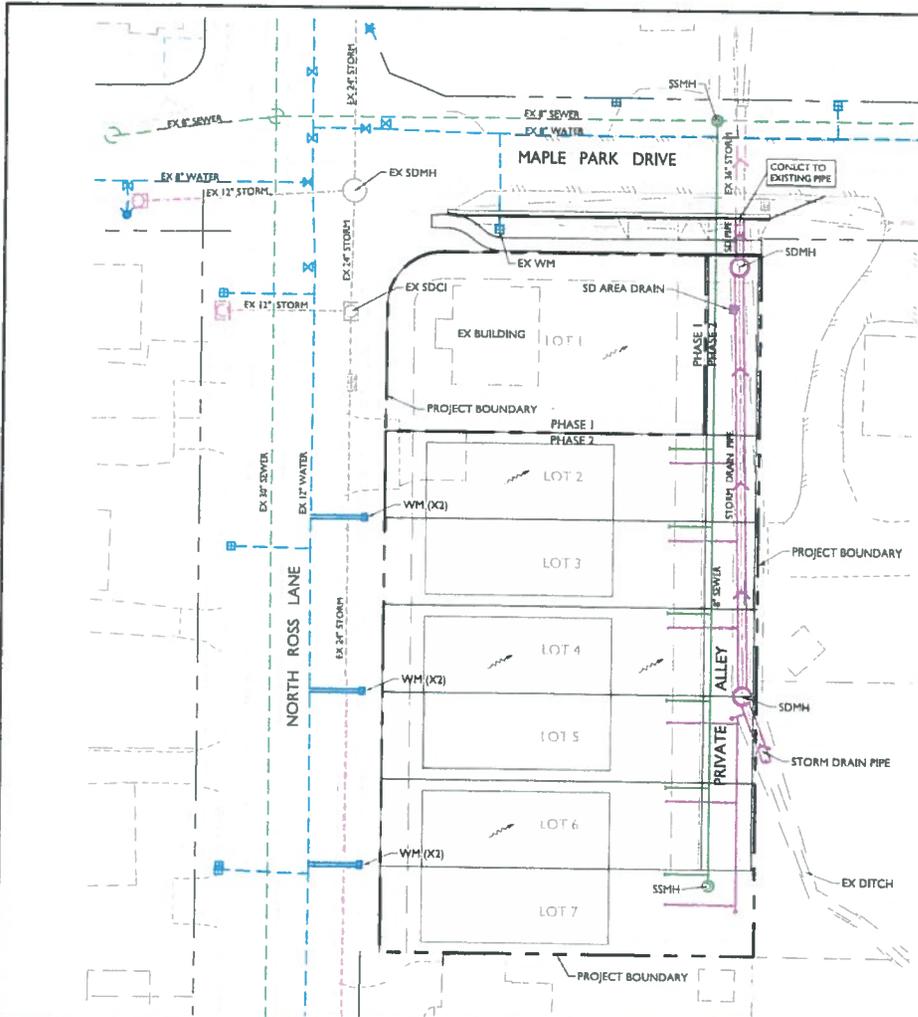
Declans landing
LDS-19-018
Conditions of Approval
April 4, 2019

CODE REQUIRED CONDITIONS

Prior to the approval of the final plat for the first phase, the applicant shall:

1. Comply with all conditions stipulated by the Medford Public Works Department (Exhibit E)
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit F).
3. Comply with all requirements of the Medford Fire Department (Exhibit G).
4. Comply with all conditions stipulated by the Rogue Valley Sewer Services (RVSS) (Exhibit H).
5. Comply with all requirements of Jackson County Roads (Exhibit I).
6. Submit documentation to staff of a shared access and maintenance agreement, recorded in the Official Records of Jackson County, for the proposed shared driveway.

CITY OF MEDFORD
 EXHIBIT # C
 FILE # LDS-19-018



- LEGEND**
- H2O- EXISTING WATER MAIN
 - ▲ EXISTING FIRE HYDRANT
 - PROPOSED WATER MAIN
 - PROPOSED WATER METERS
 - PROPOSED SEWER MANHOLE
 - PROPOSED SANITARY SEWER MAIN
 - SS- EXISTING SANITARY SEWER MAIN

- LEGEND**
- PROPOSED STORM MANHOLE
 - PROPOSED STORM CLEANOUT
 - PROPOSED CATCH BASIN
 - PROPOSED DITCH INLET
 - PROPOSED STORM MAIN
 - EXISTING CURB INLET
 - EXISTING STORM MAIN
 - DRAINAGE DIRECTION

RECEIVED
 JAN 30 2019
 PLANNING DEPT.

EXHIBIT C.1

CALL 48 HOURS BEFORE YOU DIG

CONSTRUCTION ENGINEERING CONSULTANTS

1111 MAIN STREET, MEDFORD, MA 01905
 TEL: (508) 779-0268 FAX: (508) 779-0268

DRAWN BY: SDW	DATE: 6/19
CHECKED BY: MWR, AMB	DATE: 6/19
	DATE:
	DATE:
	DATE:

NO.	REVISION	DATE	BY



CONSTRUCTION ENGINEERING CONSULTANTS, INC.

DECLANS LANDING
 CONCEPTUAL GRADING, DRAINAGE & UTILITY PLAN

PROJECT NO.:
 DRAWING NO.:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

IN THE MATTER OF AN APPLICATION FOR)
A LAND DIVISION FOR THE PROPERTY IDENTIFIED AS) FINDING OF FACT
T372W23DD TAX LOT 1300) AND
GLEN CLARK APPLICANT) CONCLUSIONS
SCOTT SINNER CONSULTING, INC. AGENT) OF LAW

I. BACKGROUND INFORMATION

Owner / Applicant:

Glen Clark
1314B Center Drive unit 203
Medford, OR 97501
gsclark@hotmail.com

Agent:

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
scottsinner@yahoo.com

Property:

37 2W 23DD TL 1300
738 Ross Lane North
Medford, OR 97501

.85 acres net
1.128 Gross Acres
SFR -10 Zoning District

Project Summary:

The subject property is located on the south east corner of Ross Lane North and Maple Park Drive. For reference, Ross Lane North is located south of Ross Lane. The property is currently in the SFR-10 zoning district and this application proposes a 2 phase, 7 lot subdivision.

The proposed Lot 1 has an existing single family dwelling that will remain. This lot is Phase 1. Phase 2 contains Lots 2 through 7 and these lots are proposed as zero lot line attached dwellings. The applicant intends to build an attached building on Lots 2 and 3, 4 and 5, and 6 and 7.

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7

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Ross Lane North is classified as a major collector in the Transportation System Plan (TSP) and Maple Park Drive is classified as a standard residential street. All lots have frontage on Ross Lane North however all access is proposed from a private alley on the east side of the property off Maple Park Drive.

Approval Criteria:

The relevant approval criteria for the requested land division is found within MLDC 10.202 (E) as provided below:

(E) Land Division Approval Criteria.

The Planning Commission shall not approve any tentative plat unless it first finds that the proposed land division, together with the provisions for its design and improvement:

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*
- (4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the Planning Commission determines it is in the public interest to modify the street pattern;*
- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

(6) *Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.*

Findings of Fact:

(1) *Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Articles IV and V;*

The Oregon Transportation Planning Rule requires a jurisdiction considers all modes of transportation in a land use decision. A review of this property determines water and rail transportation are not available.

The subject property is 3.2 miles from the Rogue Valley International Airport, and 2 miles from Interstate Highway 5 (I-5). The subject property has frontage on Maple Park Drive and Ross Lane North.

The nearest RVTD bus stop is located at Ross Lane and West Main approximately .5 miles for the site.

Ross Lane North is classified as a major collector. The Ross Lane North frontage of the subject property is developed with a paved section, curb, gutter, and sidewalk. The paved section included bike lanes. Bike lanes and sidewalks promote multimodal transportation opportunities.

Maple Park Drive is a standard residential street and, when fully developed, will have sidewalks on both sides of the street. The standard design for a standard residential street does not provide bike lanes, however the low traffic volumes anticipated with a minor residential street to promote both bicycle and pedestrian transportation opportunities.

The standards are consistent with the Medford Transportation System Plan, therefore also consistent with the Oregon Transportation Planning Rule.

The subject property is within the General Land Use Plan Map (GLUP) UR Urban Residential map designation. The UR designation allows for the SFR-2, SFR-4, SFR-6 and SFR-10 zoning districts.

The City Council has not adopted a street circulation plan for the area of the subject parcel.

Conclusions of Law:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The Planning Commission can conclude this application is with the Comp Plan, the TSP and there are no neighborhood circulation plans. The application is consistent with the adopted Medford Transportation System Plan and the Oregon Transportation Planning Rule, and the SFR-10 zoning district is appropriate within the UR GLUP designation.

- (1) *Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*

Findings of Fact:

The 2-phase subdivision fully develops the subject property at urban densities. The property has street frontage on the west and north and this plat will not impact properties on the opposite side of the rights of way.

The property to the south is developed at or near urban densities and has direct access to Ross Lane.

There are two properties to the east: TL 1800 has direct access to Maple Park Drive; TL 1801 appears to be a land locked parcel; however, this parcel is in common ownership with the adjacent property (TL 1900) and there is development potential for those two lots in common ownership.

Conclusions of Law:

The Planning Commission can conclude the entire property is available for development and the adjoining properties are not prevented from development.

- (3) *Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*

Findings of Fact:

The proposed subdivision is proposed as Declans Landing Subdivision has been checked and is available as a unique subdivision name.

Conclusions of Law:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The Planning Commission can conclude the application is consistent with the criteria as the proposed subdivision name is unique.

(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;

Findings of Fact:

Ross Lane North is a classified street with access limited by the Code. This application proposes the development of a private alley parallel to Ross Lane North providing the dwellings with an access in the rear of the units.

The existing configuration of the subject parcel, and the location at the corner of Ross Lane North and Maple Park Drive do not allow a suitable public street pattern. The proposed private alley will allow adjoining parcels to develop with street patterns conforming to the block length ordinance of the MLDC.

Conclusions of Law:

The Planning Commission can conclude the proposed plat conforms with new and existing street patterns in the area.

(5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;

Since the alley does not connect two public streets, the alley will be private and maintained by the residents with a shared access and maintenance agreement. The plat is notated Private alley.

The applicant will record the required easements and maintenance agreements with the final plat.

Conclusions of Law:

The Planning Commission can conclude the tentative plat has provided public streets and these streets are labeled as required by the MLDC

(6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Findings of Fact:

The subject parcel does not abut any properties in the County Exclusive Farm Use (EFU) zoning district.

Conclusions of Law:

The Planning Commission can conclude the subject property does not abut any properties or agricultural lands in the EFU zoning district and no mitigation is applicable.

Additional Criteria

Two additional criteria relevant to this application are the Hillside Ordinance and the Block Length Ordinance.

Hillside Ordinance

10.929 Hillside Ordinance, Purpose; Applicability

Sections 10.929 to 10.933 establish procedural requirements for development on Slopes in excess of fifteen percent (15%) to decrease soil erosion and protect public safety. Sections 10.929 to 10.933 apply in addition to all other requirements set forth by ordinance. In the case of conflict between Sections 10.929 to 10.933 and other requirements set forth by ordinance, Sections 10.929 to 10.933 shall govern.

The subject property is located in the Ross Lane North / Maple Park Drive area. As per the referenced section of the MLDC, the site is not within a high slope area and the requirements to comply with the hillside ordinance requirements, including the constraints analysis do not apply to this property and the current development application.

As required by the MLDC, this application contains the submittal the City of Medford Hillside Development Constraints Analysis Status Form signed by Staff and indicating the side has slopes of less than 2% and the requirements of the Hillside Ordinance have been met.

Conclusions of Law

The Planning Commission can conclude the application complies with the requirements for compliance with the submittal requirements contained within the Medford Hillside

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Ordinance and the requirements of the relevant sections are not applicable to this application.

Block Length Ordinance

The MLDC includes the following Block Length sections to assure the City provides circulation and connectivity in land division applications.

10.426 Street Circulation Design and Connectivity

A. Street Arrangement Suitability.

The approving authority shall approve or disapprove street arrangement. In determining the suitability of the proposed street arrangement, the approving authority shall take into consideration:

- 1. Adopted neighborhood circulation plans where provided; and*
- 2. Safe, logical and convenient access to adjoining property consistent with existing and planned land uses; and*
- 3. Efficient, safe and convenient vehicular and pedestrian circulation along parallel and connecting streets; and*
- 4. Compatibility with existing natural features such as topography and trees; and*
- 5. City or state access management standards applicable to the site.*

B. Street Connectivity and Formation of Blocks Required.

- 1. Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.*
- 2. Proposed streets, alleys and accessways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.*
- 3. Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

activity centers such as schools, office parks, shopping areas, and parks.

4. *Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.*

C. Maximum Block Length and Block Perimeter Length.

1. *Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.*

MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH		
<i>Table 10.426-1</i>		
<i>Zone or District</i>	<i>Block Length</i>	<i>Block Perimeter Length</i>
<i>a. Residential Zones</i>	<i>660'</i>	<i>2,100'</i>
<i>b. Central Business Overlay District</i>	<i>600'</i>	<i>1,800'</i>
<i>c. Transit Oriented Districts (Except SE Plan Area)</i>	<i>600'</i>	<i>1,800'</i>
<i>d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones</i>	<i>720'</i>	<i>2,880'</i>
<i>e. Regional Commercial and Industrial Zones</i>	<i>940'</i>	<i>3,760'</i>

2. *The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:*
 - a. Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10,426 C.1.,*
 - b. Environmental constraints including the presence of a wetland or other body of water,*
 - c. The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet

- d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,*
 - e. The subject site is in SFR-2 zoning district,*
 - f. Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,*
 - g. The proposed use is a public or private school, college or other large institution,*
 - h. The proposed use is a public or private convention center, community center or arena,*
 - i. The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.*
 - j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.*
- 3. Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,*
- 4. When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.*

D. Minimum Distance Between Intersections.

Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.

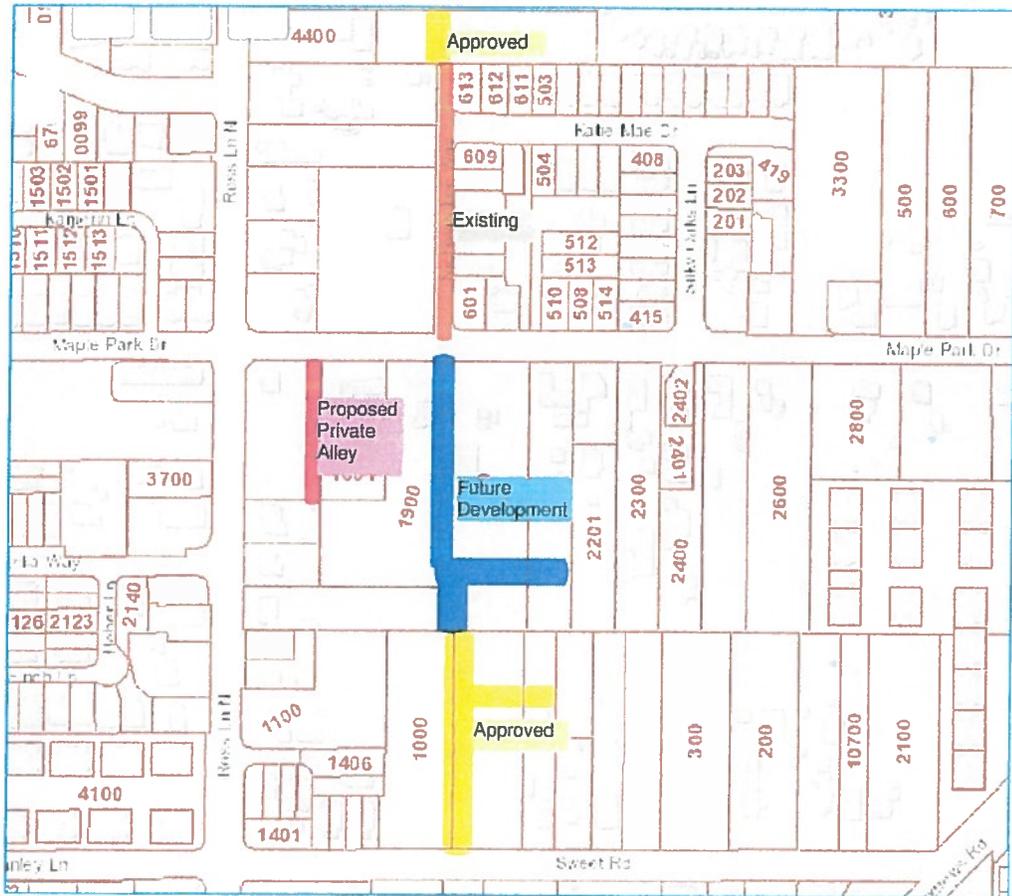
Findings of Fact

Ross Lane North is classified as a major collector and direct access for the proposed lots will not be permitted. The access will be from Maple Park Drive with a private alley. The

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

135 foot lot depth and the location of the existing Nicholas Lee Drive east of the development will not permit the required intersection spacing identified in the MLDC.

The development of the private alley will not limit future development from completing a segment of Nicholas Lee Drive in alignment with the existing segment on the north side of Maple Park Drive with the approved Marsha Meadow development currently under development off Sweet Road.



The graphic above demonstrated the approval of the proposed plat will not inhibit the ability to create a functional circulation pattern for the future development of properties in the Ross Lane North, Maple Park Drive, Sweet Road and West McAndrews road area.

Conclusions of Law

The Planning Commission can conclude the application is consistent with the block length ordinance contained in the MLDC.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Application Summary and Conclusion:

This application identifies the relevant approval criteria contained in the MLDC for a land division.

The Findings of Fact demonstrate consistency with the Oregon Transportation Planning Rule, the Medford Transportation System Plan and the General Land Use Plan Map.

The Tentative Plat will not prevent development of the remainder of the subject parcel or any adjoining parcels.

The subdivision name is proposed as Declans Landing is unique for the jurisdiction.

This application is consistent with all approval criteria contained in the MLDC for a land division. On behalf of the applicant, I respectfully request the approval of this application.

Scott Sinner
Scott Sinner Consulting, Inc.

A handwritten signature in black ink, appearing to read 'Scott Sinner', is written over the printed name and company name.



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 3/13/2019
File Number: LDS-19-018

PUBLIC WORKS DEPARTMENT STAFF REPORT DeClans Landing Subdivision (TL 1300)

- Project:** Consideration of tentative plat approval for the Declan landing Subdivision – a proposed 2-phased, 7-lot residential subdivision to be developed as townhouse lots, on a 1.12-acre parcel.
- Location:** Located at 738 N Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W23DD1300).
- Applicant:** Applicant, Glen Clark; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.

The following items shall be completed and accepted prior to the respective events under which they are listed:

- Approval of Final Plat:
Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- Issuance of first building permit for residential construction:
Construction of public improvements (Items A through E)
- Issuance of Certificates of Occupancy for individual units:
Sidewalks (Items A2)

CITY OF MEDFORD
EXHIBIT # F
FILE # LDS-19-018

A. STREETS

1. Dedications

Ross Lane North is classified as a Major Collector street within the Medford Land Development Code (MLDC), Section 10.428(3). The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this development to accommodate a 10-foot planter strip and 5-foot sidewalk and not to exceed a half width of 37-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **Ross Lane North**, per the methodology established by the MLDC 3.815. **Should the Developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

Maple Park Drive is classified as a Standard Residential street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width of right-of-way, which is 31.5-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Alley shall be private.

Corner radii shall be provided at the right-of-way lines of all intersecting streets per MLDC 10.445.

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

Ross Lane North – All street section improvements, with the exception of a planter strip, have been completed in close conformance with current standards, including pavement, curb and

gutter, and sidewalks with P1740D. **No additional public improvements are required aside from the street lights as noted below.**

Maple Park Drive – Shall be improved to Standard Residential street standards, in accordance with MLDC 10.430. The Developer shall improve the south half plus 12-feet north of the centerline, or to the far edge of the existing pavement, whichever is greater, along the frontage of this development.

As an option, the Developer may elect to provide evidence of the existing structural section to Public Works for consideration in order to determine if the extent of construction may be reduced. Depending on the results, the Developer still may be responsible for the improvements noted above or at minimum improve the remainder of street from a point 1-foot inside the existing edge of pavement.

Alley shall be private and construction plans shall be submitted with the application for the Building Permit.

b. Street Lights and Signing

The Developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

Street Lighting – Developer Provided & Installed:

- A. 1 – C-250 LED (Ross Lane North)
- B. 1 – R-100 LED (Maple Park Drive)
- C. 1 – Base Mounted Cabinet (BMC)

NOTE – Street lighting could come off of “existing” street lighting to the south on Ross Lane North.

Traffic Signs and Devices – Developer Provided & Installed:

- A. N/A

Numbers are subject to change if changes are made to the plans. All street lights shall be installed per City standards and be shown on the public improvement plans. Public Works will provide preliminary street light locations upon request. All street lights shall be operating and turned on at the time of the final “walk through” inspection by the Public Works Department.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer’s contractor shall coordinate with the City of Medford Public Works, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

c. Pavement Moratoriums

There is a no pavement cutting moratorium currently in effect along this frontage to North Ross

Lane.

The Developer shall be responsible for notifying by certified letter all utility companies, as well as all current property owners of parcels which are adjacent to any Public Street being constructed or paved as part of this project. The letter shall inform the utility companies and property owners of the City's street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be given the opportunity to install utility services within the right-of-way prior to paving and the subsequent moratorium. Notifications shall be mailed by the Developer at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

d. Access to Public Street System

Driveway access to the proposed lots shall comply with MLDC 10.550. No driveway access shall be allowed to Ross Lane North for any of the proposed lots.

The private alley shall be marked with a sign indicating that it is a private road.

e. Easements

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes which are not constructed within the street section.

Easements shall be shown on the final plat and the public improvement plans for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

3. Section 10.668 Analysis

To support a condition of development that an Applicant dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

10.668 Limitation of Exactions

Notwithstanding any other provisions of this Chapter 10, an applicant for a development permit shall not be required, as a condition of granting the application, to dedicate land for public use or provide public improvements unless:

(1) the record shows that there is an essential nexus between the exaction and a legitimate government purpose and that there is a rough proportionality between the burden of the exaction on the developer and the burden of the development on public facilities and services so

that the exaction will not result in a taking of private property for public use, or

(2) a mechanism exists and funds are available to fairly compensate the applicant for the excess burden of the exaction to the extent that it would be a taking.

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

2. Rough proportionality between the dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining “rough proportionality” have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

As set forth below, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Ross Lane North is classified as a Major Collector street per the adopted Circulation Plan. Ross Lane North is the primary connector from West McAndrews Road to Rossanley Drive from the development. As a Major Collector, Ross Lane North will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. It will provide safe travel for vehicles, bicycles, and pedestrians. As a higher order streets, they are eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the Developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and constructing higher order streets.

Maple Park Drive: In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square footage of right-of-way per dwelling unit for dedications. The proposed development has 7 dwelling units and will improve approximately 130 lineal feet of roadway which equates to 18 lineal feet per dwelling unit. Also the development will dedicate approximately 813 square feet of right-of-way, which equates to approximately 116 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The

development used was Silky Oaks Subdivision Phase 1 & 2 just east of this development on the north side of Maple Park Drive and consisted of 19 dwelling units. The previous development improved approximately 351 lineal feet of roadway and dedicated approximately 19,690 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 18 lineal feet of road per dwelling unit and approximately 1,036 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 6 new Lots within the City of Medford and increase vehicular traffic by approximately 56 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.
- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous developments in the vicinity to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

This site lies within the Rogue Valley Sanitary Sewer (RVSS) service area. Contact RVSS for availability and connection. A separate individual sanitary sewer lateral shall be constructed to each lot prior to approval of the Final Plat.

C. STORM DRAINAGE

1. Hydrology

The Design Engineer shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100 feet in all directions. All off-site drainage

affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. The opening of each curb inlet shall be sized in accordance with ODOT design standards. These calculations and maps shall be submitted with the public improvement plans for approval by the Engineering Division.

2. Storm Drainage Conditions

Developer shall make improvements to this branch of Little Elk Creek to convey the 10-year storm with one foot of freeboard, or provide calculations showing this condition now exists.

Developer shall provide a 15-foot Creek and Riparian easement for Little Elk Creek measured from the centerline of the Creek.

Developer shall provide riparian plantings meeting Oregon Department of Fish and Wildlife (ODFW) standards within the Creek easement.

Alternatively, if the Army Corp of Engineers allows the drainage to be piped, the ditch may be piped and the developer shall provide a minimum 10-foot easement. Public improvement plan submittal and approval will be required as part of this option.

3. Stormwater Detention and Water Quality Treatment

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481.

Upon completion of the project, the developer's design engineer shall provide written certification to the Engineering Division that construction of the water quality and detention facilities were constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to acceptance of the subdivision.

The City is responsible for operational maintenance of the public detention facility. Irrigation and maintenance of landscape components shall be the responsibility of the developer or a Home Owners Association (HOA). The developer's engineer shall provide an operations and maintenance manual for the facility that addresses responsibility for landscape maintenance prior to subdivision acceptance. Regarding water quality maintenance, the Rogue Valley Stormwater Quality Design Manual states: "Vegetation shall be irrigated and mulched as needed to maintain healthy plants with a density that prevents soil erosion."

4. Grading

A comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision will be submitted with the public improvement plans for approval. Grading on this development shall not block drainage from an adjacent property or concentrate

drainage onto an adjacent property without an easement. The Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

5. Mains and Laterals

The Developer shall show all existing and proposed Storm Drain mains, channels, culverts, outfalls and easements on the Conceptual Grading and Drainage Plan and the final Construction Plans.

In the event the lot drainage should drain to the back of the lot, the developer shall be responsible for constructing a private drain line, including a tee at the low point of each lot to provide a storm drain connection. All roof drains and foundation drains shall be connected directly to a storm drain system.

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

6. Erosion Control

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to approval of the final plat.

Per a cursory review of the available records the City Surveyor could find no documentation for the Right-of-ways for Ross Lane North or Maple Park Drive. Per ORS 209.250(2) this documentation must be given as part of the final plat submittal.

E. GENERAL CONDITIONS

1. Design Requirements and Construction Drawings

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

2. Construction Plans

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the governing commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

In order to properly maintain an updated infrastructure data base, the Surveyor of Record shall submit an as-built survey prior to the Final Inspection and, the Engineer of Record shall submit mylar "as-constructed" drawings to the Engineering Division within sixty (60) calendar days of the Final Inspection (walk through). Also, the engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

3. Phasing

The proposed plans do not show any phasing.

4. Draft of Final Plat

The Developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

5. Easements

Easements shall be shown on the Final Plat for all sanitary sewer laterals and storm drainage laterals that cross lots other than the one being served by the laterals.

6. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a "walk through" inspection has been

conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

Concrete or block walls built within a PUE, or within sanitary sewer or storm drain easements require review and approval from the Engineering Division of Public Works. Walls shall require a separate permit from the Building Department and may also require certification by a professional engineer.

7. System Development Charges (SDCs)

Buildings in this development are subject to SDC fees. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24-inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat.

8. Construction and Inspection

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit from the County.

For City of Medford facilities, the Public Works Maintenance Division requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, the Developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL

DeClans Landing Subdivision
(TL 1300)

LDS-19-018

A. Streets

1. Street Dedications to the Public:

- **Ross Lane North** – Dedicate additional right-of-way.
- **Maple Park Drive** – Dedicate additional right-of-way.
- **Alley (private)** – No public right-of-way dedication required.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- **Ross Lane North** – Street improvements have been completed.
- Improve **Maple Park Drive** half plus 12', to Standard Residential street standards.
- **Alley (private)** – Construction plans submitted with Building Permit application.

Lighting and Signing

- Developer supplies and installs all street lights at own expense.

Access and Circulation

- Driveway access to the proposed lots shall comply with MLDC 10.550. No driveway access shall be allowed to Ross Lane North for any of the proposed lots.
- The private alley shall be marked with a sign indicating that it is a private road.

Other

- No pavement moratorium currently in effect along this frontage to Ross Lane North.
- Provide pavement moratorium letters.

B. Sanitary Sewer:

- The site is situated within the RVSS area. Provide private laterals to each lot.

C. Storm Drainage:

- Provide an investigative drainage report.
- Comply with Storm Drainage Conditions.
- Provide water quality and detention facilities.
- Provide Engineers certification of stormwater facility construction.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide Erosion Control Permit from DEQ.

D. Survey Monumentation

- Provide all survey monumentation.
- Provide documentation for the Right of ways for Ross Lane North and/or Maple Park Drive, per ORS 209.250(2).

E. General Conditions

- Provide public improvement plans and drafts of the final plat.

- = City Code Requirement
- = Discretionary recommendations/comments

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for 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.



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDS-19-018

PARCEL ID: 372W23DD TL 1300

PROJECT: Consideration of tentative plat approval for the Declan landing Subdivision – a proposed 2-phased, 7-lot residential subdivision to be developed as townhouse lots, on a 1.12-acre parcel located at 738 N Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W23DD1300); Applicant, Glen Clark; Agent, Scott Sinner Consulting, Inc.; Planner, Dustin Severs.

DATE: March 13, 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. Phase 1 has an existing ¾-inch water meter located approximately mid lot along Maple Park Drive can serve proposed Lot 1.
 4. Phase 2 will require the installation of water services in Ross Lane North for proposed Lots 2 thru Lot 7.
1. Static water pressure is expected to be between 100 and 105 psi. 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 93 psi. (See Condition 5 above)

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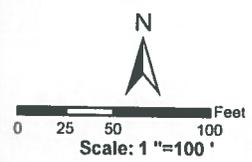
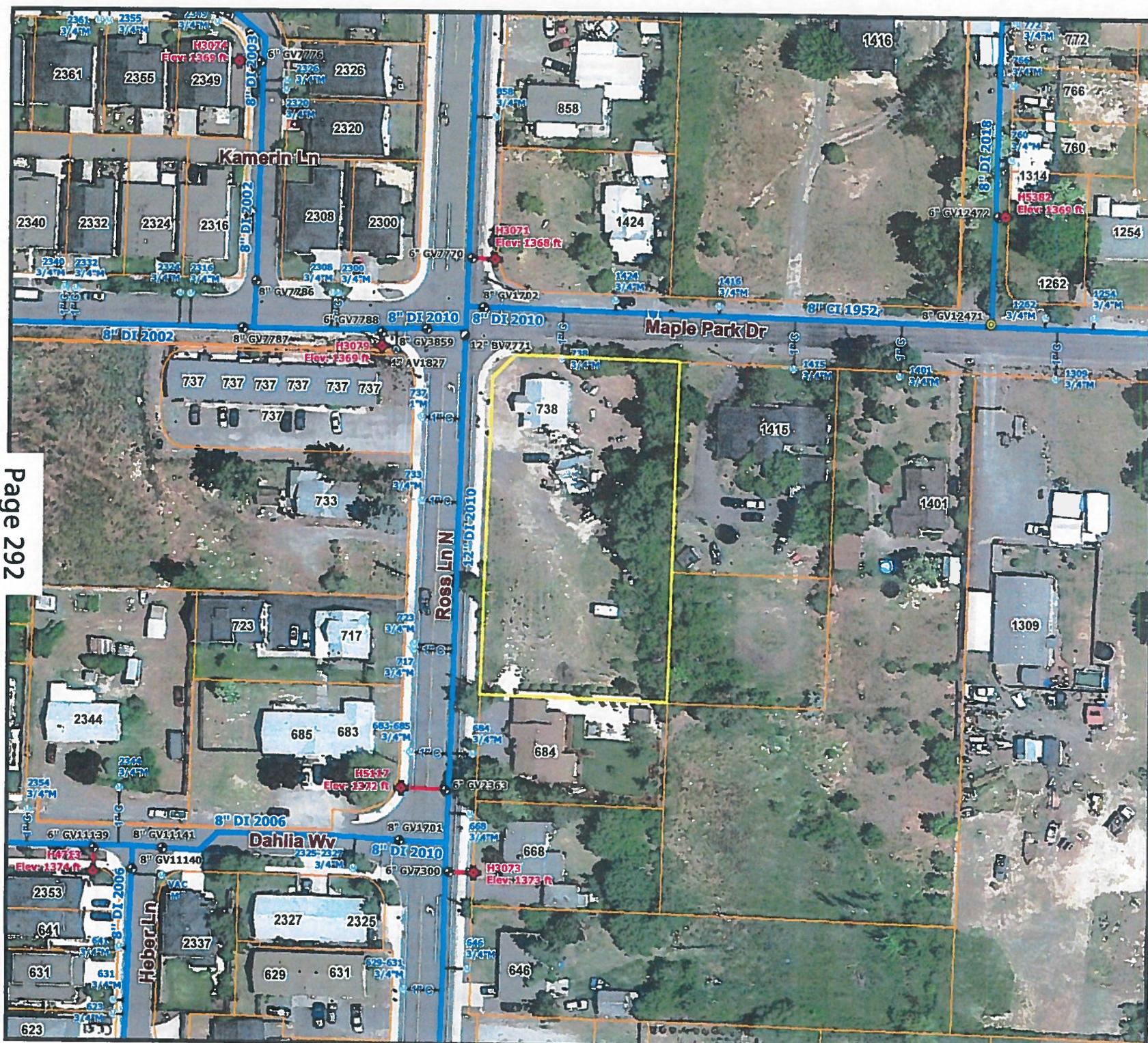
CITY OF MEDFORD
EXHIBIT # F
FILE # LDS-19-018



Staff Memo

Continued from Previous Page

4. MWC-metered water service does exist to this property. A $\frac{3}{4}$ " water meter serves the existing home at 738 Ross Lane North. (See Condition 3 above)
5. Access to MWC water lines is available. There is an existing 12-inch water line on the east side of Ross Lane North, and a 8-inch water line in Maple Park Drive.



Water Facility Map
City of Medford
Planning Application:
LDS-19-018
(372W23DD1300)
February 27, 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 elevation model by the Medford Water Commission. It is not a substitute for a professional survey. The City of Medford Water Commission does not assume any liability for errors or omissions in this map. The City of Medford Water Commission is not responsible for any errors or omissions in this map. The City of Medford Water Commission is not responsible for any errors or omissions in this map.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 3/7/2019
Meeting Date: 3/13/2019

LD File #: LDS19018

Planner: Dustin Severs

Applicant: Glen Clark

Site Name: Declan landing Subdivision

Project Location: 738 N Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district

Project Description: Consideration of tentative plat approval for the Declan landing Subdivision – a proposed 2-phased, 7-lot residential subdivision to be developed as townhouse lots, on a 1.12-acre parcel

Specific Development Requirements for Access & Water Supply

Reference	Conditions 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

CITY OF MEDFORD
EXHIBIT # 6
FILE # LDS-19-018



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

February 28, 2019

City of Medford Planning Department
200 S. Ivy Street
Medford, Oregon 97501

Re: LDS-19-018 DcLans Landing Subdivision (Map 372W23DD, TL1300)

ATTN: Dustin,

The subject property is within the RVSS service area. There is an 8 inch sewer main along Maple Park Drive to the north and a 30 inch sewer main along N Ross Lane to the west. There is an existing 4 inch service extended from Maple Park Drive which serves the existing house on tax lot 1300. This service will not be affected if the home is to remain in place.

There are two existing unused services tapped into the 30 inch main along N Ross Lane near proposed Lot 6. However, it is unclear if these services are extended completely to the right-of-way. That said, these services may be utilized if found to be in good working condition. In general, sewer service for proposed lots 2 - 7 can be had by a sewer main extension along the proposed minimum access, tapping the existing main along N Ross Lane, or connecting to the existing services as previously described.

Tap permits are issued by RVSS and connection permits will be issued by the City of Medford.

Rogue Valley Sewer Services requests that approval of the application be subject to the following conditions:

1. All sewer design and construction must be performed in accordance with RVSS standards.
2. The applicant must pay sewer system development charges to Rogue Valley Sewer Service prior to construction.

Feel free to call with any questions.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer

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CITY OF MEDFORD
EXHIBIT # H
FILE # LDS-19-018



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJaavier
Construction Engineer

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
dejanvca@jacksoncounty.org

www.jacksoncounty.org

March 1, 2019

Attention: Dustin Severs
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Tentative plat approval for proposed 2-phased 7-lot subdivision on
Ross Lane North - a City maintained road at this location
and Maple Park Drive - a County maintained road at this location
Planning File: LDS-19-018

Dear Dustin:

Thank you for the opportunity to comment on this consideration of a tentative plat approval for the Declan Landing Subdivision - a proposed 2-phased 7-lot residential subdivision to be developed as townhouse lots, on a 1.12 acre parcel located on the southeast corner of Maple Park Drive and Ross Lane North (738 N. Ross Lane) in the Single Family Residential, ten dwelling units per gross acre (SFR-10) zoning district (37-2W-23DD tax lots 1300). Jackson County Roads has the following comments:

1. Ross Lane North at this location is a city road and the County does not comment on City roads.
2. If frontage improvements are required off Maple Park Drive, they shall be permitted and inspected by the City of Medford.
3. Any new or improved road approaches off Maple Park Drive shall be permitted and inspected by the City of Medford.
4. Roads recommend the removal of any existing driveways not being used on Maple Park Drive and replacing them with new curb, gutter and sidewalk
5. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
6. We would like to be notified of future development proposals, as county permits may be required.

7. Maple Park Drive is a County Local Road and is county-maintained. The Average Daily Traffic Count on the City of Medford 2016 Traffic Volume Map is 1,400.
8. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Maple Park Drive. Jackson County Roads recommends that the city request jurisdiction of this road.
9. Please note that there are drainage problems in this area and the City of Medford now maintains the storm water system.
10. Storm water should meet City of Medford requirements that also include water quality.
11. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.
12. Roads and Parks concur with any right-of-way dedication required by the City of Medford.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,



Chuck DeJanvier, PE
Construction Engineer



Project Name:
**DeClans Landing
 Subdivision**

Map/Taxlot:

372W23DD TL 1300



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

02/12/2019

