

# PLANNING COMMISSION AGENDA MAY 11, 2017



## Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Alex Poythress

Jared Pulver

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**

**May 11, 2017**

**5:30 PM**

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

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10. **Roll Call**
20. **Consent Calendar/Written Communications (voice vote)**
- 20.1 **LDS-17-028** Final Order of a tentative plat for a 17-lot residential subdivision on 3.17 acres located on the south side of Hondeleau Lane approximately 430 feet east of Springbrook Drive and zoned SFR-6 (Single Family Residential, 6 dwelling units per gross acre). (371W08BD TL 100) (Dan Mahar, Applicant; Neathamer Surveying, Inc., Agent)
30. **Minutes**
- 30.1 Consideration for approval of minutes from the April 13, 2017, hearing.
- 30.2 Consideration for approval of minutes from the April 27, 2017, 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.**
- New Business**
- 50.1 **DCA-17-007** Consideration of a code amendment to revise the size standards for mobile food vendors and to consider other impacts of the code on vendors when appropriate. (City of Medford, Applicant/Agent)
- 50.2 **TF-17-012** The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and East McAndrews Road to modified major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals. (City of Medford, Applicant/Agent)
- 50.3 **LDS-16-152 / ZC-17-037** Consideration of Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located on the northeast corner of Agate Street and Hart Avenue within the SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) zoning district, and a zone change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-00 (Single Family Residential, one dwelling unit per existing lot) on a 1,334 square foot strip

of land located on the north side of Agate Street approximately 200 feet east of Hart Avenue (Tax Lots 382W01AB 700 & 800). (Clyde Akins, Applicant; CSA Planning Ltd./Mike Savage, Agent)

- 60. Reports**
- 60.1 Site Plan and Architectural Commission
- 60.2 Joint Transportation Subcommittee
- 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 A TENTATIVE PLAT APPROVAL OF )  
 )  
BOSC VIEW EAST [LDS-17-028] ) ORDER

ORDER granting approval of a request for a tentative plat for "Bosc View East" described as follows:

A 17-lot residential subdivision on 3.17 acres zoned SFR-6 (Single Family Residential, 6 dwelling units per gross acre) located on the south side of the terminus of Hondeleau Lane and approximately 430 feet east of the intersection of Springbrook Drive and Hondeleau Lane.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request for a tentative plat "Bosc View East" as described above, with the public hearing a matter of record of the Planning Commission on April 27, 2017.
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 a tentative plat for "Bosc View East" 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 "Bosc View East" stands approved per Planning Commission Report dated April 27, 2017, 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 Report dated April 27, 2017.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 11th day of May, 2017.

CITY OF MEDFORD PLANNING COMMISSION

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Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Planning Department Representative



## PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: **Land Division**

Project      Bosc View East  
                 Applicant: Vision Homes Inc.; Agent: Neathamer Surveying, Inc.

File no.      LDS-17-028

Date          April 27, 2017

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### BACKGROUND

#### Proposal

Consideration of a tentative plat for a 17-lot residential subdivision on 3.17 acres zoned SFR-6 (Single Family Residential, 6 dwelling units per gross acre) located on the south side of the terminus of Hondeleau Lane and approximately 430 feet east of the intersection of Springbrook Drive and Hondeleau Lane.

#### Subject Site Characteristics

Zoning	SFR-6	Single Family Residential – 6 dwelling units per gross acre
GLUP	UR	Urban Residential
Use	Occupied by one single family residence	

#### Surrounding Site Characteristics

##### North

Zoning:      SFR-6  
Use:          Single family homes

##### South

Zoning:      SFR-6  
Use:          Vacant

##### East

Zoning:      EFU- Exclusive Farm Use  
Use:          Orchard – passively farmed

##### West

Zoning:      SFR-6  
Use:          Single Family Homes

### Related Projects

LDS-06-170 Bosc View East (expired)

### Applicable Criteria

#### **Medford Land Development Code §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

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The subject site is composed of one lot totaling 3.17 gross acres located within the SFR-6 zoning district. The applicant is proposing a tentative plat consisting of 17 lots to be constructed in three phases (Exhibit B).

The subject site is located in the northeast area of Medford. The easterly property line coincides with the city limits and the Urban Growth Boundary (UGB). The urban reserve area identified as MD-3 is adjacent to the east and is part of the area proposed to come into the UGB. The site is also within the adopted North Medford Circulation Plan.

### Code Compliance

#### *Density*

The density range for the SFR-6 zone is between four and six dwelling units per gross acre. The net parcel size is 3.03 acres; the gross parcel size, which includes the fronting half-street, is 3.16 acres. Based on the gross acreage, the density range is between 13 and 18 dwelling units (Exhibit R). The proposal to create 17 parcels meets density standards.

#### *Street Circulation*

The subject property is within the North Medford Circulation Plan (Exhibit S) and fronts on Hondeleau Lane. The Street Functional Classification Plan associated with the UGB Expansion Project identifies the extension of Hondeleau Lane as a potential higher order street, based on future analysis (Exhibit T). Dragon Tail Place and Pearl Eye Lane are local streets and are not identified on either plan.

The Hopkins Canal runs along the southern property boundary. The North Medford Circulation Plan shows a canal crossing at Springbrook Road to the west of the site, but does not address crossings for local streets. The proposed layout does not include a Hopkins Canal crossing, but the proposal does appear to meet the block length standards in MLDC 10.426 without it. The applicant's proposal to extend both Pearl Eye Lane and Dragon Tail Place to the east property line satisfies both the approval criterion at MLDC 10.270(4) and the block length standards in MLDC 10.426.

#### *Minimum Access Easement*

The applicant proposes a minimum access easement to serve Lots 16 and 17. The southern property line runs along Hopkins Canal, and staff does not anticipate a through street crossing the canal at this location. The property adjacent to the south has other connecting circulation opportunities from Hondeleau Lane and Springbrook Road.

The minimum access easement shall be developed in accordance to MLDC 10.430(1) and 10.450 with proper width and turn-around dimensions. Additionally, the installation of a minimum access drive sign is required. Conditions of approval have been included requiring the applicant comply with the Public Works Department Staff Report (Exhibit G) and the Address Technician Staff Memo (Exhibit K).

### *Street Dedications & Improvements*

Hondeleau Lane is identified as a standard residential street. The applicant shall dedicate land along the frontage to comply with the half width of right-of-way, which is 31.5 feet. Pearl Eye Lane and Dragon Tail Place are proposed as minor residential streets and shall be dedicated and improved in accordance with MLDC 10.430. The dedication of 10-foot wide public utility easements along all street frontages in accordance with MLDC 10.471 is required.

### *Water Facilities*

The subject property is within the Medford Water Commission service area. A condition of approval has been included requiring the applicant to comply with the Medford Water Commission Report (Exhibit H).

### *Agricultural Impact*

The subject property abuts land directly to the east that is outside the city limits and the Urban Growth Boundary and zoned Jackson County EFU (Exclusive Farm Use). The abutting property is within Urban Reserve MD-3 and, as noted above, included in the proposed UGB expansion area (Exhibits U and V).

The applicant provided an Agricultural Impact Assessment Report as required in MLDC 10.801 (Exhibit F). The abutting property was an orchard, but is not actively farmed. It is therefore classified as passive agriculture, which requires limited mitigation under MLDC 10.801(D)(3). The applicant proposes a 6-foot solid fence along the easterly boundary to mitigate any potential conflicts with EFU land, which is consistent with the required mitigation. Additionally, the Code requires that a deed declaration be recorded that will advise future owners of the farming practices on the adjacent property. A condition of approval has been included requiring compliance with the mitigation in MLDC 10.801(D)(3).

### *Irrigation*

The Medford Irrigation District requires water rights for the subject property to be transfer prior to construction. A condition of approval has been included requiring the applicant to comply with the Medford Irrigation District Letter (Exhibit M).

### *Aviation*

The property is located within the Airport Area of Concern, various aviation agencies have commented. Oregon Department of Aviation (Exhibit N) stated that the proposed subdivision will not pose a hazard to air navigation. The Federal Aviation Administration Seattle Airports District Office requests that the applicant file a Notice of Proposed Construction or Alteration – FAA Form 7460, which is related to construction and not the land use application (Exhibit P).

The Jackson County Airport submitted comments requesting that an Avigation, Noise & Hazard easement be required as a condition of approval (Exhibit O). 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 email has not been included.

*Department of State Lands*

The Wetland Inventory map does not identify any wetlands on the subject site; however, because they are in close proximity, staff requested comments from the Department of State Lands. A Wetland Land Use Notification Response from the Department of State Lands (DSL) notes that a wetland delineation report has been submitted and is currently in review. If the delineation is approved, no state permit will be required.

**FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant's findings and recommends the Commission adopt the findings as presented (Exhibit E).

**ACTION TAKEN**

Adopt the findings as recommended by staff and directed staff to prepare a Final Order for approval of LDS-17-028 per the staff report dated April 20, 2017, including Exhibits A through W.

**EXHIBITS**

- A Conditions of Approval, dated April 20, 2017
- B Tentative Plat
- C Conceptual Grading and Drainage Plan
- D Conceptual Utility Plan
- E Agent's findings and conclusions received February 21, 2017
- F Agent's Agricultural Impact Assessment Report received February 21, 2017
- G Public Works Department Staff Report received April 5, 2017
- H Medford Water Commission Memo received April 5, 2017
- I Medford Fire Department Land Development Report received April 3, 2017
- J Medford Building Department Memo received April 5, 2017
- K Address Technician Memo received April 5, 2017
- L Jackson County Roads Letter received March 27, 2017
- M Medford Irrigation District letter received March 29, 2017
- N Oregon Department of Aviation email received April 5, 2017
- O Jackson County Airport email received March 29, 2017

- P FAA – Seattle Airports District Office email received April 4, 2017
- Q Department of State Lands Wetland Land Use Notification Response received April 17, 2017
- R Density Calculation
- S Adopted North Medford Circulation Plan
- T Street Functional Classification Plan for UGBA
- U Expansion Area General Land Use Plan for UGBA
- V MD-3 Expansion Area Boundary for UGBA
- W Jackson County Assessor’s Page  
Vicinity map

**MEDFORD PLANNING COMMISSION**

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Patrick Miranda, Chair

**PLANNING COMMISSION AGENDA:**

**APRIL 27, 2017**



## Planning Commission

# Minutes

From Public Hearing on April 13, 2017

The regular meeting of the Planning Commission was called to order at 5:35 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

### Commissioners Present

Patrick Miranda, Chair  
David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
E. J. McManus

### Staff Present

Matt Brinkley, Planning Director  
Kelly Akin, Assistant Planning Director  
Kevin McConnell, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Debbie Strigle, Recording Secretary  
Carla Paladino, Principal Planner  
Dustin Severs, Planner II

### Commissioners Absent

Jared Pulver, Excused Absence

### 10. Roll Call

### 20. Consent Calendar/Written Communications.

**20.1 LDS-16-156** Final Order of tentative plat approval for Stonegate Estates Phase 5, a 20-lot (and reserve acreage) residential townhome subdivision on an approximate 5.39-acre site located on the east side of North Phoenix Road, within an SFR-10/PD/SE (Single Family Residential – 10 dwelling units per gross acre/Planned Development/Southeast Plan Overlay) zoning district (371W342000). (Dan Mahar, Applicant; Neathamer Surveying, Inc., Agent)

**20.2 PUD-17-003 / ZC-17-004** Final Order of a revision to the approved Preliminary PUD Plan for Stewart Meadows Village Planned Unit Development, including the addition of property, located on a resulting approximate 121-acre site bounded generally by Stewart Avenue, South Pacific Highway, Garfield Avenue, and Myers Lane, within an SFR-6, SFR-10, C-C, I-L and I-G zoning districts, including a request for a change of zone on an approximate 0.62-acre tract from SFR-6 to SFR-10, an approximate 0.62-acre tract from SFR-10 to MFR-30, an approximate 0.26-acre tract from I-G to I-L, an approximate 0.26-acre tract from I-L to I-G, an approximate 9.8-acre tract from C-C to I-L, and an approximate 9.8-acre tract from I-L to C-C. (KOGAP Enterprises, Inc., Applicant; Maize & Associates, Inc., Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 7-0.

30. Minutes

30.1. The minutes for March 23, 2017, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Kevin McConnell, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – Continuance Request

**50.1 LDS-16-152** Consideration of Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located at the northeast corner of Agate Street and Hart Avenue, within an SFR-10 (Single-Family Residential, ten dwelling units per acre) zoning district (382W01AB700). (Clyde Akins, Applicant; CSA Planning, Ltd., Mike Savage, Agent). **The applicant has requested that this item be continued to the May 11, 2017, Planning Commission meeting.**

Chair Miranda stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the Thursday, May 11, 2017, Planning Commission hearing, please come forward and the Planning Commission will hear your testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff presents their staff report on Thursday, May 11, 2017. There will be no decisions made this evening on this agenda item.

The Public Hearing was opened and there being no testimony the Public Hearing was closed.

Motion: The Planning Commission continued LDS-16-152, as per the applicant's request to the May 11, 2017, Planning Commission meeting.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 7-0.

**New Business**

**50.2 DCA-17-014** A code amendment to revise the permitted use table in Section 10.337 to permit marijuana production and other related businesses in the Heavy Commercial (C-H) zoning district. (City of Medford, Applicant)

Carla Paladino, Principal Planner, reported that the approval criteria can be found in the Medford Land Development Code Section 10.184 (2). There are five criteria that have been addressed in the staff report in detail. They are found to be either satisfied or not applicable. There are copies of the criteria on the entrance table in Council Chambers

for those in attendance. Ms. Paladino reviewed the history, the citizen initiated request, the proposed changes and compliance with the criteria.

The Public Hearing was opened.

a. Trina Helfrich, 853 S. Riverside Avenue, Medford, Oregon, 97501. Ms. Helfrich reported that she is present this evening in support of the recommendation of the City Planning Department for the code amendment change on the permitted uses in the heavy commercial zone.

Commissioner Mansfield stated that he has already expressed his view about marijuana; he opposes it. For that reason he doubts his ability to make a proper vote in terms of good planning on this matter. He expects to not vote on this matter. He commented on Ms. Paladino's comment that the goals include commercial benefit but he does not consider commercial benefit to be a legitimate consideration in determining whether or not good planning exists.

Commissioner Mansfield reported that Commissioner Pulver contacted him a few days ago indicating what he considers a principal argument against granting this matter. Commissioner Mansfield is not expressing any opinion because he is not capable of doing that because of his biases. Commissioner Mansfield indicated to Commissioner Pulver that he would move to postpone consideration of this matter.

Motion: Postpone consideration of this matter until the Thursday, May 11, 2017, Planning Commission meeting.

Moved by: Commissioner Mansfield

Seconded by: Vice Chair McFadden

Vice Chair McFadden asked if Commissioner Mansfield was stating that in his opinion this is a significant argument which the Planning Commission is taking on faith they have not heard yet. Commissioner Mansfield stated that he is not taking any position on whether Commissioner Pulver's position is whether he agrees or not. He does not have an opinion. He is simply making a motion to postpone on his behalf so that he can present that position.

Commissioner Culbertson asked, was Commissioner Pulver at the study session? Commissioner Foley reported that Commissioner Pulver was not at the study session.

Commissioner Culbertson stated that he was sorry Commissioner Pulver was not at that study session to be able to voice his opinions or here tonight to voice his opinions.

Commissioner Foley asked, assuming that the Planning Commission moves this forward, will it go to the City Council to adopt this matter or not? Chair Miranda stated that is correct.

Commissioner Foley stated that the minutes from the Planning Commission meeting where the concerns were raised but not specified would be part of the record.

Chair Miranda reported that if Commissioner Pulver wanted his concerns heard he could attend that City Council meeting and voice his concerns.

Commissioner McManus commented that if it was necessary to consider it now, Commissioner Pulver could have submitted it in written form if he was unable to attend this meeting.

Commissioner Culbertson stated that having a secondary opportunity for Commissioner Pulver to speak on this issue at the City Council meeting is more than ample time for him to voice his concerns. This body should move this issue forward.

Roll Call Vote: Motion failed, 1-5-1, with Commissioner Culbertson, Commissioner Foley, Commissioner McKechnie, Commissioner McManus and Chair Miranda voting no and Vice Chair McFadden abstaining.

Second motion: The Planning Commission recommends adopting the proposed amendment based on the analyses, findings, and conclusions in the Commission Report dated April 6, 2017, including Exhibits A through F.

Moved by: Commissioner Culbertson      Seconded by: Commissioner McKechnie

Commissioner Foley asked, has the Planning Commission sufficiently recorded Commissioner Pulver's concerns? Chair Miranda replied, yes. It has been recorded that Commissioner Pulver has a concern. The specifics are unknown. Commissioner Pulver can submit his concern in writing or he can attend the City Council meeting and speak to it as a citizen, not as a member of the Planning Commission.

Commissioner Mansfield stated that the reason he is not expressing Commissioner Pulver's view is because he could not express it properly.

Roll Call Vote: Motion passed, 4-2-1, with Commissioner Foley and Vice Chair McFadden voting no and Commissioner Mansfield abstaining.

**50.3 ZC-17-017 / LDP-17-027** Consideration of a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre) and a partition to create two lots on approximately 4.5

acres located at 2180 Poplar Drive (371W18C TL 1362); (Weatherly Inn Medford LLC, Applicant; RJ Development LLC, Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. None were disclosed.

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

Dustin Severs, Planner II, stated that the land division criteria are found in the Medford Land Development Code Section 10.270. It was included in the property owner notices, staff report and copies have been provided for the audience located at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

Commissioner McKechnie asked, is the applicant requesting the entire parcel to be rezoned to MFR-30? Mr. Severs stated that is correct.

Commissioner McKechnie asked, is each separate parcel going to be in compliance so it is not creating a noncompliant building? Mr. Severs stated that it will not be creating a nonconforming parcel. Staff evaluated that when they did the review. Both properties will be in compliance. The new property meets all the additional requirements.

Commissioner McKechnie asked, who is evaluating the density? Also, the parking looks like they will be deeded to the other parcel. Will there be enough parking left over for this particular site to meet its current requirements? Mr. Severs stated that it will be a shared parking.

Kelly Akin, Assistant Planning Director, reported that there are two uses. One is the memory care facility which is a congregate care that is a permitted use outright. There is not a density requirement that goes along with congregate care facilities. For the assisted living each assisted living unit is calculated at .7 for density consideration. Staff did review the overall density and it is fine. Mr. Severs has been paying particular attention to the parking. They have seen several revisions to the site plan to make sure there is sufficient parking. There is no place to overflow on a classified street. Staff is satisfied the proposal meets the requirements of the code.

Commissioner Culbertson stated that the cross section is currently 50 feet wide on the current dedication and the applicant is required to have another 12 feet to be dedicated for the City's right-of-way. Is that intended to improve the center drive lane? Why does transportation want that? Mr. Severs deferred the question to Public Works.

Alex Georgevitch, City Engineer, stated that the classification of the road is a major collector which is a three lane facility. One lane each direction with a center turn lane.

There are 5 foot bike lanes each direction, a 10 foot planter strip and a 5 foot sidewalk. Currently this road is built without all those amenities. At time of partition is when Public Works requires the right-of-way. There will be no additional improvements asked of this development. Anything in the future will be a City project.

Commissioner Culberson stated that looking at the apartment complex to the north it pretty much sits on the property line. Is there ample room to get 72 feet for right-of-way on the north property? Mr. Georgevitch stated that he has not analyzed that section. The curb to curb on a major collector is 44 feet. At a minimum Public Works would need 7 foot sidewalks on each side calculating to 58 feet they would need. He does not know if there is an additional 4 feet near the apartments. Staff has no option but to ask for what the code requires. He has no knowledge of the applicant requesting an exception. The applicant is paid for the property since it is a high order street. They will receive SDC credits.

Commissioner McKechnie asked, did Public Works ask for the 12 feet with the new building on the northeast corner of Poplar and Morrow? Mr. Georgevitch reported that he cannot speak to past applications. He does not recall. They could have asked for an exception. The minimum Public Works would require on an acceptable major collector and meet the roadway standards would be 58 feet. This area has a high volume of traffic.

The Public Hearing was opened.

a. Caleb Perkins, 401 Central Street SE, Olympia, Washington, 98501. Mr. Perkins reported that he was present tonight on behalf of RJ Development. Dustin Fields is present tonight. He is the owner/operator of the Weatherly Inn Medford; the applicant. RJ Development develops senior housing throughout the country. There is a need for senior living in Medford.

Commissioner McKechnie asked, how many units does the existing Weatherly Inn Medford have? Is it all senior living? Mr. Perkins stated that the existing Weatherly Inn Medford is independent living. Less care is provided than assisted or memory care facilities. There are 89 units in that building. The reason they chose the property line where it is to give 3 acres to the Weatherly Inn and then 1 ½ acres to the proposed Weatherly Court was so they could remain in compliance density wise and setback wise for the buildings between the property line. They needed the extra lot coverage under the MFR-30 zone. They wanted to rezone the entire parcel so they could fit within lot coverage on the north but they still needed that on the south for density purposes.

Commissioner McKechnie asked, how many memory care units? Mr. Perkins reported that Weatherly Court will have 30 memory care units all on the first floor and 48 assisted living on the second and third floors. The third floor does not wrap the

building. The north part of the building on the north property line will just be up to the second floor.

Chair Miranda asked, how is the first floor utilized? Mr. Perkins stated that those units are dedicated to memory care. Memory care is care driven. Residents will call the facility home. Other portions of the first floor will have a commercial kitchen serving the memory care and assisted living residents. There will be administrative offices.

Commissioner Culbertson stated that at the Site Plan and Architectural Commission meeting last week they were discussing an avigation easement. He saw an informal email in the agenda packet asking for that easement. Is the Planning Commission going to handle it the same as the Site Plan and Architectural Commission or are they two different issues? Ms. Akin stated it is the same. It is not included as a condition of approval but staff acknowledged the comment. It is on page 96 of the agenda packet. Staff acknowledged they received the comment and explained they did not receive any Nolan or Dolan analysis required by a 2010 LUBA case. Staff did not recommend a condition.

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of LDP-17-027 and ZC-17-017 per the staff report dated April 6, 2017, including Exhibits A through Q and striking #4.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 7-0.

## 60. Reports

### 60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission met on Friday, April 7, 2017. They considered a proposal for the construction of two four-plex multiple family buildings on a 0.37 acre lot located at 2212 Crater Lake Avenue within the MFR-20 zoning district. The application was approved.

### 60.2 Report of the Joint Transportation Subcommittee.

Chair Miranda reported that the Joint Transportation Subcommittee has not met since the Planning Commission's last meeting.

### 60.3 Planning Department

Kelly Akin, Assistant Planning Director, reported that the UGB amendment will be presented to the Jackson County Board of Commissioners on Wednesday, May 17, 2017.

The Planning Commission's next study session is scheduled for Monday, April 24, 2017. The discussion will be on the revised mobile food vendor regulations.

There is business scheduled for Thursday, April 27, 2017 and Thursday, May 11, 2017.

At the last City Council meeting staff had an appeal of a Landmarks and Historic Preservation Commission decision for downtown signage. They approved the signage but they disallowed lighting behind it. The City Council overturned their decision on the lighting. It will be halo lighting. It is lighting behind metal letters. There is a soft glow around the edges. City Council also heard and approved the Foothill Road Transportation System Plan amendment and the sidewalk infill project that the Planning Commission heard in February.

Next week the City Council will consider adopting the Parks Leisure Services Plan into the Comprehensive Plan.

Tonight, the City Council is interviewing for the Planning Commission's ninth member. There are five or six applicants

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 6:30 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Rozzana  
Recording Secretary

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Patrick Miranda  
Planning Commission Chair

Approved: May 11, 2017



## Planning Commission

# Minutes

From Public Hearing on April 27, 2017

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

### Commissioners Present

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

### Staff Present

Kelly Akin, Assistant Planning Director  
Kevin McConnell, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Greg Kleinberg, Fire Marshal  
Debbie Strigle, Recording Secretary  
Liz Conner, Planner II

### Commissioners Absent

David Culbertson, Excused Absence  
E. J. McManus, Excused Absence

### 10. Roll Call

### 20. Consent Calendar/Written Communications.

**20.1 ZC-17-017 / LDP-17-027** Final Orders of a request for a change of zone from MFR-20 (Multiple-Family, 20 dwelling units per gross acre) to MFR-30 (Multiple-Family, 30 dwelling units per gross acre) and a partition to create two lots on approximately 4.5 acres located at 2180 Poplar Drive (371W18C TL 1362); (Weatherly Inn Medford LLC, Applicant; RJ Development LLC, Agent)

Kelly Akin, Assistant Planning Director, reported that staff received a request from the applicant to continue the item on the consent calendar to the July 27, 2017, Planning Commission meeting.

**Motion:** The Planning Commission continued ZC-17-017 / LDP-17-027, per the applicant's request to the July 27, 2017, Planning Commission meeting.

**Moved by:** Vice Chair McFadden

**Seconded by:** Commissioner Foley

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

### 30. Minutes

**30.1.** The minutes for April 13, 2017, were not available and will be submitted at the Thursday, May 11, 2017, Planning Commission meeting.

40. Oral and Written Requests and Communications. None.

Kevin McConnell, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – New Business

**50.1 LDS-17-028** Consideration of a tentative plat for a 17-lot residential subdivision on 3.17 acres located on the south side of Hondeleau Lane approximately 430 feet east of Springbrook Drive and zoned SFR-6 (Single Family Residential, 6 dwelling units per gross acre). (371W08BD TL 100) (Dan Mahar, Applicant; Neathamer Surveying, Inc., Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Mansfield reported that Mr. Neathamer has done work for clients of his. They have a good relationship but believes that does not affect his decision on how to vote on this matter.

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

Liz Conner, Planner II, stated that the agenda packet was missing page three of the staff report. It has been provided to the Commissioners at their seats this evening. They will not be adopting the Final Order this evening as the staff report reflects. The recommendation will be to direct staff to prepare a Final Order. The land division criteria are found in the Medford Land Development Code Section 10.270. It was included in the property owner notices, staff report and copies have been provided for the audience located at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report.

Vice Chair McFadden asked, when Ms. Conner stated the orchard is passively farmed at this time, does she mean it has been pulled out or it is not pulled out or being left fallow? Ms. Conner deferred the question to the applicant.

Ms. Conner reported that there was a LUBA case in 2010 that made the decision in that Nollan/Dolan findings have to be submitted to support the request. At this time there was no Nollan/Dolan findings submitted with the request. There is no condition complying with that request.

Vice Chair McFadden asked, if this is approved is it active for 5 years? Ms. Conner stated it is one of the conditions of approval. The Planning Commission authorizes a 5 year approval period as allowed.

Kevin McConnell clarified the definition of passive agriculture. It is stated in Code Section 10.801(D)(1), "...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..." On page 17 of the agenda packet that mitigation is required under MLDC 10.801(3) and he believes it should be 10.801(D)(3).

The Public Hearing was opened.

a. Bob Neathamer, Neathamer Surveying, Inc., 3126 State Street, Suite 203, Medford, Oregon, 97504. Mr. Neathamer asked if Vice Chair McFadden still had a question. Vice Chair McFadden asked what is the current status of the property next to this? Mr. Neathamer reported that the orchard is not being maintained or operated. The land division to the north has a letter or email from the land owners stating that they are not actively farming the property. When he requested the letter he did not get it so he made findings on his agricultural impact report that demonstrates meeting approval criteria and with the conditions staff has put in wind and drift for the residential side.

The staff report demonstrates they have met the approval criteria. Based on that he requests that the Planning Commission approves the application presented this evening.

Vice Chair McFadden stated that staff made the comment about not issuing a Final Order. Is that correct? Mr. Neathamer replied that would be great and does not expect getting a Final Order this evening. He did not ask for one.

Commissioner McKechnie asked, is this plan in three phases? Mr. Neathamer stated yes.

Commissioner McKechnie stated that the copies the Planning Commission are unclear. The original house on Lot 2 facing Hondeleau Lane, the two lots on either side, what is the street surface dimension? Is there enough room on those two lots to meet the minimum requirements for lots in this zone? Mr. Neathamer reported that the frontage is 54 feet and the answer is yes meeting the minimum lot requirements for this zone. In SFR-6 you can have 50 foot wide lots that are not corner lots. The depth is 103 feet.

Commissioner McKechnie asked, does the storm drain easement that covers part of Lot 6, Lot 7 and 12 tie into existing storm drains at Pearl Eye and Dragon Tail? Mr. Neathamer stated that will tie together what will be the detention and treatment facility within the street so it brings all of it to the lower level. It drains out from there. It is setup to have a treatment and detention facility in the street for everything. It exits into the drain system that goes west.

Commissioner McKechnie stated there is a note on the plan that states see Note A along the easterly boundary. Is that a 10 foot setback? What is along that side? Mr. Neathamer reported that is the fence that will be installed for the agriculture land. There will be an easement for an irrigation facility. There is only one boundary and the fence will be built on that boundary. There is a 10 foot irrigation easement that runs parallel with the east boundary.

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of LDS-17-028 per the staff report dated April 20, 2017, including Exhibits A through W, with the Code correction as previously discovered by Mr. McConnell.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 6-0.

## 60. Reports

### 60.1 Site Plan and Architectural Commission.

Ms. Akin reported that the Site Plan and Architectural Commission had no business last week.

### 60.2 Report of the Joint Transportation Subcommittee.

Commissioner Pulver reported that the Joint Transportation Subcommittee met yesterday, Wednesday, April 26, 2017. They have been working on the goals, objectives and action items for the Transportation System Plan update. Between the Committee and staff they have come to a place they are happy to move it forward. They are going to get public input. They are close to contracting Kittelson & Associates for the studying and drafting of the document. In the next couple of months it should make its way to the Planning Commission. It has been an interesting process. The Committee has strong advocates for bicyclists and mass transit busing. At the meeting they discussed if the document is too broad does it really benefit anyone? Whether it is Public Works, the developer, or whomever they latch on to the part they want that is good for them but there might be conflicting objectives or action items elsewhere in the document; so what does it really do for us? In the months to come as it comes before the Planning Commission to keep that in mind. It might be to "fluffy" or "pie in the sky"; not enough realism in it.

### 60.3 Planning Department

Ms. Akin reported that the Planning Commission's next study session is scheduled for Monday, May 8, 2017. The discussion will be on a text amendment for the Reorganization of Article II. Article II in the Land Development Code is all procedural. It is moving items around so it makes more sense. There are several substantive items as well.

There is business scheduled for Thursday, May 11, 2017, Thursday, May 25, 2017 and Thursday, June 8, 2017.

There have been 15 pre-applications submitted in the Planning Department so far this year. The highest number was in 2006 which was 21 pre-applications submitted.

Last week the City Council adopted the Parks Leisure Services Plan into the Comprehensive Plan. They also appointed a new Planning Commissioner. Alex Poythress will attend the Thursday, May 11, 2017, Planning Commission meeting. He owns an advertising agency.

Next week at City Council, staff will request the Mayor to read a proclamation for May being National Historic Preservation month. Scott Henselman, Chair of the Landmarks and Historic Preservation Commission will accept the proclamation and give an update of the Landmarks and Historic Preservation Commission.

70. Messages and Papers from the Chair.

70.1 Chair Miranda stated that he will not be in attendance at the Thursday, June 8, 2017, Planning Commission meeting.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 6:00 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Rozzana  
Recording Secretary

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Patrick Miranda  
Planning Commission Chair

Approved: May 11, 2017



brick and mortar restaurants. Council directed staff to prepare for a Planning Commission Study Session in which a general discussion regarding food trucks would be held. The Planning Commission was directed to decide whether or not a code amendment is necessary and warranted (See Exhibit H).

On December 12, 2016, the Planning Commission met in study session to discuss food truck standards. Staff presented other cities' standards pertaining to mobile food vendors and asked for direction on whether to draft a code amendment. Planning Commission raised concerns regarding food trucks and their lack of payment of system development charges (SDC) compared to brick and mortar restaurants. Planning Commission directed staff to draft a text amendment that would change the size standards for food trucks and had asked for more information regarding the cost starting a food truck compared to a brick and mortar restaurant. (See Exhibit I).

Lastly, with the proposed amendment available, Planning Commission met again in another study session to review the draft amendment on April 24, 2017. Planning Commission had reviewed the text amendment and had provided comments regarding the proposal. Planning Commission did not favor the portions of the proposed text permitting food trucks within the public right-of-way; staff has since removed this portion of the proposal. Discussion was had regarding the potential need for a change in how fees were assessed for food trucks, especially pertaining to street SDCs, and the affects they may have on the transportation system. No direction was given to address the SDC discussion. Staff has updated the proposed text amendment to reflect the comments received (See Exhibit J).

#### Authority

This proposed plan authorization is a Class-A 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 §§10.102–122, 10.164, and 10.184.

#### **ANALYSIS**

Mobile food vendors have developed into a staple of the urban fabric as a lunch time stop or a late night snack in many cities, Medford included. Presently, in Medford, there are 53 registered food trucks per Jackson County's database of mobile vendors. Since 1983 mobile vendors of some sort have been permitted within the City of Medford. Originally, food trucks were permitted in the City with an allowable square footage of 128 square feet. Through several revisions to the standards for mobile food vendors the allowable square footage has changed to now reflect the current standards of 128 square feet and 170 square feet in the C-B Overlay and outside the C-B Overlay, respectively.

The proposed changes to the size standards will only slightly increase the permitted size for mobile food vendors. Per the Federal Highway Administration, the maximum width for commercial vehicles is set at 102 inches or 8.5 feet<sup>1</sup>. Given the aforementioned width, the permitted lengths of food trucks (excluding trailers) under Medford's current code is 15 feet in the C-B Overlay and 20 feet outside of the C-B. The proposed changes would increase the total allowable length by approximately one to five feet, depending on the length of the truck cab. Below is the associated figure (10.840 – 1) that would accompany the proposed text to demonstrate how mobile food vendors would be measured.

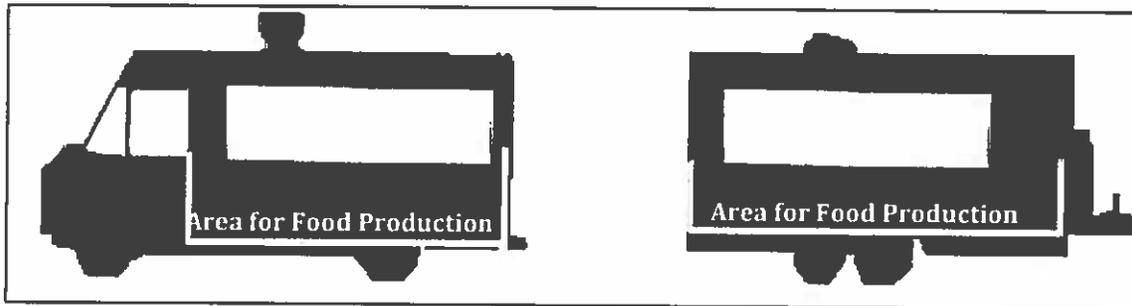


Figure 10.840 – 1: The length of a mobile food vendor shall only include the length of the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches.

The current code uses exterior measurements to calculate area which include vehicle cabs, but does not include trailer hitches, bumpers, and similar items. The inclusion of cabs in the measurement of a food truck area/length enables mobile food vendors using a trailer to have a larger unit than mobile food vendors using a truck. By excluding the cab in the measurement it creates a consistent standard for both trucks and trailers when used as mobile food vendors. Additionally, the switch from measuring area to length enables easier enforcement. Lastly, the measurement of area is unnecessary as Federal and State standards regulate the size of vehicles and trailers permitted on roadways, thus limiting the width. Since the maximum width of commercial vehicles is 8.5 feet, the maximum area devoted to food production for mobile food vendors under the new code would be 136 square feet in the C-B Overlay and it would remain 170 square feet outside of the C-B Overlay.

Staff has also proposed changes to the language regarding outdoor equipment per discussions had at the April 24, 2017 study session. Currently mobile food vendor standards permit an additional 170 square feet of outdoor equipment, when outside of the C-B Overlay. Staff is proposing that outdoor equipment be further defined within the standards to include items like tables, chairs, grills, and other equipment in order to give some clarity if issues with excessive outdoor equipment are ever to arise. This should have little effect on how the code currently functions as it only clarifies outdoor equipment.

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<sup>1</sup> 23 CFR § 658.15 Width 2007

The last change to the standards of 10.840 (D)(3) reflects comments received from the Fire Department. Temporary mobile food vendors previously had to comply with an Outdoor Food Vendor Safety Checklist, now they must obtain an operational permit from the Fire Department. This change is intended to update the Fire Department's operating standards within the MLDC.

Mobile food vendors in the public right-of-way, from time to time, can be spotted on the streets of Medford's Downtown. Previous proposals for DCA-17-007 had incorporated language to permit food trucks within the public right-of-way between the hours of 10:00 PM and 2:30 AM that had read as follows:

"From the hours of 10:00 PM until 2:30 AM, temporary food vendors may locate in on-street parking stalls so long as the temporary food vendor is completely self-contained (not needing utility connections to operate) and must be capable of moving without assistance from another vehicle. Section 10.840 (D)(3)(2) shall still apply."

This proposed text was added to aid mobile food vendors in locating within the public right-of-way as they can sometimes locate, illegally, within the public right-of-way (See Exhibit D). Currently, the Medford Municipal Code (MMC) does not permit the sale of goods within the public right-of-way; however, the code provisions above would allow for the sale of food via a mobile food vendor. When DCA-17-007 was sent out for agency review the above language was a part of the proposed amendment. No agency had expressed concern with the text and the Police Department, who is tasked with enforcing infractions within the right-of-way, had no comments with the text (See Exhibit D).

In addition to the text above, if desired by the Planning Commission, staff could propose adding additional standards to the use of public right-of-way that would require that the mobile food vendor:

- Be self-contained (not needing utility connections)
- The mobile food vendor shall be a truck and capable of unassisted movement
- They shall not obstruct vehicular or pedestrian traffic
- A trash receptacle shall be provided or within 20 feet
- Limit the number per block
- Permits for the use of public right-of-way between the hours of 10:00 PM and 2:30 AM shall not be needed

Per discussions had at the April 24, 2017 Planning Commission Study Session, staff has removed this portion of the proposal as it was not considered a need by the Planning Commission (See Exhibit J).

## FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). 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:*

*10.184 (2) (a). Explanation of the public benefit of the amendment.*

### Findings

Mobile food vendors offer an opportunity for affordable food options as well as affordable business opportunities for those pursuing the use of food trucks. What this code amendment does is create more consistency with surrounding municipalities by increasing the size limits and allows for easier enforcement of the standards. Where the public currently benefits from the standards regarding mobile food vendors, they will continue to benefit as the increase in size is minimal compared to the current standards in place, thus having little effect on the public overall.

### Conclusions

The proposed changes to Section 10.840 (D)(3) will only slightly increase the size of mobile food vendors that are currently permitted. The increase in size, although minimal, will enable a larger variety of mobile food vendors presenting an opportunity for growth of an affordable business option. Largely the public benefit will remain the same as it is now, with no documented negative effects on the public. This criterion is satisfied.

*10.184 (2) (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 following are the goals, policies, and implementation measures of the Comprehensive Plan applicable to DCA-17-007.

#### **Economic Element**

**Goal:** To actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford.

**Policy 1-1:** The City of Medford shall strengthen its role as the financial, medical, tourist, governmental and business hub of Southern Oregon and shall build on its comparative advantages in the local and regional marketplace.

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

### Conclusions

Small businesses present an opportunity in the State of Oregon as "...nearly 90 percent of all firms employ less than 20 people," food trucks included.<sup>2</sup> Furthermore, the request to update the standards for mobile food vendors comes from a local bakery, Buttercloud Bakery, seeking to expand their operations within the City of Medford. Increasing the size standards to allow larger mobile food vendors supports existing and new small businesses as well as aids in retaining an existing business within the City of Medford; currently Buttercloud cannot operate their food truck within the City. This criterion is satisfied.

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

### Findings

The proposal was provided to the applicable referral agencies per the code requirements. Formal comments were received from the Fire Department (See Exhibit B), Public Works Department (See Exhibit C), and the Police Department (See Exhibit D). Of the comments received, only the Fire Department's required modifications to the proposal to update the standards as it relates to the Fire Department's operational standards for mobile food vendors.

### Conclusions

All changes necessary to update the proposal per the comments received have been made. No other referral agency has provided comment at this time. This criterion has been satisfied.

3. *Public comments.*

### Findings

DCA-17-007 was initiated by a citizen request (See Exhibits G & H) from Ellen Holub, owner of Buttercloud Bakery. Communication with both Ellen and Gibson Holub has been constant to ensure the proposal meets their request, warranting minor changes to the proposal (See Exhibit E). Additional public comment has been received from LGB Medford, LLC (See Exhibit F) the owner of the Medford Center. The comments received from LGB include several additions to the mobile food vendor standards; these additions include: requiring food trucks to have a permanent location, permitting food trucks as conditional uses, and requiring

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<sup>2</sup> "Oregon.gov." Oregon.gov: NewsDetail. Governor's Office, 19 Aug. 2015. Web. 26 Apr. 2017.

SDC charges. LGB has been notified of the code amendment proposal and the hearing dates. Additionally, the draft proposal is available on the City of Medford website for public comment and Planning Commission and City Council hearings will provide further opportunities for public comment.

#### Conclusions

Staff has reviewed the public comments received. The current proposal reflects comments received from the owners of Buttercloud Bakery. Additionally, staff has measured a few food trucks within Medford to ensure compliance with code. Lastly, staff has considered the comments received from LGB and determined that the comments are outside the scope of the current proposal. This criterion has been satisfied.

#### 4. *Applicable governmental agreements.*

#### Findings

This amendment does not affect any known governmental agreements.

#### Conclusions

This criterion is not applicable.

### **RECOMMENDED ACTION**

Based on the findings and conclusions that all of the approval criteria are either met or not applicable, forward a favorable recommendation for adoption of DCA-17-007 to the City Council per the staff report dated May 04, 2017, including Exhibits A through J.

### **EXHIBITS**

- A Proposed amendment
- B Fire Department Comments – April 6, 2017
- C Public Works Department Comments – April 19, 2017
- D Police Department Comments – April 04 – 27, 2017
- E Public Comment – Ellen Holub Buttercloud Bakery – December 3, 2016
- F Public Comment – LBG Medford LLC, Medford Center – January 12, 2017
- G City Council Minutes – October 20, 2016
- H City Council Minutes – November 3, 2016
- I Planning Commission Study Session Minutes – December 12, 2016
- J Planning Commission Study Session Minutes – April 24, 2017

**PLANNING COMMISSION AGENDA:**

**MAY 11, 2017**

# Exhibit A

## Proposed amendment

Deleted text is ~~struck through~~; added text is underlined

### TEMPORARY USES AND STRUCTURES

#### 10.840 Temporary Uses and Structures.

##### A. Purpose.

The purpose of this section is to accommodate reasonable requests for interim, temporary, or seasonal uses and structures within the City.

##### B. Applicability.

In addition to the provisions of this section, the following other licenses and permits may apply:

(1) Permits for use of City-owned property and public right-of-way, pursuant to Chapter 2 and

Chapter 6;

(2) Business license provisions of Chapter 8;

(3) Building permit provisions of Chapter 9; and

(4) Sign permit provisions of Article VI of this Chapter 10.

##### C. General Provisions.

(1) Temporary uses and structures are characterized by their short-term or seasonal nature, and by the fact that permanent improvements associated with the temporary use are not made to the site.

(2) Temporary uses and structures are permitted only as expressly provided in this Code.

(3) The principal use or structure, together with any temporary uses or structures, shall not jointly exceed the development standards contained in Article V.

(4) No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Article VI.

(5) Nothing contained in this section is intended to authorize the placement or use of movable structures or vehicles without all necessary permits first being obtained.

(6) Removing the wheels or setting the movable structure or vehicle on posts or footings shall not exempt the movable structure or vehicle from the provisions of this section and may cause the structure to be subject to the development standards of Article V.

\* \* \*

##### D. Types of Temporary Uses and/or Temporary Structures.

\* \* \*

(3) Temporary Mobile Vendors.

a. Temporary Food Vendors (Outdoor).

1. Application Requirements.

i. A business license pursuant to Chapter 8 shall be required.

ii. In addition to the requirements of Chapter 8, the applicant shall submit a site plan drawn to scale indicating the following:

- (a) ~~Dimensions of the temporary food vendor unit.~~ Length of the temporary mobile food vendor unit (Measurement of the length of a mobile food vendor is explained in Figure 10.840 – 1).
- (b) Location of the temporary food vendor unit on the site.
- (c) Paved vehicular access, including driveway location(s).
- (d) Off-street vehicular parking spaces.
- (e) A trash receptacle located within ten (10) feet of the temporary food vendor unit.
- (f) Dimensions of the area to be occupied by the temporary food vendor unit, including any table(s), seating, and other exterior items, if applicable; and
- (g) Location of utility connections, if any.

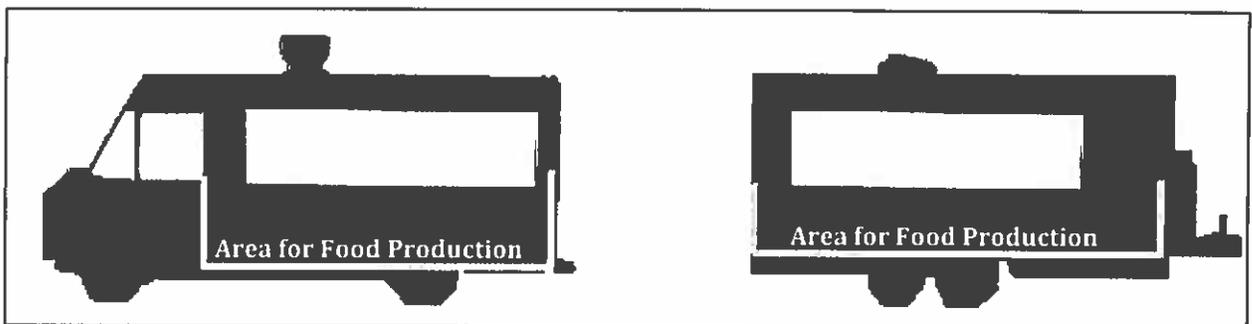


Figure 10.840 – 1: The length of a mobile food vendor shall only include the length of the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches.

## 2. Standards.

### i. Locational and Size Standards.

(a) Temporary food vendors are permitted in the following zoning districts: C- S/P, C-N, C-C, C-H, C-R, I-L, and I-G.

(b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays:

(1) ~~The exterior length and width, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper shall not exceed 16 feet (See Figure 10.840 – 1 for measurement guidance).~~

(2) Outdoor equipment, such as tables and chairs, shall not be permitted. Outdoor equipment shall include seating, tables, grills, and other items used for preparing food or accommodating guest.

(c) In all other zones:

(1) ~~The exterior length and width, when multiplied, shall be no more than 170 square feet, including any slide-outs, and excluding trailer tongue, and bumper. shall not exceed 20 feet (See Figure 10.840 – 1 for measurement guidance).~~

(2) An additional 170 square feet is allowed for outdoor equipment. Outdoor equipment shall include seating, tables, grills, and other items used for preparing food or accommodating guest.

(d) On City-owned property and right-of-way, temporary food vendor units shall obtain a permit pursuant to Chapter 2, and are exempt from the standards of 10.840(D)(3).

(e) At an Event of Public Interest, temporary food vendors per 10.840(D)(1) are exempt from the standards of 10.840(D)(3).

ii. General Standards.

(a) If the temporary food vendor unit is located on or adjacent to a privately- owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.

(b) All food must be in a ready-to-eat condition when sold.

(c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.

(d) The temporary food vendor unit shall be located outside any required setbacks.

(e) Attached awnings are permitted if smaller than the size of the temporary food vendor unit.

(f) The temporary food vendor unit and all outdoor equipment shall be located on an improved surface.

(g) Temporary food vendors shall ~~comply with the Fire Department's Outdoor Food Vendor Safety Checklist~~ obtain an operational permit from the Fire Department.

(h) Any utility connections require a building permit from the Building Safety Department.

# **Exhibit B**

## **Fire Department Comments**

April 6, 2017

**Kyle W. Kearns**

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**From:** Greg G. Kleinberg  
**Sent:** Thursday, April 06, 2017 11:14 AM  
**To:** Kyle W. Kearns  
**Cc:** Ralph E. Sartain  
**Subject:** DCA 17 007 Comments

Kyle,

We now have an operational permit set up. The only comment Fire has is we would like to change (g) to state the following:

(g) Temporary food vendors shall ~~comply with the Fire Department's Outdoor Food Vendor Safety Checklist~~ obtain an operational permit from the Fire Department.

Thank You,

Greg Kleinberg  
Deputy Chief - Fire Marshal  
Medford Fire-Rescue  
541-774-2317

# **Exhibit C**

## **Public Works Department Comments**

April 19, 2017



*Continuous Improvement Customer Service*

**CITY OF MEDFORD**

Date: 4/19/2017  
File Number: DCA-17-007

**PUBLIC WORKS DEPARTMENT STAFF REPORT**

**Development Code Amendment – Mobile Food Vendors**

**Project:** A code amendment to revise the size standards for the mobile food vendors and to consider other impacts of the code on vendors when appropriate.

**Applicant:** City of Medford (Citizen Initiated)

**Planner:** Kyle Kearns, Planner II, Long Range Division

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**Public Works has no comments on the proposed amendment.**

Prepared by: Doug Burroughs

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PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S IVY STREET  
MEDFORD OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

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

# **Exhibit D**

## **Police Department Comments**

April 04 – 27, 2017

**Kyle W. Kearns**

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**From:** Donald G. Lane  
**Sent:** Thursday, April 27, 2017 4:40 PM  
**To:** Kyle W. Kearns  
**Subject:** RE: Food Vendor at Bohemian

Sorry to get back to you past the deadline, but I can only ask the bosses so many times. I finally got word that they have no opposition to the changing of the code.

Don

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**From:** Kyle W. Kearns  
**Sent:** Wednesday, April 19, 2017 5:03 PM  
**To:** Donald G. Lane  
**Subject:** RE: Food Vendor at Bohemian

Sounds good. Do let me know if you find out. We are trying to get feedback prior to our study session on Monday with some changes we are proposing, which I've attached. We added some more regulations to permitting food trucks in public right-of-way, but if we are told by Planning Commission to take it out then all of this back and forth we have had would have been for nothing.

What we sent PD for comment is different from the draft we'd like to present on Monday. All that said, the actual Planning Commission hearing date is May 11 (I'm just hoping to get feedback before then, not expecting it).

I've reviewed a few Sections of the Muni. Code that may pertain and bolded the ones that you may have to deal with if this goes through (2.185, 6.350, 6.370, 6.360, 6.340, 2.190).

Feel free to call or email if I'm not making sense.

Kyle Kearns  
541-774-2380

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**From:** Donald G. Lane  
**Sent:** Wednesday, April 19, 2017 4:46 PM  
**To:** Kyle W. Kearns  
**Subject:** RE: Food Vendor at Bohemian

Good question. I am not sure but I am checking. The position I am in here at the PD would allow me to if they were directed to me, if you want in the future. I am checking to see who would have reviewed this.

Thanks,

Don

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**From:** Kyle W. Kearns  
**Sent:** Wednesday, April 19, 2017 3:11 PM  
**To:** Donald G. Lane  
**Subject:** RE: Food Vendor at Bohemian

Hello Don,

Quick question. Who reviews amendments to the municipal code, specifically Chapter 10 when we send them out for comment? We haven't received any feedback from PD on the past discussion we had (below). We had sent out a request for comments to PD about a month ago (File # DCA-17-007) and want to make sure that we are provided feedback (largely due to the enforcement side of things). I'm happy to reach out to whomever it is that reviews said code amendments.

Best,

Kyle Kearns  
541-774-2380

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**From:** Donald G. Lane  
**Sent:** Tuesday, April 04, 2017 2:12 PM  
**To:** Kyle W. Kearns  
**Subject:** FW: Food Vendor at Bohemian

Kyle,

Here is the entire email train with the PD's opinions on the matter. Attached is a letter drafted by Jim Huber.

Just so you are aware, I don't think the PD is necessary opposed to these food trucks parking on the street and survey food, however Trevor Arnold ( who worked for me at the time) has a valid safety concern that does need to be considered. I don't think this is a fatal flaw, just something that needs to be considered.

However with this all being said, I cannot speak for my Command Staff at the PD. They may have issues with it so if you are sending out the code amendment then they should be able to weigh in on the issue if needed.

Respectfully,

D. Lane

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**From:** Jim E. Huber [<mailto:Jim.Huber@cityofmedford.org>]  
**Sent:** Monday, February 22, 2016 1:28 PM  
**To:** Donald G. Lane  
**Subject:** RE: Food Vendor at Bohemian

Hi Don,

I'll share what I've written up (see attachment). To respond to your question, it's not my decision because the authority I have only pertains to temporary food vendors on private property, not public right-of-way. Second, I think Council already has the authority to allow the food vendor to be in front of The Bohemian, if they want to, based on my read of 2.185 (7) and 6.350(1). However, I want Legal to let me know if they concur with that reading of the code. I've forwarded the same attachment to Legal but have not heard back yet.

Jim

---

**From:** Donald G. Lane  
**Sent:** Monday, February 22, 2016 11:47 AM  
**To:** Jim E. Huber  
**Subject:** Re: Food Vendor at Bohemian

Sir,

When you work through this issue may I respectfully ask to be informed of your decision so I can better educate myself on this issue as well as gain an understanding of the process as a whole.

Respectfully,

D. Lane

Sent from my iPhone

On Feb 19, 2016, at 15:25, Jim E. Huber <[Jim.Huber@cityofmedford.org](mailto:Jim.Huber@cityofmedford.org)> wrote:

Thanks Don,

Jim

**From:** Donald G. Lane  
**Sent:** Friday, February 19, 2016 3:17 PM  
**To:** Jim E. Huber  
**Subject:** Fwd: Food Vendor at Bohemian

Jim,

Below is a summary of our findings and opinion on safety.

Additionally if the city does allow this food truck to park on the street I am confident the other food trucks will want to do the same.

Sent from my iPhone

Begin forwarded message:

**From:** "Trevor C. Arnold" <[Trevor.Arnold@cityofmedford.org](mailto:Trevor.Arnold@cityofmedford.org)>  
**Date:** February 10, 2016 at 12:00:25 PST  
**To:** "Donald G. Lane" <[Donald.Lane@cityofmedford.org](mailto:Donald.Lane@cityofmedford.org)>  
**Subject:** RE: Food Vendor at Bohemian

In addition to the below listed information I also reviewed Medford Municipal Code 6.350, Sales on Public Property. This code states the following:

- (1) Unless authorized by other provisions of this code, no person shall park or leave standing a vehicle, moveable device, container, equipment or merchandise on a street, sidewalk, public right-of-way, or public off-street parking lot, for longer than five consecutive minutes in one location for the purposes of offering food or merchandise for sale without prior written approval of the council.

I interpret this code to mean that the owner of the food truck is not allowed to park his mobile vender vehicle on a public right-of-way for the purpose of offering food for sale for more than five consecutive minutes, unless he gets written approval from the city council. I stand by my explanation listed below that it poses a hazard to the community and is not in the best interest of the City of Medford to grant that approval.

Corporal Trevor Arnold

**From:** Trevor C. Arnold  
**Sent:** Wednesday, February 10, 2016 8:16 AM  
**To:** Donald G. Lane  
**Subject:** RE: Food Vendor at Bohemian

Regarding the below listed case I reviewed Medford Municipal Code 10.840 section (3) which covers temporary mobile vendors. Subsection (d) of that code states: "On city-owned property and right-of-way, temporary food vendor units shall obtain a permit pursuant to Chapter 2, and are exempt from standards of 10.840(D)." So, I then reviewed Medford Municipal Code 2.185, which covers permits for use of Publicly Owned Property and Right-of-way. Section (1) of that code states: "The City Manager upon application on a form prescribed by the City Manager's Office, shall issue a special event permit to a person when the City Manager or his designee finds with input from the affected departments that the parade or event will meet the following conditions:"

- (a) Will not unreasonably obstruct vehicular and pedestrian traffic; or
- (b) Create an unreasonable hazard to person or property

My interpretation of the Medford Municipal Code is as follows:

If the owner of the food truck wants to park his temporary mobile vendor vehicle on the south side of W. Main St. in front of the Bohemian Club, in a public right-of-way, he must obtain a special event permit from the City Manager's Office.

I believe the food truck being parked at the listed location in the public right-of-way causes an unreasonable obstruction of vehicular and pedestrian traffic, as well as creates an unreasonable hazard to persons and property at that location.

I have worked the downtown Medford area during graveyard shifts over the past several years. Since the opening of Bohemian Club and 4 Daughters directly across the street I have seen a dramatic increase in pedestrian traffic crossing W. Main St. For the most part, pedestrians do not walk to the nearby crosswalk and wait for the electronic walk signals, but instead walk back and forth across the three traffic lanes, often times without even looking for oncoming vehicles. While crossing W. Main St. many of these patrons and pedestrians are at varying states of alcohol intoxication, their decision making and visual acuity is diminished further.

I have worked several shifts and seen the "Fired Up" food truck parked at the listed location, right in front of the Bohemian Club. It causes a major blind spot for pedestrians who choose to cross W. Main St. at the front of the truck. A line for the Bohemian Club often forms along the sidewalk to the east, forcing patrons who are leaving the club and crossing the street to walk in front of the food truck, on the west side. When people cross the roadway in that manner, they have absolutely no view of oncoming vehicles. I can't count the number of times I myself have had to come to a complete stop in the roadway for pedestrians who are crossing W. Main St. without using the crosswalk and while I had a green traffic signal.

Not only does the food truck cause a hazard to pedestrians, but it also affects vehicular traffic. Taxi cabs are a staple business in the downtown area on Friday and Saturday nights. As an officer who has worked his entire career to curb the impaired driving problem I appreciate seeing the taxi cabs in business. The problem the food truck brings

when it is parked in front of the Bohemian club is that it takes up several parking spaces, right in front of the entrance to the club. This is where taxi cabs used to park to drop off and pick up passengers. Now, I often see the taxi cabs stop in the roadway, blocking the far left traffic lane for W/B traffic to drop off and pick up their passengers. They no longer have a safe place to pull over in front of the club.

On another note, I received information on Tuesday February 9<sup>th</sup> that the Bohemian Club had stopped serving food during the nighttime hours and were closing their kitchen down, relying on food service from the food truck parked in front of the business for their patrons. In order to continue operating with a valid license to serve alcohol the business is required to serve food. I contacted OLCC Inspector Matt Roberts and asked him what he knew the situation. Matt Roberts confirmed it is a requirement for the business to serve food in order to maintain their liquor license. He also added he had heard the same information last week. Roberts told me he did an inspection of Bohemian Club last week and confirmed the business had closed their kitchen down for the night, while still serving alcohol, and were relying on the food truck to supply food for their patrons. Roberts told me this was a violation of their liquor license and he is in the processes of completing his report, at the conclusion of which the Bohemian Club will be fined.

Based on my interpretation of the Medford Municipal Code and the unreasonable obstruction of pedestrian and vehicular traffic that is caused by a mobile food vendor being parked in front of the Bohemian Club, I feel it would not be in the best interest of the city to grant special event permits to mobile food vendors who wish to park in the public right-of-way in front of that location.

Respectfully Submitted,  
Corporal Trevor Arnold

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**From:** Donald G. Lane  
**Sent:** Friday, February 05, 2016 5:06 PM  
**To:** Trevor C. Arnold  
**Subject:** Food Vendor at Bohemian

Cody at 541-973-4753 wants to operate his food trailer at night in front of the Bohemian club, parking on street. Niezen originally had this case and I did some work on it, but never got a final answer from my research in Muni Code.

**Exhibit E**  
**Public Comment – Ellen and Gibson Holub**  
**(Buttercloud Bakery Owner)**

December 3, 2016

&

April 26, 2017

**Kyle W. Kearns**

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**From:** Ellen Holub <ellenholub@gmail.com>  
**Sent:** Saturday, December 03, 2016 10:29 AM  
**To:** Kyle W. Kearns  
**Subject:** Buttercloud food truck

Hi Kyle! My husband Gibson mentioned that you had some questions regarding the size of our food truck. Our vehicle is 25' long by 8' wide.

I know that you are doing your own research about this issue, but what I learned in my research is that most cities (including Central Point where our truck is currently parked) look at each request on a case by case basis. Even if it is to be parked on private property, the city can determine whether that is an appropriate location for that particular use. Of all the many cities that I called, Bend, Eugene, Corvallis, Talent, Phoenix, none had specific numbers tied to food trucks in general. Portland is the only city that does, from what I can tell, and they are as follows:

10' x 20' = metered parking spaces on city owned property  
10' x 24' = non-metered parking spaces on city owned property  
10' x 40' = private property

Our wish is that the City of Medford consider adopting a policy more in line with the rest of the cities in our state regarding parking a vehicle on private property.

Thank you for looking into this and please let me know if you have any further questions.

Ellen Holub

**Kyle W. Kearns**

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**From:** Gibson <gibsonholub@gmail.com>  
**Sent:** Wednesday, April 26, 2017 3:54 PM  
**To:** Kyle W. Kearns  
**Subject:** Re: Food Trucks at Special Events

Hi Kyle,

I just left a phone message, but thought I'd email you as well. The internal kitchen production area, not including the cab, of our food truck is about 18 ft, so looks like we would be permitted according to the proposed code change.

Thanks again and let me know if you have any more questions.

Best,  
Gibson

On Tue, Apr 25, 2017 at 7:53 AM, Kyle W. Kearns <Kyle.Kearns@cityofmedford.org> wrote:

Hello Gibson,

If you have a chance could you review the below portion of the code update and tell me if your truck would be permitted under the new code.

- (1) The exterior length shall not exceed 20 feet (See Figure 10.840 – 1 for measurement guidance).

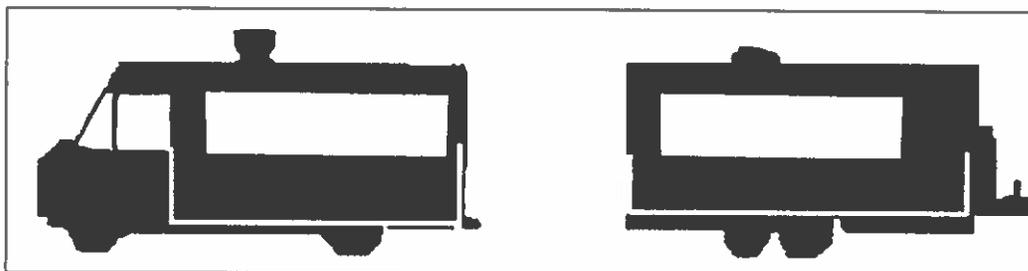


Figure 10.840 – 1 The length of a mobile food vendor shall only include the length of the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches.

**Exhibit F**  
**Public Comment – LBG Medford, LLC.**  
**(Medford Center Owner)**

January 12, 2017

## LBG Medford, LLC

500 Newport Center Drive  
Suite 800  
Newport Beach, CA 92660

Ph (949) 440-0605  
www.lbgfund.com

**RECEIVED**  
**JAN 12 2017**  
**PLANNING DEPT.**

January 12, 2017

City of Medford  
200 S. Ivy Street  
Medford, OR 97504-3100  
Att: Praline McCormick

RE: Food Trucks

Dear Praline,

As you know, LBG is the owner of Medford Center, and has a very substantial invested interest in Medford Center and the city.

It has come to our attention that tonight the city will be discussing the city code pertaining to food trucks operating in the city. While I cannot attend the meeting, I would like to offer the following thoughts regarding the matter:

As you mentioned, some of the concerns the city has with food trucks and the city code as written are protecting bricks and mortar restaurant operations, as well as food trucks not paying real estate taxes and sewer development charges that bricks and mortar restaurant operators pay. These are very valid concerns that should be addressed. LBG has similar concerns, and thoughts and suggestions to remedy the same, as set forth below:

Food trucks can be an asset to the community, but can also be a detriment. The thoughts and suggestions below are intended to keep food trucks in the "asset" category, under which circumstances LBG supports food truck operations in the city. As you may know, LBG has substantial experience with food trucks, including at Medford Center.

Food trucks should only be an ancillary part of bricks and mortar operations. Accordingly, food trucks operators should be required to have bricks and mortar premises of at least 1,000 square feet in buildings zoned for restaurant use, with permanent on-site electrical power to serve the food trucks when not in transit for ancillary mobile operations. Such premises need not necessarily have kitchens (the food trucks can be the kitchens), but should have seating for at least 10 customers, restrooms, and on-site parking for the food truck and its customers, to not burden private property owned by others, city property, nor bricks and mortar restaurant and general retail operators. Mobile



food serving operations should be limited to catering and other events with notice in advance to the city by a simple online notification form to be completed, and serving construction sites.

The permits should be conditional, annual in term, and issued administratively. The size and weight of the food trucks need not be regulated other than that the size, weight, and other requirements for the food trucks should be the same as any non-food service trucks accessing public right of ways.

The code need not be overly exhaustive nor burdensome for the city to enforce. By having permanent premises, enforcement by the city will be much easier, and compliance with city requirements will be controlled by not only the food truck operators, but by their premises landlords as well. In our case, Medford Center has full time on-site security which serves as additional monitoring to ensure food truck operators do not operate on-site without authorization or proper permitting.

By instituting these requirements, food truck operators (or their physical premise landlords) will pay real estate taxes and sewer development charges in addition to fees assessed on the food trucks, covering the city's cost of such operations and leveling the playing field with bricks and mortar restaurant operators. Additionally, the food truck operators will be permanent instead of transient businesses in the city, and benefit the city and its residents and businesses instead of just taking from.

We had our architect draw an elevation of the north end of our westerly most building facing Stevens, which is attached to this letter. This is an example of the type of location that would be ideal, as there would be indoor and outdoor seating opportunities, restroom facilities, ample parking, and electrical service. This premises is of course ideal and other premises need not be so similarly ideal, but this is the general idea.

Food trucks today desired by cities and residents are going rapidly in the direction of gourmet food prepared by skilled chefs, and what we are suggesting promotes that outcome. Food trucks stationed haphazardly and in places without parking and infrastructure, that take from bricks and mortar operations instead of supplementing them are of little value to anyone but the transient food truck operator. There is also the propensity for drug activity to occur with transient food truck operations.

While the common perception is that food trucks are intended to only be mobile in operation, in reality, cities with successful and interesting food truck operations require the food trucks be generally fixed in location, off the public right of way, and if the food truck operator determines that particular location does not work for their product, the food truck operator can pick up and relocate to a new permanent location. The benefit to the food truck operator is generally the same, a low-cost way to get great chefs with little working capital into the food service business and maintain flexibility until they can establish a primarily bricks and mortar operation in the area. A perfect example of this is in my home town where TLT Food followed this path, by code, and now is a very successful chain of restaurants with excellent food permanent operations, and with food truck catering for parties, schools, sports, and other events. Please visit [www.tltfood.com](http://www.tltfood.com); you need look no further than the Home page to see how TLT started. This is the type of operation LBG seeks to cultivate, and with so many shopping centers in Medford, I am sure other landlords will as well.

Thank you for allowing and considering my input. I am available at yours and the city's convenience for further discussion.

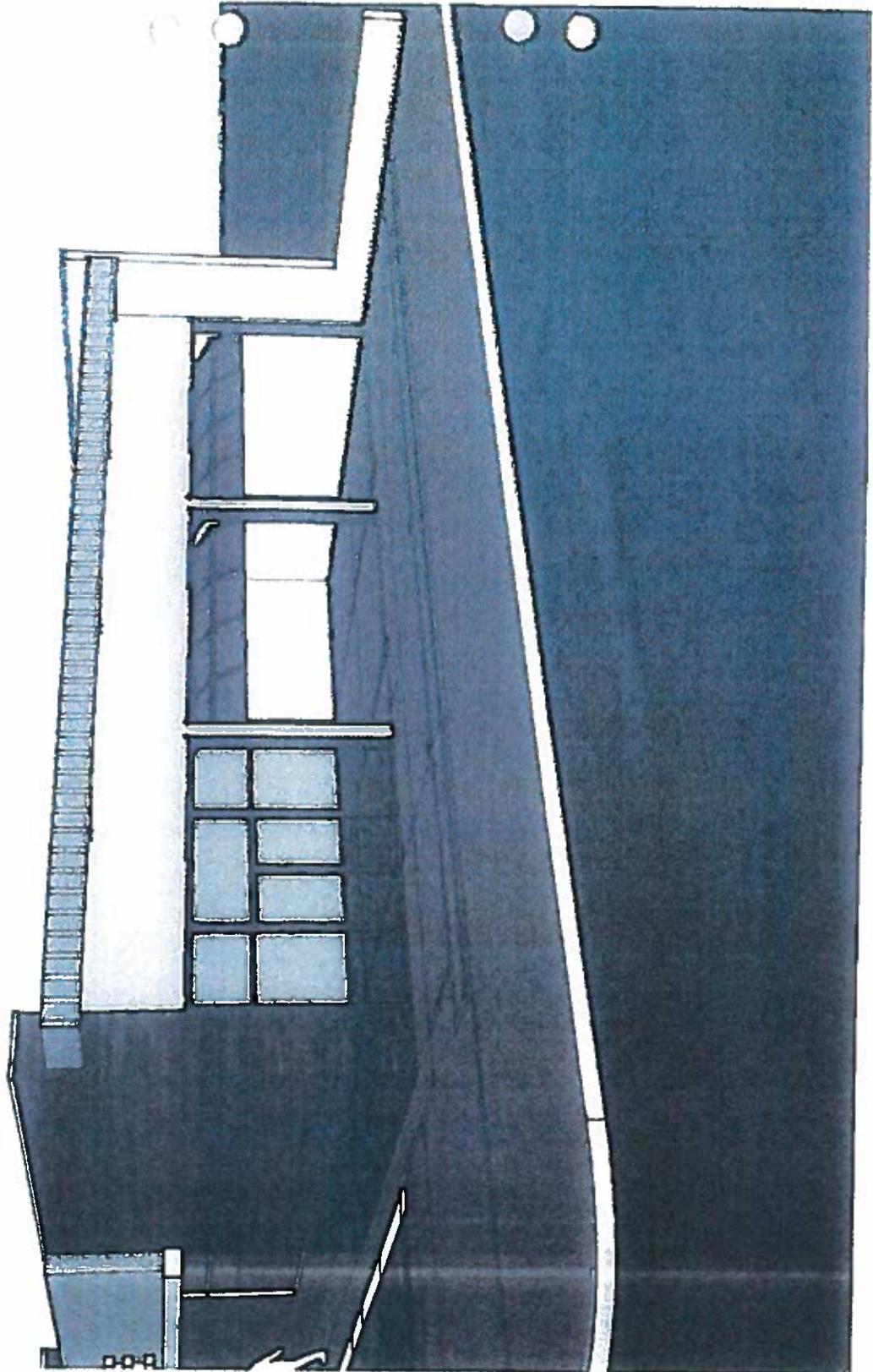
LBG

Sincerely,



Douglas T. Beiswenger  
Manager

Enclosure



# **Exhibit G**

## **City Council Meeting Minutes**

October 20, 2016

**MINUTES**

**12:00 Noon**

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

The regular meeting of the Medford City Council was called to order at 12:00 noon in the Medford City Hall Council Chambers on the above date with the following members and staff present:

Acting Mayor Dick Gordon; Councilmembers Clay Bearnson, Daniel Bunn, Chris Corcoran\*, Tim Jackle, Eli Matthews, Kevin Stine, Michael Zarosinski

City Manager Brian Sjothun; City Attorney Lori Cooper; City Recorder Karen Spoonts

Mayor Gary Wheeler was absent.

\*Arrived as noted.

\* \* \*

**30. Oral Requests and Communications from the Audience**

\* \* \*

30.2 Ellen Holub, Buttercloud Bakery, stated she had spoken before Council about a month ago regarding their food truck. She requested Council reevaluate the current Code on food trucks. Ms. Holub provided examples of the regulations from various cities. She suggested revising the size limitations on food trucks based on where they are parked.

Councilmember Gordon questioned the process for changing the Code. City Manager Brian Sjothun explained that if Council approved, the issue would be forwarded to the Planning Department for consideration.

\*Councilmember Corcoran arrived.

Motion: Direct staff to review the Code regarding food trucks, prepare beneficial language for small business owners to be successful downtown and bring back historical information for Council consideration and discussion.

Moved by: Clay Bearnson Seconded by: Eli Matthews

Councilmember Bearnson believed food trucks foster diversity, bring additional people to the downtown area, improves downtown revitalization and does not impact the brick and mortar establishments.

After discussion, Council clarified the motion's intent is to direct staff to bring back information to the Council to consider any type of zone change. Council requested the history of the current food truck Code language as well.

Roll call: Councilmembers Bearnson, Bunn, Corcoran, Gordon, Jackle, Matthews, Stine, and Zarosinski voting yes.

Motion carried and so ordered.

# **Exhibit H**

## **City Council Meeting Minutes**

November 3, 2016

**MINUTES**

**12:00 Noon**

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

The regular meeting of the Medford City Council was called to order at 12:00 noon in the Medford City Hall Council Chambers on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Daniel Bunn, Chris Corcoran\*, Dick Gordon, Eli Matthews, Kevin Stine\*, Michael Zarosinski

City Manager Brian Sjothun; City Attorney Lori Cooper; City Recorder Karen Spoons

Councilmember Tim Jackle was absent.

\*Arrived and left as noted.

\* \* \*

**80. City Manager and Other Staff Reports**

\* \* \*

80.4 Food Truck Legislative History, Private Petition Code Amendment by Kelly Akin.

\*Councilmember Stine returned to the dais.

Mr. Sjothun noted that Matt Brinkley was hired as the new planning director and should start January 3, 2017.

Interim Planning Director Kelly Akin explained that the current Code standards for temporary food vendors apply to private property and are limited to 128 square feet in downtown. However, elsewhere in the City they can be up to 170 square feet with an additional 170 square feet for tables and chairs. She noted the current Code was adopted in 1986 and was modified in 1993 to include mobile food vendors. In 1997, the Council heard a request to increase the size, but no Code changes were made. In 1999 a study session was held, but again no Code changes were made. In 2009 Council received a request to increase the size to 160 square feet; Council approved an increase to 170 square feet.

Mr. Sjothun noted Council requested staff bring this issue back with suggested changes to the Code. He questioned whether we could use the existing policy to address the issue. Councilmember Bunn liked the policy, but believed the Council should interpret the question as a request and questioned if the City charged a fee. Ms. Akin stated the fee is approximately \$1,100. Councilmember Bunn noted because Buttercloud came to the Council twice and were not advised of the current policy, Council should waive the fee.

Councilmember Bearnson questioned the basis for limiting the size of the food truck; Ms. Akin believed it was a community value question and explained the Council has received concerns from brick and mortar businesses who pay provide SDC fees, provide parking, pay utilities, property taxes and other fees that mobile vendors do not.

Councilmember Gordon recalled the Yellow Submarine and various other brick and mortar locations spoke against food trucks, because they felt they had unfair advantage; mobile vendors were only open during the peak periods of time, while brick and mortar had longer hours with higher overhead expenses.

No discussion was received about the cost of a food truck. Councilmember Stine noted we have one person who didn't know the rule and bought too big of a truck.

Mayor Wheeler agreed with Councilmember Stine and would not be open to changing the rules at this point.

Motion: Initiate the process through the Planning Department and Planning Commission's review for food trucks.

Moved by: Clay Bearnson Seconded by: Daniel Bunn

Councilmember Bunn confirmed the motion's intent was to refer the issue to the Planning Department and the Planning Commission for a study session to discuss, make an informal decision and provide direction to staff. Councilmember Bunn clarified that Council is not initiating a text amendment, but Council is referring the issue using the procedure outlined.

Roll call: Councilmembers Bearnson, Bunn, Corcoran, Gordon and Matthews voting yes; Councilmembers Stine and Zarosinski voting no.

# **Exhibit I**

## **Planning Commission Study Session Minutes**

December 12, 2016

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From Study Session on **December 12, 2016**

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

**Commissioners Present**

David McFadden, Vice Chair  
Tim D'Alessandro  
David Culbertson  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
Jared Pulver

**Staff Present**

Kelly Akin, Interim Planning Director  
Kevin McConnell, Deputy City Attorney  
Carla Paladino, Interim Principal Planner  
Kyle Kearns, Planner II

**Commissioner Absent**

Patrick Miranda, Chair, Excused Absence

**Subject:**

**1. GF-16-154 Temporary Mobile Food Vendors**

Kyle Kearns, Planner II, reported that Buttercloud Bakery asked for the City to reconsider the standards for mobile food vendors to increase the allowed square footage to allow for their 200 square foot truck currently in Central Point. City Council directed the Planning Commission to decide if a code amendment shall be initiated.

Food trucks have been permitted since 1993-1994. The code has been revised several times to accommodate similar requests. Currently food trucks are allowed to be 128 square feet in the Central Business Overlay. They are not allowed to have outdoor equipment. Outside of the Central Business Overlay the trucks are allowed to be 170 square feet with an additional 170 square feet of seating and tables. When on City property, food vendors are exempt from requirements. Awnings are permitted, if smaller than food vendor, must be on an improved surface, business license is needed, must be within ten feet of trash receptacle and site plan is needed.

Other Oregon cities such as Portland the size limitation is regulated by length, not square footage. If the length is 16 feet or shorter and on wheels it does not require a permit for cart. Longer than 16 feet is considered a heavy truck and restricted to certain zones. Without wheels falls subject to development standards. Permits are required for utility connections, propane use, outdoor structures and similar things.

Corvallis's code is similar to Medford's. They are less generous in size requirements. They do not allow above 128 square feet and/or 16 feet in length. They are restricted to the Central Business and Riverfront zones. Code requires food truck owner to get written consent from surrounding businesses to allow restroom use for food truck patrons. Spacing of 10 feet between trucks is required.

Grants Pass has no size limitation but must meet Oregon Vehicle Code and be moveable. They are only permitted on certain streets/zones. Grouping of food trucks is permitted, but a site plan review is required and the grouping must be on private property and paved.

Bend has a size limitation of 250 square feet. Food carts are not exempt from traditional development standards except for parking (treated as a "mini-restaurant").

Eugene has no size limitation, but must meet Oregon Vehicle Code and be moveable. They are allowed in certain public rights-of-ways, parks, sidewalks and private property. City has designated certain areas as mobile food unit zones.

Salem is similar to Eugene. There is no size limitation, but must meet Oregon Vehicle Code and be moveable, requires zoning and land use requirements to be followed, and pick up trash within a 20 foot radius.

Phoenix is similar to Medford's code. Size limitation is 170 square feet (includes slide outs). It is a staff decision and requires that all equipment be moved at the end of the vendor's business day. Permits last for a year.

Central Point did not get into the specifics of how they look at food trucks. They are allowed within two zoning districts, those being the Tourist and Office Professional District and the Thoroughfare Commercial District.

The City Council has asked the Planning Commission to research temporary mobile food vendors and then give direction as to whether a code amendment is needed or not. The request to consider is an increase in the allowable square footage for food trucks. Increasing the size of mobile food vendors would allow more business opportunities in Medford, but may receive some push back from the business community.

Vice Chair McFadden stated that he is concerned with City Council's issues are less about size of the truck and more about the lack of consistency between the similar uses. He does not know what they mean by that.

Commissioner Foley reported that he does not know what kind of inspections food trucks have. Ms. Paladino stated that would come from the Jackson County Health Department.

Commissioner Mansfield stated that it appears the existing ordinance permits these temporary uses on public property, City owned property and private property. Is that correct? Ms. Paladino replied yes.

Commissioner Mansfield asked does the City charge a rental for a food truck on public right-of-way? Vice Chair McFadden commented that he thought they could not be in the public right-of-way. Ms. Paladino reported that there are designated locations. It is administered through the City Manager's office.

Commissioner Mansfield stated that even if they are not in a public right-of-way some of them are in City owned property which means these people are getting a free ride. If someone wants to do a restaurant downtown they will have to either rent or buy the property and pay taxes.

Ms. Akin reported that the locations in the right-of-way have an annual fee.

Commissioner Mansfield asked what change does Buttercloud want? Commissioner D'Alessandro stated that their truck is larger than what is permitted. Mr. Kearns reported that Buttercloud's truck is 200 square feet.

Commissioner D'Alessandro stated that as someone employed by a tax supported entity he needs to understand the issue of vendors on City owned property. If his company leases to a food vendor on one of their properties they have to collect property taxes for the square footage they occupy and they have to pay property taxes on that. Is the City held to that same standard? Ms. Akin replied that is a good question but she does not know the answer to that.

Commissioner McKechnie reported that he is not a City employee but based if it is a for profit organization then the City has to pay property taxes.

Commissioner McKechnie stated that to build a brand new restaurant in the City of Medford the fees are very expensive; primarily with traffic, sewer and water SDC fees. They can easily run \$50,000 to \$80,000. Remodel gets some credit of what was there before but the developer is still liable for that. If the previous development happened to be more intense the credit is short. It is his understanding that the temporary food vendors do not pay any of those fees. Does staff know the logic of why they are not paying those fees? Mr. Kearns reported that the intent of the food truck is a small starter business where they do not have all the fees and restrictions.

Commissioner Mansfield commented that when he started his law practice why didn't he get that benefit?

Commissioner Pulver stated that food carts are a big part of downtown Portland. It is a good idea there so people started trying it in other metropolitan areas in the State. As a

code standpoint everyone is trying to catch up. In a general sense he is anti-food carts because they more or less circumvent traditional restaurants. They provide a healthy level of competition to an existing restaurant in a traditional bricks and mortar situation and probably unfairly so.

Commissioner McKechnie stated that he thinks everyone is familiar with the bento lady on Riverside and Main. She was successful and moved into a building around the corner for a month or so but then moved back out on the street. Obviously they were not as successful as a traditional restaurant.

Vice Chair McFadden commented that location is the name of the game in the food business.

Commissioner Pulver would be in favor updating the code. He believes there is a place for food carts in the downtown.

Commissioner McKechnie asked if there was a fee for a food cart? Mr. Kearns reported a business license.

Commissioner McKechnie asked if food carts pay the same amount for a business licenses as any other business? Ms. Paladino reported they are the same.

Commissioner McKechnie stated that it is his opinion that if food carts are using City services, they should be paying for it; just like a regular restaurant. Putting a limitation on size is foolish.

Commissioner Culbertson reported that looking at the other cities there are a lot of similarities in the mobile truck vendors. Piecing it apart to allow one particular person, who did not pay attention to the code when he was creating it, how far does Medford go? At the Southern Oregon Golf Tournament there was a food truck vendor at Hole 13. That is zoned SFR-4. He was outside of the zoning. How did he get permitted to be there? He either did it without asking anyone or nobody paid attention to the code. Ms. Paladino stated that the vendor could have been there under a special event permit.

Commissioner D'Alessandro stated that the fundamental question is there going to be change based on one vendor's misinterpretation or ignorance of the code. Is the code fair the way it is now in terms of size? It is his opinion that it is a great business and there is room for it. Does the City want the trucks larger?

The meeting was adjourned at 12:49 p.m.

# **Exhibit J**

## **Planning Commission Study Session Minutes**

April 24, 2017

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From Study Session on **April 24, 2017**

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

**Commissioners Present**

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

**Staff Present**

Matt Binkley, Planning Director  
Kelly Akin, Assistant Planning Director  
Kevin McConnell, Deputy City Attorney  
Carla Paladino, Principal Planner  
Kyle Kearns, Planner II

**Commissioners Absent**

E. J. McManus, Excused Absence

**Subject:**

**20.1 DCA-17-007 – Mobile Food Vendors – Update to Standards**

Kyle Kearns, Planner II, reported that today's discussion is on mobile food vendors or food trucks. At the December 12, 2016, Planning Commission study session there was discussion on concerns of brick and mortar restaurants versus food trucks and costs associated with that.

The code pertaining to food trucks has evolved several times. In 1983 the original code was adopted. The code adopted in 1994 permitted the size to be 128 square feet. The City Council in 1997 denied the request to increase the size to 153 square feet. The City Council in 2009 denied the request to increase the size to 170 square feet. In 2010 the City Council increased the truck size. In 2016 the City Council directed staff to draft measures to permit Buttercloud Bakery's food truck to 200 square feet.

Currently, mobile food vendors or food trucks are permitted in all commercial, light and general industrial zones. They are permitted to be 128 square feet in the Central Business (CB) Overlay and to be 170 square feet outside of the CB Overlay. They are permitted to be on City property pursuant to permit regulations but excludes rights-of-way. They do not have to abide by the standards for special events. When on City property they can exceed the standard size. Other standards include walkway clearance, improved surface material, private property use, outdoor seating allowance, and they cannot displace parking.

At the December 12, 2016, study session the Planning Commission discussed other cities' codes regarding food standards as well as size standards which included:

- Medford – 170 square feet (128 in CB Overlay)
- Grants Pass – No size limit, must meet vehicle code
- Bend – 250 square feet
- Eugene – No size limit, must meet vehicle code
- Portland – 16 feet in length

Staff was directed to increase the size and analyze cost of a food trucks compared to a brick and mortar restaurant.

The yearly cost (excludes items such as insurance, food, staffing) comparison of food trucks versus brick and mortar restaurants:

<b>Cost Comparison of Food Trucks v. Brick and Mortar Restaurants</b>		
<b>Yearly Cost (excludes items such as insurance, food, staffing)</b>		
Line Item	Food Truck	Brick and Mortar Restaurant (2,000 square feet)
Business License	\$100.00	\$100.00
Jackson County Health	\$515.00 - \$888.00	\$515.00 - \$888.00
Rent (Yearly)	Will Vary (will use \$6,000)	\$15.00-\$19.00 per square foot <sup>1</sup>
<b>Yearly Total</b>	<b>\$6,615 – \$6,888.00</b>	<b>\$30,615.00 – \$38,888.00</b>
<b>One Time Cost</b>		
Line Item	Food Truck	Brick and Mortar Restaurant (2,000 square feet)
Cost of Equipment	\$30,000 - \$50,000 <sup>2</sup>	\$30,000 - \$150,000 <sup>3</sup>
Street SDC	\$0.00**	\$15,341.26*
Sewer Connection SDC	\$0.00**	\$2,004.00*
Regional Sewer SDC	\$0.00**	\$4,348.40*
Water SDC	\$0.00**	\$10,242.12 - \$13,656.16
<b>One Time Cost Total</b>	<b>\$30,000 - \$50,000</b>	<b>\$61,935.78 – \$185,349.82</b>
<b>Overall Total for First Year</b>	<b>\$36,615 - \$56,888</b>	<b>\$92,550.78 – \$224,237.82</b>

Staff is not proposing changes to the fee system for food trucks because the two uses differ in impacts and are not comparable. Private property owners leasing space to a vendor have already paid SDCs and have utility hook-ups. Food trucks do not hook in to utilities, and if they do they will then have to pay SDCs.

The proposed changes have been made to incorporate larger mobile food vendor standards (measured by length rather than square footage); allows for mobile food vendors to be in the public rights-of-way from 10:00 p.m. to 2:30 a.m., and reflect comments received from the Fire Department.

The proposed changes in size measurements include:

- 128 square feet in CB Overlay = 14 feet in length
- 170 square feet outside CB = 20 feet in length

Assuming a 10 foot trailer width, this would increase the size permitted by 12 square feet and 30 square feet, respectively. The cab and bumpers would be excluded. The food truck would be measured by only the area for food production.

Additional language added under Code Section 10.840 D(3)(a)(2.)(b):

(b) From the hours of 10:00 PM until 2:30 AM, temporary food vendors may locate in on-street parking stalls so long as the temporary food vendor is completely self-contained (not needing utility connections to operate) and must be capable of moving without assistance from another vehicle. Section 10.840 (D)(3)(2) shall still apply.

Staff has prepared a stronger standard for allowing food trucks in public right-of-way. Still seeking comments from the City's Legal Department and the Police Department. Additional language could include:

- Disallowing trailers in rights-of-way and utility connections
- Shall not obstruct vehicular or pedestrian traffic
- Requiring trash receptacle or within 20 feet of public trash can
- One mobile food vendor per City block
- Exemption from right-of-way permits (per Section 2.185) during the hours of 10:00 p.m. through 2:30 a.m.

Chair Miranda asked, for the "per City block", is that all four sides of the block or one street of the block? Mr. Kearns stated they would have to clarify the definition of the City block.

Commissioner Culbertson asked, where does the 20 foot length come in in relation to Buttercloud's truck? Mr. Kearns reported that Buttercloud has stated their truck is 25 feet in length. That is why staff is excluding the cab.

Matt Brinkley, Planning Director, asked, is the 14 feet in length is a common size for a box truck like what is being discussed? Portland is 16 feet. Mr. Kearns stated that 16 feet in length includes the cab of a standard box truck.

Chair Miranda stated that on Barnett across from the hospital there is small strip where there are several food trucks. One of the food trucks has a platform that they use for food production. Would that be counted as or excluded from because it is behind the bumper? Mr. Kearns replied that seems like a special situation. They would have to include that in the food production area.

Vice Chair McFadden asked, what is the typical size of a parking space downtown? Mr. Kearns reported on-site is 19 feet. Parallel parking is 24 feet in length and 80 feet in width.

Vice Chair McFadden stated that he is fine with having one food truck on each side per block or between two intersections but protect the restaurants by stating as long as there is not a restaurant on that block. It is just a thought.

Chair Miranda replied that the caveat he would make is if the restaurant has a marketing deal with the food truck.

Commissioner Pulver thought there was something in the report that if it was within 50 feet of the front of the restaurant they would have to have approval from the restaurant owner. Commissioner Foley thought that was with another city. Mr. Kearns reported that the City of Corvallis requires food vendors to get written consent from surrounding business owners for bathroom use.

Commissioner Pulver stated that he will probably vote no when this comes before the Planning Commission in a public hearing. He thinks food trucks make sense in downtown Portland where there are a lot of office buildings and a lot of people. It is an amenity beneficial to building owners and the employees that work downtown. What we are as a City and what we want to be as a City is to have a vibrant downtown. Food trucks are not that. It does not impact neighboring restaurants in a significant radius. He would argue that restaurants in the vicinity of the hospital are hurt by the two food trucks. The restaurants in that area benefit from being the only options there. He does not think the SDCs are accurate. He has a lot of problems in increasing the presence and size of food trucks. Not to mention, this is a single party requesting the size increase.

Commissioner Mansfield shares Commissioner Pulver's views. He also, is going to vote no. Makes him wonder why he did not set up his law practice 50 years ago in a law truck and save on the cost of insurance, taxes, etc. His principal problem is it is an unfair in this free enterprise system that the system is supposed to work fairly. This does not work fairly because some of these people through the Planning Commission's actions will permitting people to work for and to earn their living with less cost. Anyone that runs a business cost is one of the most important things. Staff commented at the last discussion on this that one of the purposes is to increase economic interest. He agrees that in our system it is supposed to be done but that goes way down the list for him. It is his opinion that basically this is unfair to the competitors.

Commissioner McKechnie agrees a little with Commissioner Pulver and Commissioner Mansfield and then disagrees more than that. The analysis of the SDCs is flawed. The owners of parking lots do not pay SDCs. They only pay it for buildings. He likes the idea of changing to length rather than area. He thinks of that as an enforcement issue. He understands the logic of smaller trucks downtown. He agrees they do take business away from fast food places, not sit down restaurants. From a sustainability aspect the people downtown walk to the food trucks rather than driving. He is concerned about parking in the public right-of-way. Parking spaces are designed for 8 foot wide automobiles allowing an extra space to open the vehicle doors. The trucks or trailers are 10 feet plus that will be poking into the public right-of-way. He is concerned about the traffic flow around that. It seemed odd allowing the food trucks to park from 10:00 p.m. to 2:30 a.m. Why were those times chosen? Chair Miranda responded that is when the bars are active.

Commissioner Culbertson stated it was a great soap box that Commissioner Pulver opened up. The counter point to that is it should be allowed for Cracker Barrel to go in because it might hurt Panda Express and The Point because of proximity. The consumer is the ultimate deciders whether or not a business fails or succeeds. The Planning Commission should not be the judge or jury as to whether or not someone gets to do something in a particular area simply because they are close to a competitor.

Commissioner Pulver reported that he would not dispute that if he thought they were paying their fair share. He thinks what food truck people do is on the cheap. He does not think they contribute to City fees; right or wrong. What a brick and mortar restaurateur has to pay versus what a food truck vendor pays is incredible. Food trucks have less risk and low entry.

Mr. Brinkley stated that Commissioner Pulver has a point about SDCs for street sewer fees. The food trucks use the street systems the same way that similar restaurants do. There is an argument to be made for that. They do not connect to other City utilities. If they do, they have to pay the SDCs. If they connect to sanitary sewer they would have to pay the SDCs unless sanitary sewer fees have already been paid on the property.

While it is less expensive to operate a food truck they generate less revenue on a per unit basis as opposed to a bricks and mortar restaurant. Most of the food trucks are open for one meal a day. They serve a specific kind of need and demand in the market that is not being met.

Some of the food trucks eventually morph into a bricks and mortar restaurant.

Commissioner Mansfield stated that where the entrepreneur is using City property they should be paying the City rent. The City has no business letting someone use its property without paying a reasonable rent value.

Commissioner McKechnie asked, will there be a separate parking permit fee where they are parking after hours in the public right-of-way? Commissioner Mansfield replied, a negotiated lease. Commissioner McKechnie responded that it would be easier as a fee on a yearly or monthly basis rather than a negotiated lease.

Commissioner Pulver asked, who would be monitoring the license, lease or permit? Mr. Kearns stated that staff has Jackson County's list of all the food trucks in the area. There are approximately 54 permits in the City of Medford that go to multiple locations.

Vice Chair McFadden asked, does staff feel there are too many holes to move forward on this item or need to discuss it more? Mr. Kearns asked, what if they went with just the length. It would not change what is current except for the length.

Kevin McConnell asked, how did the right-of-way issue come up? Was it an issue like Buttercloud where there was a vendor that wanted to operate outside for example Four Daughter's or something like that? It was a complaint to the City Council about someone operating a food truck outside a bar.

Kelly Akin, Assistant Planning Director, reported that the standards do not apply in the right-of-way or on public property. If someone wanted to go into a park or on the right-of-way the standards do not apply.

Mr. Kearns stated that in the code it talks about sales on public property. That is what restricts it. Otherwise, there is not much that could stop it. The Code states: "Unless authorized by other provisions of this Code".

Carla Paladino, Principal Planner, reported that staff would like to move this forward. The Planning Commission can say at the public hearing they do not like something and staff could scrap it or the right-of-way piece now and just bring the length piece forward. Staff's goal is to try and get this off the books to move onto other projects.

Chair Miranda commented that if the vehicle is wider than the parking space there should be indicators such as cones or reflectors in order to warn traffic there is something protruding.

Commissioner McKechnie is wondering if they are trying to solve a problem that does not currently exist.

Commissioner Culbertson thinks the problem does exist. Delineating how the measurements are done with the food trucks. Going on the point of saying the length is measured from here to there is a definitive measurement. If it goes past that then it is not allowed. Strip the right-of-way portion and go with the length.

Commissioner Culbertson asked, is there a fining structure for one that knows the rules but does not follow them? Mr. McConnell reported that there have been issues with food trucks that are subject to the City's Code Enforcement Division. They can get a daily fine for not abiding the code.

Ms. Paladino stated that this was a property owner who purchased something that cannot exist in Medford unless they are at a special event. The Planning Commission has the authority to have staff work on it or not. If the Planning Commission feels this is an issue that does not need to be addressed then say no.

Mr. Brinkley reported that the City Council can be asked to initiate a code amendment.

Vice Chair McFadden thought it came from the City Council anyway.

Ms. Akin replied, this one did.

Ms. Akin reported that there is a Final Order on the agenda for Thursday, April 27, 2017, Planning Commission meeting. The applicant has requested staff to continue the adoption of the Final Order. It has something to do with their financing. Staff did receive an extension of the 120-days. This time will be pulled from the agenda and request the Planning Commission to continue the item.

### **30. Adjournment**

The meeting was adjourned at 12:39 p.m.

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Submitted by:  
Terri L. Rozzana  
Recording Secretary



**STAFF REPORT**

for a Type-B quasi-judicial decision: Transportation Facility

PROJECT      Transportation Facility Review – Foothill Road Improvement Project  
Applicant: City of Medford

FILE NO.      TF-17-012

TO              Planning Commission for May 11, 2017 hearing

FROM          Sarah Sousa, Planner IV

REVIEWER     Kelly Akin, Assistant Planning Director *ka*

DATE          May 4, 2017

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**BACKGROUND**

Proposal

The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and East McAndrews Road to modified major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals.

Subject Area & Surrounding Site Characteristics

Zoning        SFR-00 (Single Family Residential – 1 dwelling unit per existing lot)  
                 SFR-4 (Single Family Residential – 4 dwelling units per gross acre)  
                 EFU (Exclusive Farm Use)

GLUP         UR (Urban Residential), UM (Urban Medium Density Residential),  
                 CM (Commercial)

Use            Right-of-way adjacent to agricultural lands, water quality facilities, East  
                 McAndrews westbound off-ramp, East McAndrews eastbound off-ramp,  
                 and developed residential properties

Applicable Criteria

Medford Municipal Code §10.207, Transportation Facility Development.

*(1) Transportation facility development projects shall be consistent with the Transportation Goals and Policies of the Comprehensive Plan.*

*(2) Transportation facility projects should not prevent development of the remainder of the property under the same ownership or development of adjoining land.*

*(3) If the project includes the creation of new streets, such streets should be laid out to conform with the plats of land divisions already approved for adjoining property.*

## ISSUES AND ANALYSIS

### Background

As described in the submitted executive summary, Foothill Road provides one of the only major arterial connections linking the northern and southern portions of the city east of Interstate 5. The Public Works Department proposes to construct approximately 5,100 linear feet of improvements to Foothill Road between Hillcrest Road and East McAndrews Road to Major Arterial standards with modifications. **Exhibit D**

### Public Process

The public notification process for the project has been consistent with the procedural requirements. Staff from the Engineering Division of the Public Works Department sent out letters and met with property owners affected by the proposed project. In addition, project plans were sent out to referral agencies including utilities, city and county departments, and other quasi-governmental agencies. Public notice signs were posted every 600 feet along the proposed project 21-days prior to the Planning Commission hearing and notices were sent the same day to property owners adjoining and within 200-feet of the project. (Notices to the same property owners will be sent out again prior to the City Council hearing scheduled for June 15, 2017). The hearing information related to the project was published in the local newspaper ten days prior to the first hearing as well. A summary is included in this report of all comments received for the project up to this point.

### Summary of Report

The remainder of the report provides details of the project, lists comments received, analyzes compliance with the approval criteria, and offers a recommended action.

### Project Details

On page 2 of the executive summary, a table is included showing the required dimensions of a Major Arterial Street with the requested modifications. The bike lanes are proposed to be wider due to the extra buffer area. The sidewalks are not reduced below the minimum required and are actually proposed to be wider in most areas. The planter strip is requested to be reduced and/or eliminated in some sections but this does not take into account the areas of landscape easements that will be obtained from adjoining property owners. The center median is reduced in two sections but will not be reduced at the turn lanes onto the East McAndrews on/off ramps. The total paved width and right-of-way widths vary due to the above requested changes.

The following details a list of project improvements. **Exhibits A-C**

1) The proposed street improvements to Foothill Road include:

- Increased travel lanes from two to four (two each way)
- Five to seven foot sidewalk on the east side of road
- Ten foot wide multi-use path on the west side of the road
- Ten foot wide multi-use path along the Hillcrest Orchard Property on the east side of the road
- Left turn lanes at intersections
- Six foot bike lanes with three foot buffer
- Underground storm drain improvements
- Traffic signals at north and south McAndrews Road interchange ramps
- Left and right turn lanes at north and south McAndrews Road interchange intersections
- Street Lighting
- Street Trees

2) The proposed street improvements to McAndrews Road (on/off ramps):

- Seven foot wide sidewalk along eastbound off-ramp
- Seven to ten foot wide multi-use path along westbound off-ramp

#### Right-of-way Acquisition

At present, most of the Foothill Road right-of-way is 60 feet wide. Proposed street improvements will require a width of 88-109.5 feet. Acquisition of approximately 113,000 square feet from twelve tax lots will be needed, as well as slope and construction easements of 90,000 square feet.

#### Committee & Citizen Comments

**Bicycle & Pedestrian Advisory Committee:** The project was discussed at the Bicycle and Pedestrian Advisory Committee (BPAC) on March 13 and April 10, 2017. Although the Committee is in overall support of the project, they provided written comments expressing safety concerns regarding the existing East McAndrews on-ramp and off-ramp multi-use path. The following are two committee recommendations.

- Add signage and pavement markings to alert motorists of the presence of cyclists and pedestrians.
- Replace existing landscaping, which can obstruct vision clearance, with ground cover vegetation that will not obstruct visibility.

As proposed improvements will tie into the existing multi-use path, the recommendations can be considered as part of the project. **Exhibit K**

**Citizen Comment(s):** The property owners of 1570 Foothill Road came in to the Planning Department and spoke with Planning and Engineering staff about driveway concerns. Since the driveway at 1570 Foothill Road is located at the future signalized intersection, the city proposes to relocate the driveway to the south. According to the owners, it may be problematic to relocate the driveway approach due to grade and radius issues.

#### Agency and Department Comments

**Public Works Department:** The Public Works Department does not have any comments regarding the proposed project. **Exhibit E**

**Fire Department:** The Fire Department did not have any additional requirements. **Exhibit F**

**Parks & Recreation Department:** The Parks and Recreation Department submitted a letter supporting the project and detailing consistency with the Leisure Services Plan. **Exhibit G**

**Medford Water Commission:** The Medford Water Commission requests the following conditions of approval for the project. **Exhibit H**

- 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."
- There is an existing 12-inch ductile iron water line located just outside the east right-of-way line of North Foothill Road. This existing water line is planned to remain in place, and shall be protected in place during all construction activities. If conflicts are found to exist between the existing 12-inch water line and the proposed street/storm/sewer improvements, those conflicts will be investigated and resolved prior to construction.
- MWC's recent Water Distribution Facility Capital Improvement Plan requires the installation of a 16-inch water transmission line in North Foothill road between Hillcrest Road and Lone Pine Road. No water services will be connected to this water transmission line.
- MWC-metered water service does exist to a portion of these parcels along North Foothill Road from the existing 12-inch water line along the east right-of-way line. The existing water meters and all future water service connections will be from the existing 12-inch water line.

- MWC will coordinate proposed water line alignment and design with City of Medford Engineering Department staff, and prepare and provide engineering plans, and specifications for ODOT approval.
- MWC will have an inspector on-site during water facility construction activities.

**Medford Irrigation District:** The Medford Irrigation District supplied comments in favor of the project but asks for coordination related to the district’s pipe size and easements. **Exhibit K**

**Jackson County Roads:** Jackson County Roads sent a letter explaining that currently the County maintains Foothill Road. Once the project is complete, they would prefer that the City request a jurisdictional transfer. **Exhibit J**

#### **COMPLIANCE WITH CRITERIA**

**Criterion (1):** Transportation facility development projects shall be consistent with the Transportation Goals and Policies of the Comprehensive Plan.

**Findings:** **Satisfied.** The transportation facility project is consistent with various transportation goals and policies identified in the Comprehensive Plan. The relevant statements are identified below and are further explained about how they relate to this project.

*Goal 1: To provide a multi-modal transportation system for the Medford planning area that supports the safe, efficient, and accessible movement of all people and goods, and recognizes the area’s roles as the financial, medical, tourism, and business hub of Southern Oregon and Northern California.*

*Policy 1-B: The City of Medford shall use the Transportation System Plan as the legal basis and policy foundation for decisions involving transportation issues.*

*Policy 1-C: The City of Medford’s top priority for the use of transportation funds shall be to address the maintenance, operational, and safety needs of the transportation system.*

*Policy 1-E: The City of Medford’s third priority for the use of transportation funds shall be to fund capital improvements that add capacity to the transportation system. These improvements shall be prioritized based on availability of funds, reducing reliance on the automobile, improving safety, relieving congestion, responding to growth, and system-wide benefits.*

*Goal 2: To provide a comprehensive street system that serves the mobility and multi-modal transportation needs of the Medford planning area.*

*Policy 2-E: The City of Medford shall design to enhance livability by assuring that aesthetics and landscaping are a part of Medford's transportation system.*

*Policy 2-F: The City of Medford shall bring Arterial and Collector streets up to full design standards where appropriate, and facilitate improving existing local streets to urban design standards where appropriate.*

*Policy 2-I: The City of Medford shall promote transportation safety.*

*Goal 5: To facilitate the increased use of pedestrian transportation in the Medford planning area.*

The improvements to Foothill Road will encourage multi-modal transportation while providing better vehicular capacity to the overall transportation system. The addition of an extra vehicular lane in each direction and turn lanes will provide additional vehicular capacity. The subject segment roadway will include a sidewalk and/or 10-foot multi-use path along both sides of the roadway which will help add to the sidewalk network and provide recreational opportunities.

Safety improvements include buffered bike lanes, street lighting, and signalized intersections. Major Arterial standards require a six-foot wide bike lane on each side of the street. The proposal includes six-foot bike lanes but also adds an extra 3-foot buffer between the bike and vehicular travel lanes. This additional measure will encourage bicycle usage and promote additional safety. Currently, no street lighting exists on this segment of roadway. New street lights will be installed as part of the project which will provide illumination for vehicles, pedestrians, and bicyclists. Two new signaled intersections will also provide additional safety for vehicles entering and exiting the McAndrews Road on/off ramps.

The entire length of Foothill improvements will be enhanced with trees. Proposed landscape easements on adjoining properties are proposed to protect existing trees. Other areas will include a planter strip between the bike lane and sidewalk. Approximately 150 new trees are proposed along the corridor.

Overall, the modifications from the typical Arterial Street standards will provide a safer and enhanced corridor that will benefit the vehicular, bicyclists, and pedestrian public.

**Conclusion:** The transportation facility project implements the Transportation System Plan and fulfills identified goals and policies of the Comprehensive Plan. The project satisfies Criterion 1.

**Criterion (2):** Transportation facility projects should not prevent development of the remainder of the property under the same ownership or development of adjoining land.

**Findings: Satisfied.** The transportation facility improvements are to an existing roadway and abut large properties that have the potential to develop in the future.

**Conclusions:** The proposal does not prevent development of the remainder of the property under the same ownership or development of adjoining land. This criterion is found to be satisfied.

**Criterion (3):** If the project includes the creation of new streets, such streets should be laid out to conform with the plats of land divisions already approved for adjoining property.

**Findings: Not applicable.** The proposal does not create any new streets. The proposed improvements will be installed along an existing roadway.

**Conclusions:** As no new streets are proposed, the criterion is not applicable.

#### **RECOMMENDED ACTION**

Staff recommends the Planning Commission find the approval criteria is met and forward a favorable recommendation to the City Council for TF-17-012, per the Staff Report dated May 4, 2017, including Exhibits A through K.

#### **EXHIBITS**

- A Cross Section A received January 30, 2017
- B Cross Sections B,C, & D received January 30, 2017
- C Cross Sections E & F received January 30, 2017
- D Applicant's Executive Summary received January 30, 2017
- E Public Works Department Report received April 19, 2017
- F Medford Fire Department Report received April 19, 2017
- G Medford Parks & Recreation Department letter received March 17, 2017
- H Medford Water Commission memo & map received April 19, 2017
- I Medford Irrigation District letter received March 9, 2017
- J Jackson County Road letter received March 15, 2017
- K Letter from the Bicycle & Pedestrian Advisory Committee Vice-Chair received April 27, 2017  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**MAY 11, 2017**







RECEIVED

JAN 30 2017

PLANNING DEPT.

**Executive Summary**

This project will improve Foothill Road between Hillcrest Road (major collector) and McAndrews Road (major arterial) to major arterial standards which include: travel lanes, bike lanes, sidewalks, medians, and planter strips. The number of travel lanes within the proposed section of Foothill Road will be increased from two to four lanes. Also proposed is a varied width median to separate the northbound and southbound lanes, buffered bike lanes, varied width planter strips, sidewalks, a multi-use path and street lighting on Foothill Road.

Project length is approximately 5,100 feet and will provide approximately 10,000 feet of bike lanes and 11,000 feet of sidewalks. Staff coordinated placement of a full movement intersection, approximately 1,200 feet north of Hillcrest Road, to accommodate future development of urban growth boundary (UGB) expansion area MD-4. On the north end of the project, traffic signals will be installed at both ramp interchange terminals at Foothill Rd and new sidewalk will connect to the existing multi-use path and sidewalk on McAndrews Road. The project will pipe and realign a small segment of the Medford Irrigation crossing at Foothill Rd.

The Engineering Division of Public Works recommends constructing Foothill Road from McAndrews Road to Hillcrest Road (approximately 5,100 feet) as a major arterial in accordance with the City of Medford Transportation System Plan (TSP) with modifications shown on the plans.

**Project Background**

Foothill Road currently provides one of the only major arterial connections linking the northern and southern portions of the UGB area east of Interstate 5. It extends N. Phoenix Road northward from Hillcrest Rd to Delta Waters Rd where it continues northward into Jackson County. It therefore provides a by-pass for Hwy 62 and I-5 around the east side of Medford. As population increases in the Bear Creek Valley and Medford area, Foothill Road will experience increased traffic volumes, congestion, and delays.

The section of Foothill Road within East Medford is currently a two-lane County road with very narrow shoulders and no bicycle or pedestrian facilities. The corridor speed is posted at 45 MPH and currently carries traffic volumes that exceed 11,000 ADT within the Medford UGB.

On August 18, 2016, Medford City Council passed Resolution No. 2016-104 supporting improvement of the Foothill Road/North Phoenix Corridor and considered it the top transportation priority for the City of Medford, see Exhibit A.

**This project will provide the following:**

Foothill Road:

- 68 to 82 foot wide street improvements (curb to curb) from McAndrews Road to Hillcrest Road.
- 5 to 7 foot wide sidewalk on east side of road.
- 10 foot wide multi-use path on east side of road along historic Hillcrest Orchard property.
- 10 foot wide multi-use path on west side of road. \*\*
- Left turn lanes at intersections.
- 4 travel lanes (two each way).
- 6 foot bike lanes each side with 3 foot buffer.
- Underground storm drain improvements.
- Traffic Signals at north and south McAndrews interchange ramps.
- Traffic Signal modification at Hillcrest intersection.
- Street lighting.

C

CITY OF MEDFORD  
EXHIBIT # D  
File # TF-17-012

- Street trees

**McAndrews Road:**

- 7 foot wide sidewalk along McAndrews eastbound off-ramp.
- 7 to 10 foot wide multi-use path along McAndrews westbound off-ramp.
- Left and right turn lanes at north and south intersections.

**Proposed variance to Transportation System Plan:**

	Features / Dimensions (Each Direction)					Left or Center Turn Lane/Median	Total Paved Width	Total Right-of-Way Width
	Travel Lanes	Bike Lane	On-Street Parking	Sidewalk	Planter Strip			
* Major Arterial	11' 11'	6'	None	5'	10'	14'	70'	100'
Foothill Rd. Cross Section 'A'	11' 11'	6' & 3' Buffer	None	7' East **10' West	0'	14'	76'	96'
Foothill Rd. Cross Section 'B'	11' 11'	6' & 3' Buffer	None	7' East **10' West	0'	6'	68'	88'
Foothill Rd. Cross Section 'C'	11' 11'	6' & 3' Buffer	None	5' East **10' West	7' East 0' West	6'	68'	92.5'
Foothill Rd. Cross Section 'D'	11' 11'	6' & 3' Buffer	None	5' East **10' West	7' East 0' West	14'	76'	100.5'
Foothill Rd. Cross Section 'E'	11' 11'	6' & 3' Buffer	None	**10'	30' East 0' West	14'	73'	100.5'
Foothill Rd. Cross Section 'F'	11'/11' 12' Rt. Turn	6'	None	**10'	30' East 0' West	14'	82'	109.5'
<b>Indicates variance from Medford Transportation System Plan</b>								

\* Per Table 5-6 of Medford Transportation System Plan

\*\*Medford Leisure Services Plan, Map 11, shows a proposed shared use path along the corridor. This project can build the path if the Parks Department has available funds. Staff has coordinated this work but funding is unknown at this time. If funds are not available to build the path at this time then this project will design and build a sidewalk that will be able to accommodate the future path.

**Utility impact:**

Portions of the Medford Irrigation District (MID) canal will be realigned with underground pipe as shown on the submitted plan sheets. These improvements are needed to eliminate conflicts between the road widening and the existing canal. Staff has been in contact with MID and have helped with the location and sizing of the proposed irrigation facilities.

Staff is coordinating with other affected utilities to determine facility impacts.

**Driveway impact:**

Existing driveways will have a standard driveway approach and transition matching the existing width and material (i.e. concrete, asphalt). The proposed location of driveways is shown on the submitted plan sheets labeled "Proposed Driveway". All driveways will be right-in/right-out due to the concrete median along Foothill Road.

The driveway located at 1570 Foothill Road will be moved from its current location at the southern intersection of Foothill and McAndrews to the south end of the property. This relocation is needed to eliminate the conflict of having a residential driveway at a signalized intersection. Staff recommends constructing a private asphalt driveway from the relocated driveway apron to the existing driveway as shown on the submitted plans.

**Right-of-Way Acquisition:**

Currently, the majority of Foothill Road right of way is 60 feet wide. Proposed street improvements for Foothill Road will require between 88' and 109.5' right of way footprint. Right of way acquisition is not expected for the improvements along McAndrews Road. Right of way acquisition will be needed from 12 taxlots (see table below) for approximately 113,000 square feet. Slope and construction easements will be needed along Foothill Road for a combined total of approximately 90,000 square feet.

Name	Tax Map	Tax Lot
Arthur Dubs Foundation	371W21AB	900
Kevin Curtin	371W21AB	1000
Kevin Curtin	371W21AB	1200
Kevin Curtin	371W21AB	1500
William W. & Gwen R. Reen	371W21A	400
Bella Vista Heights LLC	371W21A	300
Cogswell LMTD	371W21A	1400
Rocky Knoll LLC	371W21D	101
Cogswell LMTD	371W21D	300
Cogswell LMTD	371W21D	301
Rocky Knoll LLC	371W21D	102
Rocky Knoll LLC	371W21A	1500

## Exhibit A

### RESOLUTION NO. 2016-104

A RESOLUTION supporting the continued improvement of the Foothill Road/North Phoenix Corridor.

WHEREAS, Foothill Road/North Phoenix Corridor improvements will provide improved freight mobility between Eagle Point, White City, Medford, and Phoenix by removing weight restrictions on portions of this corridor; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will relieve impacts to the multiple Interstate 5 interchanges by providing alternative north-south connectivity; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will reduce demand on Interstate 5, Highway 99, and Highway 62; and

WHEREAS, economic development along the Foothill Road/North Phoenix Corridor will be aided by the connectivity the Project will provide; and

WHEREAS, the Foothill Road/North Phoenix Corridor Project has the support of local staff of the Oregon Department of Transportation, Jackson County Roads and Parks, and the Public Works Department of the City of Medford; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will improve the resiliency of the Rogue Valley's regional transportation system in the event of a natural disaster such as a major seismic event by providing an improved connection to Highway 97 via Highway 140; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will improve safety, connectivity, and mobility throughout the Rogue Valley; and

WHEREAS, The City of Medford has invested millions of local dollars into improving the capacity of the Foothill Road/North Phoenix Corridor within City limits and ODOT has invested millions of dollars in rebuilding Interstate 5 Exit 24;

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

That it supports the improvement of the Foothill Road/North Phoenix Corridor, considers it the top transportation priority for the City of Medford, and encourages all other stakeholders to give this corridor high priority for funding.

///

///

///

**Exhibit A**

///  
///

PASSED by the Council and signed by me in authentication of its passage this 18 day of August, 2016.

ATTEST: s/Karen M. Spoons  
City Recorder

s/Gary H. Wheeler  
Mayor



Continuous Improvement Customer Service

**RECEIVED**

**APR 19 2017**

**PLANNING DEPT.**

**CITY OF MEDFORD**

Date: 4/19/2017

File Number: TF-17-012

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
Foothill Road Transportation Facility Project**

**Project:** The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights.

**Applicant:** Medford Public Works Department – Engineering Division

**Planner:** Sarah Sousa, Planner IV, Long Range Division

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**Public Works has no comments on the proposed Transportation Facility project.**

Prepared by: Doug Burroughs

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P:\Staff Reports\TF\2017\TF-17-012 Foothill Road Transportation Facility Project\TF-17-012 Staff Report.docx

Page 1

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

**CITY OF MEDFORD**  
**EXHIBIT # E**  
**File # TF-17-012**



# Medford Fire Department

200 S. Ivy Street, Room #180  
Medford, OR 97501  
Phone: 774-2300; Fax: 541-774-2514;  
E-mail [www.fire@ci.medford.or.us](http://www.fire@ci.medford.or.us)

**RECEIVED**

**APR 19 2017**

**PLANNING DEPT.**

## LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/19/2017

From: Fire Marshal Kleinberg

Report Prepared: 04/07/2017

File #: TF - 17 - 12

### Site Name/Description:

The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement:    No Additional Requirements	

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

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

# MEDFORD PARKS & RECREATION

HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

To: Sarah Sousa, Planner IV  
From: Pete Young, Park Planner and Project Manager  
Subject: TF-17-012, Foothill Road Transportation Facility Project  
Date: March 17, 2017

**RECEIVED**

**MAR 17 2017**

**PLANNING DEPT.**

We would like to support TF-17-012 for the construction of a ten-foot wide path in-lieu of a sidewalk as shown on the Foothill Road Improvement Project, McAndrews Road to Hillcrest Road, plan P-1825, sheets 1- 3. We are very pleased to propose a path similar to the one that is so popular on E McAndrews in partnership with Public Works as a part of their Foothill Road Transportation Facility Project.

This route has been included in the 2016 City of Medford Leisure Services Plan Map 13: Proposed Trails & Paths. The TF-17-012 proposal directly aligns with the recently adopted City of Medford Parks and Recreation's Leisure Services Plan in Chapter 6, Paths, Trails & Greenways; as well as Chapter 9, Goals & Objectives- copied below.

Goal 1: To provide for a full range of recreational activities and opportunities to meet the needs of all residents of Medford.

Goal 3: To provide recreational opportunities within parks and connectivity to parks through a path and trail system that is well integrated with the community.

Policy 3-A: The City of Medford shall seek to develop a network of shared-use pedestrian and bicycle paths and trails to promote their important recreational uses within parks and enable connectivity between parks, neighborhoods, public amenities, and major pedestrian and bicycle routes identified in the Transportation System Plan and Southeast Circulation Plan.

Implementation 3-A (1): Coordinate recreational path and trail system planning and development with the City's and Jackson County's Transportation System Plan and Southeast Plan to provide a comprehensive pedestrian and bicycle network.

Implementation 3-A (2): Integrate the siting of proposed path and trail segments into the development review process; require development projects along designated routes to be designed to incorporate path and trail segments as part of the project.

Implementation 3-A (3): Facilitate and provide for a high degree of pedestrian and bicycle connectivity from major shared-use paths, such as the Bear Creek Greenway, to parks and other destinations.

Implementation 3-A (6): Partner with local utilities, public agencies and private landowners to secure easements and access to open space for path and trail connections.



CONTINUOUS IMPROVEMENT | CUSTOMER SERVICE

701 N. COLUMBUS AVE. | MEDFORD, OR 97501 |  
WWW.PLAYMEDFORD.COM | PARKS@CITYOFMED



CITY OF MEDFORD  
EXHIBIT # G  
File # TF-17-012

COMMUNITY ENRICHMENT EXCELLENCE EXCEPTIONAL CUSTOMER SERVICE



BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford  
**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer  
**SUBJECT:** TF-17-012  
**PARCEL ID:** N Foothill Road (Between Hillcrest Road and McAndrews Road)  
**PROJECT:** The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights.  
**DATE:** April 19, 2017

**RECEIVED**

**APR 19 2017**

**PLANNING DEPT.**

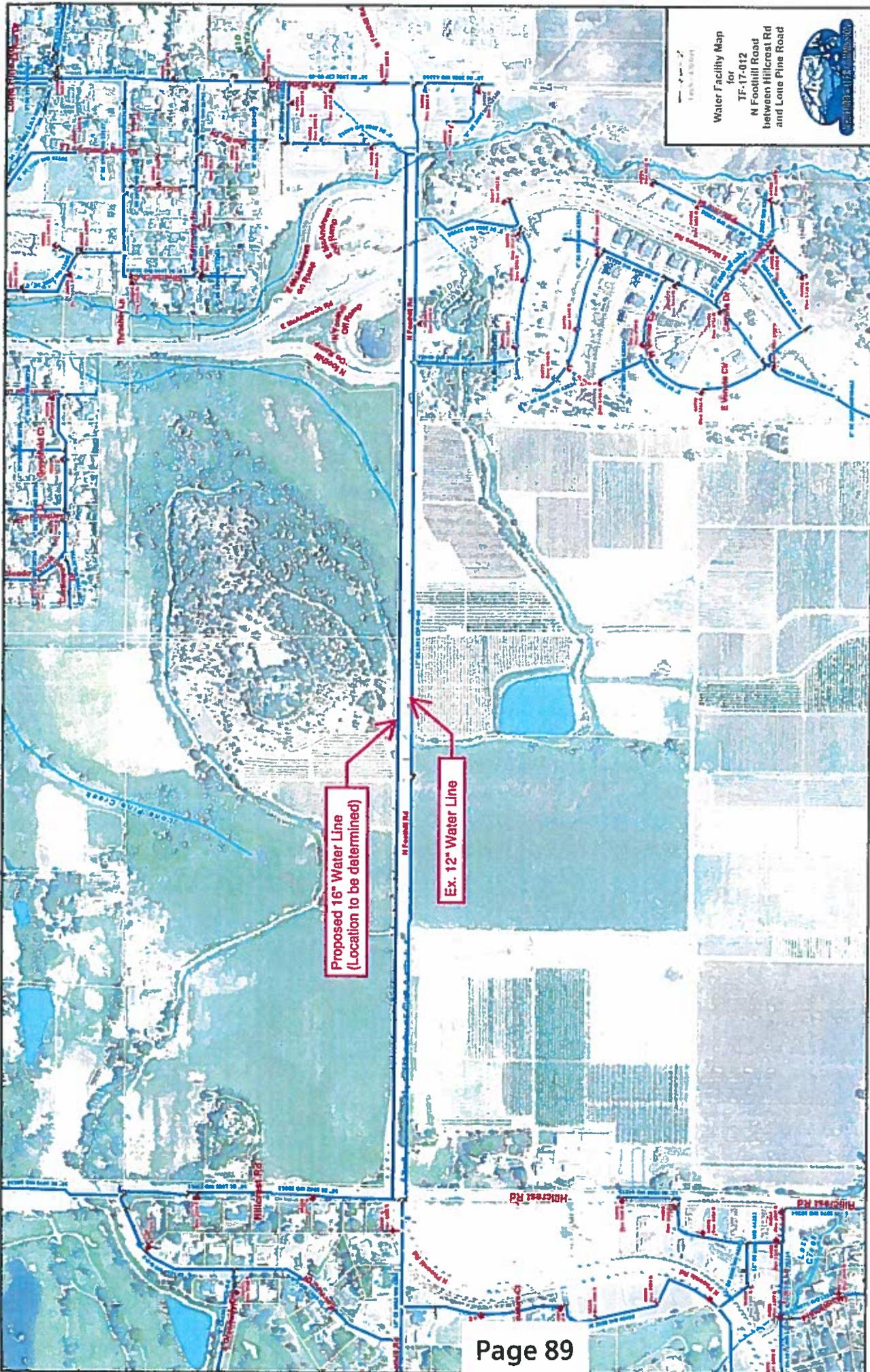
I have reviewed the above plan authorization application as requested. Comments are as follows:

**COMMENTS**

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. There is an existing 12-inch ductile iron water line located just inside the east right-of-way line of North Foothill Road. This existing water line is planned to remain in place, and shall be protected in place during all construction activities. If conflicts are found to exist between the existing 12-inch water line and the proposed street/storm/sewer improvements; those conflicts will be investigated and resolved prior to construction.
3. MWC's recent Water Distribution Facility Capital Improvement Plan requires the installation of a 16-inch water transmission line in North Foothill Road between Hillcrest Road and Lone Pine Road. No water services will be connected to this water transmission line.
4. MWC-metered water service does exist to a portion of these parcels along North Foothill Road from the existing 12-inch water line along the east right-of-way line. The existing water meters and all future water service connections will be from the existing 12-inch water line.
5. MWC will coordinate proposed water line alignment and design with City of Medford Engineering Department staff, and prepare and provide engineered plans, and specifications for ODOT approval.
6. MWC will have an inspector on-site during water facility construction activities.

CITY OF MEDFORD  
EXHIBIT #   H    
File #   TF-17-012

Water Facility Map  
for  
TF-17-012  
N Foothill Road  
between Hillcrest Rd  
and Lone Pine Road



RECEIVED

MAR 09 2017

PLANNING DEPT.

# MEDFORD IRRIGATION DISTRICT

P.O. BOX 70  
5045 Jacksonville Hwy  
Jacksonville, Oregon  
Office (541) 899-9913

CITY OF MEDFORD  
PLANNING DEPT.  
LAUSMANN ANNEX, RM 240  
200 SOUTH IVY ST.  
MEDFORD, OR 97501

MARCH 9, 2017

FILE#: TF-17-012

Project Name: FOOTHILL ROAD TRANSPORTATION FACILITY PROJECT

PLANNER: Sarah Sousa, Planner IV

## COMMENTS:

The Medford Irrigation District is very supportive of the project plans and asks to have more information on the District's pipe size and type. Also the new easements obtained for the District such as width, etc.

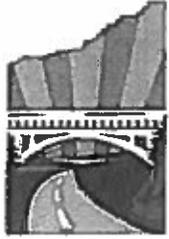
There are other details to be considered.

Sincerely,



Carol Bradford  
District Manager

CITY OF MEDFORD  
EXHIBIT # 1  
File # TF-17-012



# JACKSON COUNTY

Roads

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MAR 15 2017

Roads  
Engineering  
PLANNING DEPT.

Kevin Christiansen  
Construction Manager

200 Antelope Road  
White City, OR 97503  
Phone: (541) 774-6255  
Fax: (541) 774-6295  
[ChrisKE@jacksoncounty.org](mailto:ChrisKE@jacksoncounty.org)

[www.jacksoncounty.org](http://www.jacksoncounty.org)

March 10, 2017

Attention: Sarah Sousa  
Planning Department  
City of Medford  
200 South Ivy Street, Lausmann Annex, Room 240  
Medford, OR 97501

RE: Street Improvements for North Foothill Road.  
Planning File: TF-17-012.

Dear Sarah:

Thank you for the opportunity to comment on the consideration of plans to build street improvements on North Foothill Road, between Westbound on/off ramp for East McAndrews and Hillcrest Road. Construction of North Foothill Road will be to Major Arterial street standards with the modifications, as shown on the plans. Jackson County Roads has the following comments:

1. North Foothill Road is a County Minor Arterial and is county-maintained. Please note, North Foothill Road is partly within the city limits and partly outside of the city limits.
2. Jackson County Roads recommends that the city request road jurisdiction of North Foothill Road at the completion of the project.
3. Jackson County recommends approval of the project.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Kevin Christiansen  
Construction Manager

Cc: Alex Georgevitch

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APR 27 2017  
PLANNING DEPT.

April 27, 2017

Sarah Sousa, Planner IV  
City of Medford Planning  
200 South Ivy Street  
Medford, Oregon 97501

RE: TF-17-012

Dear Ms. Sousa,

Thank you for the opportunity to comment on the planned street improvements on Foothill Road from Hillcrest Road to McAndrews Road. The Bicycle & Pedestrian Advisory Committee (BPAC) reviewed the plans and discussed the project at our March 13<sup>th</sup> and our April 10<sup>th</sup> meetings. This letter is intended to provide a summary of our comments on the project.

In general, we are in favor of the project and we appreciate the sidewalks, bike lanes, and multi-use paths as proposed. Our only concerns have to do with safety on the existing multi-use paths on McAndrews Road. Several of us have observed, from both a motorist's standpoint and a cyclist's/pedestrian's standpoint, potential conflicts between motorists and cyclists/pedestrians on both the eastbound and westbound on-ramps onto McAndrews Road from Foothill Road. We discussed this issue at length in our meetings and have the following recommendations:

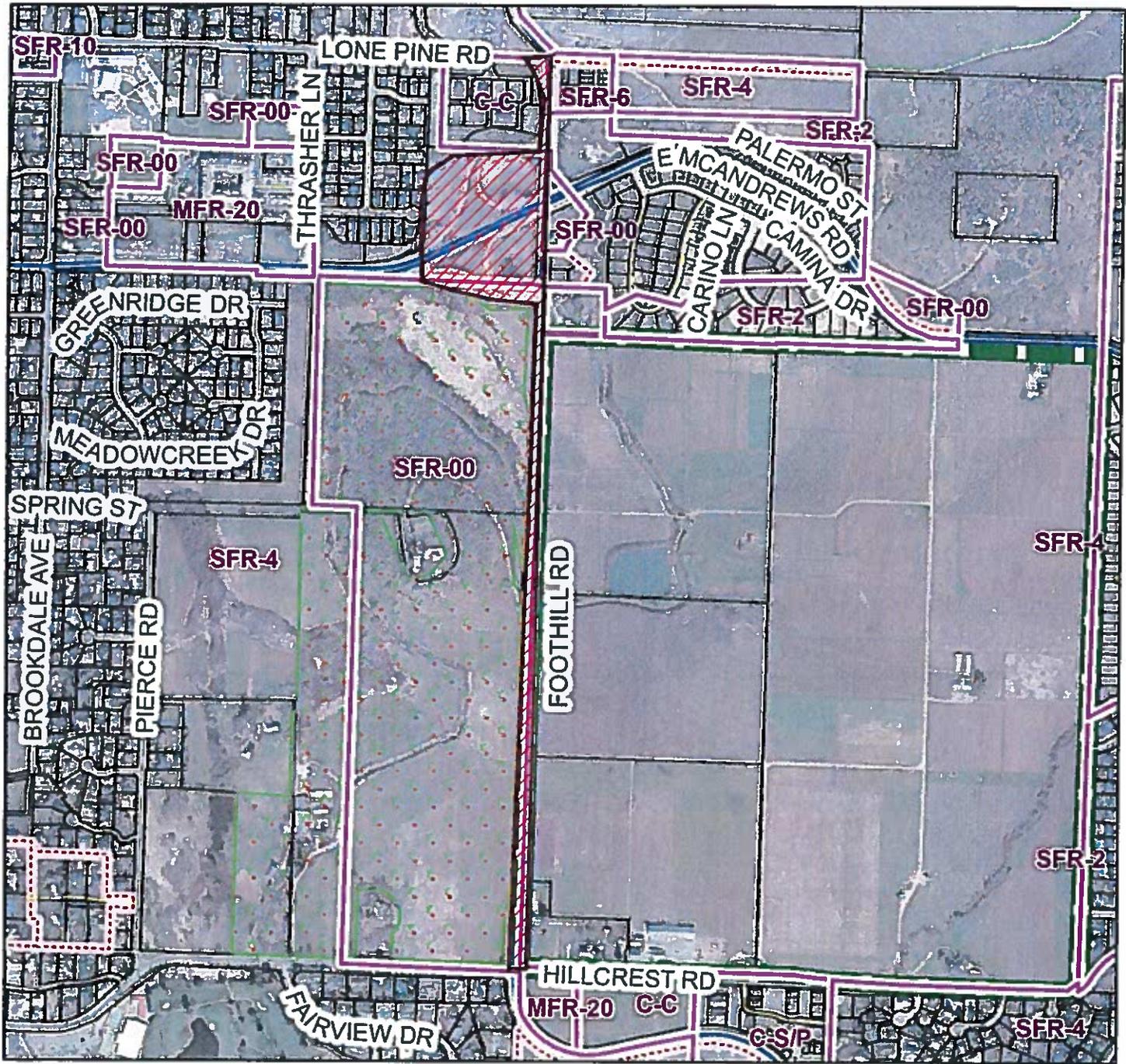
- 1) Add signage and pavement markings to alert motorists of the presence of cyclists and pedestrians.
- 2) Replace existing landscaping, which can obstruct vision clearance, with ground cover vegetation that will not obstruct visibility.

As the planned improvements on Foothill Road will connect to the existing facilities on McAndrews Road, we expect use on the existing facilities to increase, and these safety concerns should be addressed through this project to protect cyclists and pedestrians. With the addition of these relatively minor improvements to the existing interchange facilities, we fully support the planned street improvements on Foothill Road.

Sincerely,



Joe Slaughter  
BPAC Vice Chair



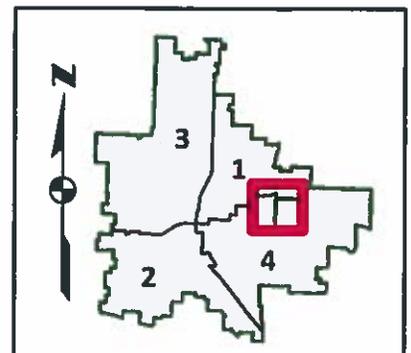
Project Name:

**Foothill Rd  
Improvement Project**



**Legend**

- Medford Zoning
- Tax Lots



3/1/2017



# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## STAFF REPORT

For a Type-C quasi-judicial decision: Zone Change and Land Division

PROJECT Clyde Akins & Lilybrook Subdivision  
 Applicant: Clyde Akins; Agent: CSA Planning

FILE NO. ZC-17-037 & LDS-16-152

TO Planning Commission *for May 11, 2017 hearing*

FROM Liz Conner, Planner II *LC*

REVIEWER Kelly Akin, Assistant Planning Director *KA*

DATE May 4, 2017

### BACKGROUND

#### Proposal

Consideration of Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located on the northeast corner of Agate Street and Hart Avenue within the SFR-10 (Single-Family Residential, 10 dwelling units per gross acre) zoning district, and a zone change from SFR-10 (Single Family Residential, 10 dwelling units per gross acre) to SFR-00 (Single Family Residential, one dwelling unit per existing lot) on a 1,334 square foot strip of land located on the north side of Agate Street approximately 200 feet east of Hart Avenue (Tax Lots 382W01AB 700 & 800)

#### Subject Site Characteristics

Zoning:	SFR-10	Single-Family Residential – 10 dwelling units per gross acre
GLUP:	UR	Urban Residential
Existing Use:	Single-family home and several outbuildings	

#### Surrounding Site Characteristics

North	SFR-10	Vacant-recently approved Merlot Valley Subdivision (23 lots, LDS-15-095)
South	SFR-00 SFR-6	Single Family Residential – 1 dwelling unit per existing lot Single Family Residential – 6 dwelling units per gross acre McKennell Subdivision (31 lots, LDS-04-119 & LDS-05-116)
East	SFR-00 SFR-4	Residential Single Family Residential – 4 dwelling units per gross acre
West	SFR-10	Residential

Related Projects

A-02-225	Annexation
ZC-05-024	Zone change from County RR-5 to City SFR-10
PUD-05-134	Fairchild Village (23 lots) (approved/expired)
E-05-209	Eliminate park strips (approved/expired)
PUD-06-059	Fairchild Village (19 attached/detached units) (denied)
LDS-06-355	Fairchild Village (15 lots) (approved/expired)
E-06-356	Allow five through lots (approved/expired)
PLA-17-036	Property Line Adjustment of 1,334 square foot of land

Applicable Criteria

**Medford Land Development Code Section 10.227 Zone Change Approval 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:*

(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.*

\*\*\*

(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.*

**Medford Land Development Code Section 10.270: Land Division Approval 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**

Background

On March 8, 2007, the Planning Commission adopted a final order of approval for a subdivision of the subject property and an exception request to allow five through lots. The subdivision consisted of 15 lots including eight duplex lots. The subdivision approval and exception request expired on March 8, 2008.

### Project Summary

The applicant is proposing a zone change from SFR-10 to SFR-00 to allow a property line adjustment to accommodate the proposed 14-lot single-family residential subdivision. The subject property is within the SFR-10 zoning district. Subdivision lots range in size from 3,828 square feet to 7,152 square feet. One flag lot is proposed.

The applicant is proposing to develop the subdivision in four phases. As permitted by the Medford Land Development Code, phased subdivisions may be approved for up to a total of five years. The applicant is requesting the development be permitted the full five-year time period in which to complete all phases.

### Code Compliance

#### ***Zone Change***

The applicant requests approval of a zone change from SFR-10 to SFR-00 on a 1,334 square foot strip of land on the east side of Tax Lot 700, the 1.67 acre parcel located on the northeasterly corner of Agate Street and Hart Avenue. The sole purpose of the zone change is to accommodate a property line adjustment with the adjacent SFR-00 zoned property to the east, Tax Lot 800. According to the applicant's findings, the property line adjustment is necessary in order to implement an agreement with the neighboring property owner that will secure a utility easement to serve a concurrently proposed infill project on the subject Tax Lot 700.

While split zoned properties are not prohibited under the code, the criteria for a property line adjustment in Medford Land Development Code (MLDC) Section 10.297(B)(3) precludes adjusting property lines across zoning boundaries:

*The adjustment will not result in a unit of land that overlaps the city limit line, urban growth boundary, or zoning districts.*

It is highly unusual to have an applicant request SFR-00 zoning. It is a holding zone, typically applied at the time of annexation. MLDC 10.307 defines the SFR-00 zone:

*The primary purpose of this zoning district is to provide a holding zone for properties that are changing from County to City zoning and have not yet been tested for facility adequacy to allow development to urban level densities and intensities. These parcels will primarily be located within the City's urbanizable area, and where necessary, within the City limits. In addition to one dwelling unit, one accessory dwelling unit (ADU) will be allowed per existing parcel.*

While it is an unusual request, the Code does not prohibit the Commission from making such a decision. The 1,334 square feet have already been analyzed for facility adequacy at SFR-10

density. From a practical perspective, the result of an approval would be that the same area would be analyzed again at the time of a future zone change of Tax Lot 800.

#### *Analysis*

The proposal to change the zoning from SFR-10 to SFR-00 on the subject area of 1,334 square feet meets the approval criteria found in MLDC 10.227. The proposed zone of SFR-00 is permitted within the UR (Urban Residential) GLUP (General Land Use Plan) map designation. The subject area is adjacent to land currently zoned SFR-00 and will not be creating a pocket, or enclave of this zone. The request is also consistent with the Transportation System Plan (TSP). In regards to facility adequacy, the agency reports in Exhibits M, N, O, P and S demonstrate that Category "A" Urban Services and Facilities are available to serve the site at the time of issuance of building permits.

#### *Land Division*

##### *Density*

Based on the 1.90 gross acre subject area the minimum number of units required for the site is 11 and the maximum number permitted is 18. The applicant has proposed a total of 14 units for all phases of Lilybrook Subdivision, which is within the density range.

##### *Street Circulation*

The subject site is located within the adopted Southwest Medford Circulation Plan. The plan proposes the extension of Hart Avenue south to Agate Street. Public right-of-way currently exists for Hart Street along the frontage of the subject site. The applicant proposes a residential lane in the subdivision which will be designed and constructed to the standards of MLDC 10.430(3). Additionally, an east-west residential lane is proposed with a street stub at the easterly boundary of the subdivision.

##### *Analysis*

An itemized analysis of the proposed tentative plat based on the criteria outlined in Medford Land Development Code Section 10.270 cited above is as follows:

- (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;*

The subject tentative plat meets all design standards set forth in MLDC Articles IV and V. The proposed street layout of Lilybrook Subdivision extends all existing street alignments currently stubbed out at the property line as to extend through the development. The subdivision is consistent with maximum block length and maximum block perimeter standards of Article IV as well as the Southwest Medford Circulation Plan. The Planning Commission can find that the tentative subdivision plat meets Criterion 1.

*(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;*

With the creation of Lilybrook Lane, the applicant will not prevent future development of the remainder of this property or of adjoining lands. The Commission can find that Criterion 2 is met.

*(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;*

The applicant's findings of fact and conclusions of law provide that the subject plat will bear the name of "Lilybrook Subdivision", which is a unique name within the City of Medford. The Commission can find Criterion 3 is met.

*(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;*

As noted above, the proposed development creates a new residential lane named Lilybrook Lane, which will be stubbed at the project's easterly boundary. Lilybrook Lane is designed to tie into a future southerly extension of Lillian Street from Merlot Subdivision to the north. The continuation of these residential streets and proposed streets are consistent with the Adopted Southwest Medford Circulation Plan. The Commission can find that Criterion 4 is met.

*(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;*

The Applicant's Findings note that there are no private streets or alleys are proposed. Criterion 5 is not applicable to the subject land division.

*(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.*

There are no EFU lands adjoining the subject property. Criterion 6 is not applicable to the subject land division.

## FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibits B and C) and recommends the Commission adopt the applicant's findings as submitted, with the exception of those supplied for the Property Line Adjustment. Property Line Adjustments are a Class E decision under MLDC 10.102. MLDC 10.135 designates the Planning Director as the approving authority for Class D and E decisions.

## RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare Final Orders for approval of ZC-17-037 and LDS-16-152 per the staff report dated May 4, 2017, including Exhibits A through V.

## EXHIBITS

- A Conditions of Approval
- B Applicant's Findings of Fact and Conclusions of Law received November 29, 2016
- C Applicant's Findings of Fact and Conclusions of Law received March 14, 2017
- D Tentative Plat for Lilybrook Subdivision received May 2, 2017
- E Conceptual Grading and Drainage Plan received May 2, 2017
- F Approved Merlot Subdivision Street Layout received November 29, 2016
- G Adopted Southwest Medford Circulation Plan
- H General Land Use Plan Map received November 29, 2016
- I Zoning Map received November 29, 2016
- J Surrounding Area Development Patterns received November 29, 2016
- K Property Line Adjustment Map received March 14, 2017
- L Jackson County Assessors Map received November 29, 2016
- M Public Works Department Staff Report for LDS received January 4, 2017
- N Public Works Department Staff Report for ZC received April 19, 2017
- O Medford Water Commission Staff Memo received January 6, 2017
- P Medford Water Commission Staff Memo received April 19, 2017
- Q Medford Fire Department Land Development Report received January 4, 2017
- R Medford Fire Department Land Development Report received April 19, 2017
- S Letter from Rogue Valley Sewer Services received December 27, 2016
- T E-mail correspondence from Oregon Department of Aviation received December 29, 2016 and April 10, 2017
- U Traffic Impact Analysis Form received March 19, 2017
- V Density Calculation  
Vicinity map

Exhibit A  
Clyde Akins Zone Change  
Lilybrook Subdivision  
ZC-17-037 & LDS-16-152  
Conditions of Approval  
May 4, 2017

**DISCRETIONARY CONDITIONS**

1. The Commission authorizes a five-year expiration period. No extensions of time are permitted under MLDC 10.269(2).
2. The Commission accepts the applicant's stipulation in Exhibit B:  
Prior to approval of the final plat, the property line adjustment and utilities easement as described in Applicant's Exhibit 10, or in a substantially similar form, shall be implemented and evidence of the completion shall be provided to the Planning Department.
3. The Commission accepts the applicant's stipulation in Exhibit C:  
The Planning Commission approval of the zone change from SFR-10 to SFR-00 shall not take effect until the property line adjustment has been executed and a copy of the recorded adjustment and Record of Survey have been submitted to the Planning Department.
4. The property line adjustment PLA-17-036 shall be completed (recorded adjustment and Record of Survey submitted to the Planning Department) prior to approval of the first final plat for Lilybrook Subdivision.

**CODE REQUIREMENTS**

5. Comply with the Public Works Department Staff Reports dated January 4, 2017 and April 19, 2017 (Exhibits M and N).
6. Comply with the Medford Water Commission Staff Memos received January 6, 2017 and April 19, 2017 (Exhibits O and P).
7. Comply with the Medford Fire Department Land Development Reports received January 4, 2017 and April 19, 2017 (Exhibits Q and R)
8. Comply with the letter from Rogue Valley Sewer Services received December 27, 2016 (Exhibit S).

PLANNING DEPARTMENT

BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

IN THE MATTER OF AN APPLICATION )  
FOR A TENTATIVE SUBDIVISION PLAT )  
APPROVAL ON A 1.64 ACRE SFR-10 )  
ZONED PROPERTY LOCATED AT )  
TOWNSHIP 38 SOUTH, RANGE 2 )  
WEST, SECTION 01AB, TAXLOT 700, )  
WITHIN THE CORPORATE LIMITS OF )  
THE CITY OF MEDFORD, OREGON )

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

*Applicant's Exhibit 1*

Applicant: Clyde Akins: )  
Owner: Clyde Akins )  
Agent: CSA Planning, Ltd. )

I

SUMMARY AND SCOPE OF APPLICATION

Applicant Clyde Akins seeks approval for a Land Division to create a 14-lot residential subdivision on a 1.64 acre property<sup>1</sup> located in Southwest Medford, at the northeast corner of Agate Street and Hart Avenue. The subject property is zoned SFR-10 and is described by Jackson County Assessment as Township 38 South, Range 2 West, Section 01AB, Tax Lot 700, with an address of 840 Agate Street. The request provides a viable redevelopment solution that integrates with the City's adopted Circulation Plans for the area without the need for exceptions or variance.

II

EVIDENCE SUBMITTED WITH APPLICATION

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

**Exhibit 1.** The proposed Findings of Fact and Conclusions of Law (this document) demonstrating how the land division application complies with the applicable substantive criteria and standards of the MLDC

<sup>1</sup> 1.64 acres is per Surveyor's preliminary calculations as indicated on the Tentative Subdivision Plat. Jackson County Assessment information indicates the property is comprised of 1.67 acr



CITY OF MEDFORD  
EXHIBIT # B 1 of 17  
File # LDS-16-152/ZC-17-037

- Exhibit 2.** Jackson County Assessor plat map 38-2W-01AB, which contains and depicts the subject property
- Exhibit 3.** Tentative Subdivision Plat
- Exhibit 4.** Preliminary Grading and Storm Water Facility Plan
- Exhibit 5.** City of Medford Zoning Map on Aerial
- Exhibit 6.** City of Medford GLUP Map
- Exhibit 7.** Southwest Medford Circulation Map
- Exhibit 8.** Nearby Approved Merlot Subdivision
- Exhibit 9.** Surrounding Area Development Patterns Map
- Exhibit 10.** Sales Agreement for Utility Easement in Exchange for Property Line Adjustment
- Exhibit 11.** Notice Map and Mailing Labels
- Exhibit 12.** Signed and Completed Land Division Application Form with Authorization from the current property owner, Clyde Akins.

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 is followed by the conclusions of law:

**City of Medford Approval Criteria**

**LAND DIVISION – Tentative Subdivision Plat**

**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.

#### 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 northeast corner of Agate Street and Hart Avenue in southwest Medford, approximately one block west of Kings Highway, 385 feet south of Diamond Street and one half mile north of South Stage Road. 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:** The property includes 1.64 acres and is identified in the records of the Jackson County Assessor as Tax Lot 700 in Township 38 South Range 2 West in Section 001AB. Tax Lot 700 has been in its current configuration since at least 1956 as evidenced by deed Volume 427 Page 452 and 1972 deed OR72-00086. The property is therein described as the west 2/3 of Block 21 (001-059) of the Amended Plat of Blocks 2, 3, 5, 7, 8, 11, 12, 13, 14, 16, 17, 20, 21, 22, and 23 of Oakdale Park Addition (002-011). The portions of the Oakdale Park Addition Subdivision (002-011) including the subject property have been conveyed in a manner different than the parent subdivision and public roads have been vacated rendering the prior subdivision no longer valid.
3. **Subject Property Ownership:** The subject property is owned by Clyde Akins which has provided a limited power of attorney and consented in writing to this subdivision application. *See*, Exhibit 12.



4. **Comprehensive Plan Map Designation:** The property is designated Urban Residential on the Medford Comprehensive Plan Map<sup>2</sup> (See, Exhibit 6).
5. **Zoning Map Designation:** The property is zoned City SFR-10 (See, Exhibit 5).
6. **Existing Land Use:** The property contains a 1628 square foot single story dwelling built in 1925 and a couple general purpose sheds.
7. **Intended Land Use:** Property is to be developed as a single-family residential subdivision. The existing dwelling and general purpose sheds will be removed.
8. **Topography:** The property slopes very gently from the southwest to the northeast at about 1.5 percent grade. According to City 2-foot contour data, the ground elevation at the property southwest corner is approximately 1462.5 feet above mean sea level and the northeast corner is at an elevation of approximately 1457 feet, a difference of 5.5 feet in elevation over a distance of approximately 420 feet.
9. **Wetlands; Floodplain:** According to Medford and Jackson County Geographical Information System (GIS) databases taken from the U.S. National Wetland Inventory and FEMA, the subject property does not include any wetlands or floodplain. According to the Medford Irrigation District, there is an irrigation facility at the front of the property. Applicant's preliminary plans reflect accommodation of said facilities.
10. **Surrounding Land Uses:** The GLUP map (Exhibit 6), Zoning Map which is overlaid on an aerial photo (Exhibit 5) and the Surrounding Area Development Patterns Map (Exhibit 9) accurately depict the pattern of land partitioning and development in the surrounding area. The land uses that surround the subject property are further described as follows:
  - A. **Surrounding Area Characteristics:** The property is located within the City of Medford surrounded by lots with single family dwellings. Much of the area is dominated by lots with sufficient acreage to be further divided. However, lot configurations and dwelling placements create spatial obstacles for redevelopment.
  - B. **East:** Lot 38-2W-01AB-800, a single 1.01 acre lot with a residence lies directly to the east. Applicant has entered into an agreement with the owners of Lot 800 that provides a utilities easement across their property in exchange for a property line adjustment conveying a portion of the subject property to them. The utility easement will allow sewer and storm drain from the proposed subdivision to tie into facilities within the Merlot Subdivision adjacent and to the north east. The Merlot Subdivision was recently approved and according to correspondence with the owners, they are in the process of installing infrastructure and working toward final plat. Applicant has agreed to stipulate to executing the property line adjustment and easement prior to final plat of the proposed subdivision.

<sup>2</sup> Medford often refers to its comprehensive plan map as the Generalized Land Use Plan or GLUP map.



- C. **South:** Agate Street lies immediately to the south. Beyond Agate Street to the southwest lies the McKennell Subdivision. The McKennell Subdivision includes 25 single family lots fully built-out.
- D. **West:** Hart Lane, an unimproved public right of way lies directly west of the subject property. Hart Lane will provide access to a significant portion of the proposed subdivision and will therefore be improved in a manner consistent with the local street standards and proportionate to the development. Beyond Hart Lane to the west lie a handful of large properties ranging from 0.43 acres to 0.8 acres. Each includes a residence and some include out-buildings. While direct access to those lots is from Peach Street to the west and Agate Street to the south, Hart Lane could provide access to the lands to the west should they be further divided and redeveloped.
- E. **North:** Lot 38-2W-01AB-500 lies immediately north of the subject property. Lot 500 is a 0.58 acre vacant property with access directly from Hart Avenue.

**11. 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 Rogue Valley Sewer Services (RVSS). Existing 8-inch sanitary sewer lines are adjacent to the property along the southerly and westerly boundaries within Agate Street and Hart Avenue right of way. The City approved Merlot Subdivision to the northeast contemplates an 8 inch sewer line within the approved public rights of way. Applicant has secured an easement across lot 38-2W-01AB-800 that will allow sewer service to connect from the lots within the proposed subdivision to the approved sewer lines within the Merlot Subdivision to the northeast. Correspondence with City of Medford Public Works / Engineering Department, the Applicant's consulting Engineers at Adkins Engineering and engineers designing the sewer lines within the Merlot Subdivision, downstream lines are of appropriate size, location and depth to accommodate the subject proposal and assert there are no known downstream deficiencies.

Based on ground elevations and existing sewer line depths, proposed Lots 1 through 4, and possibly Lots 5 and 6 can be served with sewer from Agate Street. All remaining lots can be served with sewer through the easement across lot 38-2W-01AB-800 and public rights of way within the Merlot Subdivision, ultimately to the sewer lines within the public rights of way within Kings Highway nearby to the northeast.

**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)<sup>3</sup> 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 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 plan to handle a PWWF of 118 MGD by 2030 to serve a future 2030 City of Medford population of 115,286.

**C. Water Distribution Lines:** Water is available to the property via 8" water lines in Agate Street, that are within the Southwest high level water pressure zone. Said zone is comprised of an 80 acre area located in southwest Medford served by the Archer Pump Station and Southwest Reservoir.

<sup>3</sup> Formerly Bear Creek Valley Sanitary Authority (BCVSA)



- D. Water Supply:** According to the Medford Water Commission Manager, the Medford water system presently serves a population of  $\pm 80,000$ . 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.
- E. Storm Drainage:** The property has available storm drainage that can feasibly be connected at three locations including Agate Street to the south, Hart Avenue to the west / northwest and to the northeast via private easement across lot 38-2W-01AB-500 to approved public rights of way and storm drainage facilities within the Merlot Subdivision that tie into storm drainage facilities in Kings Highway. Applicant's Exhibit 4 includes a conceptual grading and storm water facilities plan. Lots 1-4 and possibly lots 5 and 6 can drain to facilities in Agate Street. All remaining lots will drain to the northeast via private easement and future facilities within the approved Merlot Subdivision.
- F. Streets and Connectivity:** The following facts pertain to streets related to this project:
- **Project Access and Street Functional Classification:** Local improved residential street Agate Street, provides access to this property along the project southerly border. Local unimproved street Hart Avenue also provides access to the property along the project westerly border.
  - **New streets:** One new Residential Lane will be created as part of the subdivision, depicted on the Tentative Plat as Lilybrook Lane. Within the project, a total of 6 lots front on and may take access from Lilybrook Lane. Two of the lots that front on Lilybrook also front on Hart Avenue. The road is designed at 33 feet in width with parking on one side. The length of the road, within the project area is approximately 186 feet. Lilybrook Lane intersects with Hart Avenue on the project's westerly extent. Applicant agrees to stipulate to provide a street stub at the easterly extent of Lilybrook Lane. Immediately adjacent to the property lies Lot 38-2W-01AB-800. Directly north of Lot 800 lies the Merlot Subdivision. Lillian Street within the Merlot Subdivision stubs into Lot 800 from the north. Proposed Lilybrook Lane is designed to tie into a future southerly extension of Lillian Street, within the borders of Lot 800. Presuming such an extension occurs in the future, Lilybrook Lane has the potential to provide direct access for up to 8 lots.
  - **Subdivision Lot Access:** Each resulting individual lot will have frontage and access from a City street.
  - **Future Access:** As noted herein above, a single street stub will be created as part of this subdivision that will allow Lilybrook Lane to be extended when the adjacent properties build-out.
  - **Flag Lot:** Proposed Lot 6 within the project is designed as a flag lot. Lot 6 is



90.31 feet deep by 61.8 feet wide with a 20-foot wide by 90-foot long flag strip connecting the lot to Hart Avenue. A single flag lot within the subdivision provides for an efficient use of land by minimizing the amount of land required for public streets while affording a creative redevelopment solution for the area.

- **Circulation:** Much of the surrounding area is partitioned and improved with single family dwellings that are situated in locations that make redevelopment and street connectivity difficult. The proposed project is able to utilize both Agate Street and Hart Avenue for access and with the inclusion of Lilybrook Lane, the project is able to tie-into future local streets to the east.

As illustrated by Exhibit 7, the City of Medford Southwest Circulation Plan map, multiple north-south local street connections are conceptualized for the area. Nothing within the proposed subdivision will prohibit the completion of a future contemplated north-south connection to the east, where Lillian Street is stubbed.

With the City's approval of the Merlot Subdivision to the northeast, the City authorized a local street design that differs slightly from the conceptual Circulation Plan. For example the approved east-west road through the Merlot Subdivision ties into Kings Highway rather than looping back down to Agate Street. Applicant is in agreement that the approved design is a functional and likely better alternative than the City's conceptual layout. The same east-west street through Merlot Subdivision is situated slightly further north than the conceptual Circulation Plan.

In a fashion similar to that of the Merlot Subdivision, Applicant proposes a subdivision that differs slightly in detail from the Circulation Plan. For unknown reasons, the Circulation Plan calls for two almost immediately adjacent north south local streets within the project area and lot 800 to the east. Should the City's detailed design be implemented, the Applicant and the neighboring properties to the east would be forced to single-load lots off of multiple local streets creating a very inefficient use of land and increasing costs to the point that they are likely to be prohibitive for any redevelopment of the area. A strict implementation of the City's Circulation Plan would be in direct conflict with the through-lot provisions of MLDO 10.704 and intersection spacing standards of MLDO 10.426(D). The proposed subdivision provides adequate circulation for the subject project, is consistent with the through-lot and intersection spacing standards and does not in any manner impede future local connections on lands to the east.

- G. Police and Fire Protection:** The property is served by the Medford Fire Department from its new replacement Fire Station located immediately east of the intersection of Stewart Avenue and Garfield Street, approximately 1.2 miles from the subject property. Emergency fire response is estimated to be approximately 3 minutes. Police protection is from the City of Medford Police Department.

Applicant's Agent met with representatives of the City of Medford Fire Department. From said correspondence, it is Applicant's understanding that emergency services



will be able to adequately access all lots and future structures within the project. Specific to Lilybrook Lane, it is Applicant's understanding that the intersection of Lilybrook and Hart Avenue can be utilized to turn-around large fire apparatus should the need occur and additional turn-arounds along Lilybrook Lane are not necessary or sought. The same is subject to ultimate fire department approval of fire hydrant placements and parking restrictions.

**H. Lot Dimension and Densities:** The subject property is zoned SFR-10.

See Applicant's Exhibit 3 Proposed Tentative Partition Plat

- **Density:** Pursuant to MLDO 10.710, the minimum allowable density is 6 units to gross acre and the maximum density is 10 units to the gross acre. The project proposes 14 lots within a gross area of 1.64 acres at a density of 8.5 dwellings per acre, within the prescribed SFR-10 density standards.
- **Lot Width, Depth, Frontage and Area:** The minimum lot area is 3600 square feet and the maximum lot area is 8125 square feet. The minimum interior lot width is 40 feet or 50 feet on a corner. Minimum lot depth is 90 feet. Minimum lot frontage is 30 feet except flag lots shall be 20 feet. The smallest proposed lot is 3730 square feet and largest proposed lot (being a flag lot) is 7152. All corner lots are at least 50 feet in width. All non-corner lots are at least 40 feet in width. All lots are at least 90 feet in depth. Lot 6 being a flag lot includes 20 feet of frontage on Hart Avenue. All remaining lots have at least 30 feet of frontage on an existing or proposed public street.
- **Flag Lot:** As noted above, Lot 6 is proposed as a flag lot. Pursuant to the provisions of MLDO 10.012 Definitions<sup>4</sup>, Lot 6 has a depth of 90.31 feet and a width of 61.8 feet. Lot 6 has a flag pole length of 90 feet and width of 20 feet, with frontage on Hart Avenue.

- I. Block Length and Perimeter:** As evidenced by Exhibit 3, the proposed subdivision allows for a north south block length of approximately 300 feet. While the proposed project (at approximately 193 feet in width) does not fully establish an east-west block length, it provides no obstacles to a block length in an east-west direction. Pursuant to MLDO Table 10.426, the maximum block length for residential zones is 600 feet and the maximum block perimeter is 2100 feet.

Assuming the property to the east will someday be further divided and ultimately re-

<sup>4</sup> Lot depth. The horizontal distance between the front and rear property lines of a lot measured along a line midway between the side property lines. Lot width. The perpendicular bisect of the lot depth measurement.



developed, it would be logical to extend Lillian Street from the north down to Agate Street, in a manner that allows for double loading along the prospective Lillian Street extension. Should the property to the east be redeveloped in such a fashion, which is a highly presumptuous yet logical assumption, the east-west block length would be approximately 250 feet and the block perimeter would be approximately 975 feet.

**J. Phasing:** It is the Applicant's intent to record and develop the subdivision in phases.

- (i) **Phase 1:** The Applicant intends to plat and develop Lots 1, 3 and 4 as the initial phase. All utilities and access serving these three lots is directly from Agate Street.
- (ii) **Phase 2:** Applicant intends to plat and develop Lots 2, 5 and 6 in a subsequent phase. Improvements to Hart Avenue will be required for access. Final grading and storm drainage plans will determine whether sewer and storm drainage will be to Agate Road to the south or to the northeast.
- (iii) **Phase 3:** Applicant intends to plat and develop Lots 7, 8, 11 and 12 in a subsequent phase. Additional Improvements to Hart Avenue will be required for access. Should Lots 8 and 11 utilize Lilybrook for access, then a portion of Lilybrook Lane will also require completion. While storm drainage and sewer will ultimately be determined by the final grading plan, it is probable that the same will be extended to the northeast through the easement on adjacent Lot 800 and ultimately to the systems contemplated in the Merlot Subdivision.
- (iv) **Phase 4:** Applicant intends to plat and develop Lots 9, 10, 13 and 14 as the final phase. Platting and development of these lots will require full completion of Lilybrook Lane. While storm drainage and sewer will ultimately be determined by the final grading plan, it is probable that the same will be extended to the northeast through the easement on adjacent Lot 800 and ultimately to the systems contemplated in the Merlot Subdivision.

While the phasing plan outlined above reflects the Applicant's intent, Applicant requests the flexibility to phase the development in any order that is responsive to the market, infrastructure needs and costs in a manner consistent with the City's final platting procedures and requirements of the MLDO.



V

**CONCLUSIONS OF LAW  
LAND DIVISION CRITERIA**

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:

**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 or 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 *Southwest Medford Circulation Plan* which contemplates local circulation between Agate Street to the south, Kings Highway to the east, Hart Avenue to the west and Diamond Street to the north. A copy of the Adopted Southwest Medford Circulation Plan is shown at Exhibit 7. The proposed subdivision will provide an east-west connection within the above-described area while not creating any barriers to any north-south connections. The Planning Commission concludes a strict implementation of the Southwest Medford Circulation Plan would require parallel local streets inconsistent with the through-lot and intersection spacing standards of the code. The Planning further concludes that the proposed subdivision is consistent with the Southwest Medford Circulation Plan by allowing and accommodating local circulation in a manner that



is consistent with all elements of the code, including the through-lot and intersection spacing standards.

**Conclusion of Law; Consistency with MLDC Articles IV and V:** MLDC Article IV governs public improvements by establishing standards for their construction. See Section VI Compliance with Public Improvement Standards and Criteria herein below. MLDC Article V includes provisions relevant to Site Development.

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-10 zone is 6 to 10 units per acre. The 1.64 acre property thusly allows for between 12 and 19 lots. With 14 lots proposed on 1.64 acres the proposed subdivision has a density of 8.54 units per acre, within the requisite minimum and maximum densities for the underlying zone. Based upon Applicant's proposed Tentative Plat Exhibit 3 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-10 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 Exhibits 3 and 9 and the Findings of Fact in Section IV,



the Planning Commission concludes the Applicant owns no other adjacent or nearby lands. A small portion of the subject property is to be conveyed to the adjacent property owners to the east in exchange for a utilities easement. Applicant has agreed to stipulate to execution of said adjustment prior to final plat for the subdivision as a condition of approval. This land division will also not prevent the development of any other adjoining land or access thereto as this land division relies on existing streets, will improve an existing unimproved street and will create a new street that provides additional east-west connectivity. The new street will be terminated with a reserve strip to support future redevelopment of properties to the 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 proposed to bear the name of Lilybrook Subdivision which has been submitted for approval to the Jackson County surveyor. 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 a public street. The approved and unbuilt plat for Merlot Subdivision adjoins the subject property to the northeast. Unimproved public street Hart Avenue lies to the west and improved Agate Street is adjacent to the south. In the first alternative, the Planning Commission concludes that the new street within the proposed subdivision is laid out in a manner that will allow an east-west connection to the nearby subdivision to the northeast in a way that is generally consistent with circulation patterns planned for the area. In the second alternative, the Planning Commission concludes that to the extent the proposed street alignments differ from the Southwest Medford Circulation Plan, it does so in a manner that allows for an efficient use of the land while promoting a logical and foreseeable option for



redeveloping an otherwise difficult are to redevelop. The Planning Commission concludes that a strict implantation of the Circulation Plan would require parallel local streets to be constructed in a manner that is inconsistent with the approved and un-built Merlot Subdivision. The Planning Commission also concludes that a strict implementation of the Circulation Plan would create through lots in a manner inconsistent with the code and would create street intersection spacing in a manner inconsistent with the code. Based on the same, the Planning Commission alternatively concludes the proposed street layout is in the public's interest. 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 not involve the extension or creation of any private street. 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:** The evidence shows that surrounding lands are all within the Medford corporate boundary and that none are within an EFU zoning district. Therefore, the Planning Commission concludes that this criterion is met by reason of inapplicability.

**VI**

**COMPLIANCE WITH PUBLIC IMPROVEMENT STANDARDS AND CRITERIA**

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**Public Improvements Standard 1**

**10.426 Street Circulation Design and Connectivity**

**Conclusions of Law:** The evidence shows that the proposal complies with all block design and street connectivity standards and criteria. See Section IV Findings of Fact and Section II Evidence. Based on the same, the Planning Commission concludes this Standard 1 is met.



\*\*\*\*\*

### Public Improvements Standard 2

#### 10.430 Lower-Order –Residential Street Classification System

**Conclusions of Law:** The proposal includes the creation of a Residential Lane. The evidence shows that the proposed street complies with the Residential Lane standards of MLDO 10.430 (3). See Section IV Findings of Fact and Section II Evidence. Based on the same, the Planning Commission concludes this Standard 2 is met.

\*\*\*\*\*

### Public Improvements Standard 3

#### 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.

....

(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.
- (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.

**Conclusions of Law:** The proposal includes the creation of a single flag lot within the subdivision. As discussed under Section IV Findings of Fact, the subject property is within a broader area that includes a mixture of lots with varying sizes and varying potential for redevelopment under disparate ownerships. The subject property is not of sufficient dimension to accommodate a street pattern that would eliminate the need for a flag strip and still meet density minimums. The adjacent lands to the north and the east are not owned by



the Applicant and the Applicant has no authority to include said properties in the proposed division. The only plausible prospective alternative street network that would negate the need for a flag lot would be to create a north-south road immediately to the east on the adjacent lot 800. As noted above, the Applicant does not control that property and has no authority to require such a conveyance. Further, said property includes a fully functional dwelling that would impede such a road from being constructed.

Based on Section II Evidence, Section IV Findings of Fact and the discussion herein above, the Planning Commission concludes that the proposal is consistent with both (a) and (b) under this standard.

Because the Planning Commission has determined the flag lot to be necessary, the flag lot must adhere to subsection (3) of this provision. Based on Applicant's Exhibits 3 and 9, and Section IV Findings of fact, the Planning Commission concludes there is adequate information to conclude, and so concludes, the proposal to meet the entirety of relevant standards and criteria under MLDO 10.450 and therefore also concludes this Standard 3 to be met.

\*\*\*\*\*

#### Public Improvements Standard 4

##### 10.475 General Public Easements

An unobstructed easement shall be provided across property outside the right-of-way and with satisfactory access to the street in the following situations:

- (1) When topography or other conditions make inclusion of storm drainage facilities, sanitary sewers, or water lines impractical within the street right-of-way. When a proposed drainage system will carry water across private land outside the development, appropriate drainage rights must be secured.
- (2) For access to maintain storm drainage facilities in certain waterways as identified in the Medford Comprehensive Storm Drainage Master Plan. Such easement shall have an improved surface constructed to city standards by the developer.

**Conclusions of Law:** Based on the Applicant's Engineer's preliminary grading and stormwater plans, topography is such that storm drainage is generally north and east away from the public rights of way. While proposed Lots 1-4 and possible Lots 5 and 6 can be designed in a manner that allows for storm drainage to the south – to Agate Street, the bulk of the storm drainage will be to the northeast. As discussed under Section IV Findings of Fact, Applicant has secured a utility easement across lot 800 to the east that will allow storm drainage to flow to the northeast into approved rights of way within the Merlot Subdivision which will tie into storm drainage systems in Kings Highway nearby to the east.

Based on Section II Attached Evidence, Section IV Findings of Fact and the discussion herein above, the Planning Commission concludes the proposal is capable of complying with



this standard through the imposition of conditions, to which the Applicant has agreed to stipulate. Therefore the Planning Commission also concludes this Standard 4 to be met.

## VII

### STIPULATIONS OFFERED BY APPLICANTS

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

1. Prior to final plat, the property line adjustment and utilities easement as described in Applicant's Exhibit 10, or in a substantially similar form, shall be implemented and evidence of the completion shall be provided to City of Medford Planning.

## VIII

### 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) as hereinabove enumerated and addressed.

Respectfully submitted on behalf of Applicant Clyde Akins:

CSA PLANNING, LTD.



Mike Savage  
Consulting Planner

Dated November 28, 2016



BEFORE THE PLANNING COMMISSION  
FOR THE CITY OF MEDFORD  
JACKSON COUNTY, OREGON

**RECEIVED**  
MAR 14 2017  
PLANNING DEPT.

IN THE MATTER OF A REQUEST FOR )  
CHANGE OF ZONE FROM SINGLE )  
FAMILY RESIDENTIAL 10 (SFR-10) TO )  
SINGLE FAMILY RESIDENTIAL 00 )  
(SFR-00) FOR A 1334 SQUARE-FOOT )  
PORTION OF A 1.67 ACRE PARCEL )  
AND A PROPERTY LINE ADJUSTMENT )  
OF 1334 SQUARE FEET BETWEEN )  
LOTS 700 AND 800 ON LAND THAT IS )  
LOCATED AT THE NORTHEAST )  
CORNER OF AGATE STREET AND )  
HART AVENUE WITHIN THE )  
CORPORATE LIMITS OF THE CITY OF )  
MEDFORD, OREGON )

FINDINGS OF FACT AND  
CONCLUSIONS F LAW

*Applicant's Exhibit 1*

Owner/ Applicant:

Clyde Akins

Agent: CSA Planning, Ltd.

**NATURE AND SCOPE OF APPLICATION; BACKGROUND**

Applicant Clyde Akins seeks to rezone a 1334 square-foot strip of a 1.67 acre parcel that is located at the northwest corner of Agate Street and Hart Avenue from SFR-10 to SFR-00. The subject parcel is identified on the Assessor's Plat Map as Township 38 South, Range 2 West, Section 01AB, Tax Lot 700 and to property line adjust the zone changed strip with adjacent Tax Lot 800

The sole purpose of the zone change is to accommodate a property line adjustment with the adjacent SFR-00 zoned property to the east being 38-2W-01AB-800 (Lot 800). The requested property line adjustment is necessary in order to implement an agreement with the neighboring property owner that will secure a utility easement to serve a concurrently proposed subdivision infill project on the subject property.

If approved, the area of proposed rezone will be absorbed into adjacent Lot 800 to the east by manner of concurrently proposed property line adjustment. While the City of Medford Land Development Ordinance (MLDO) allows for split zoned properties, the MLDO precludes the same from occurring by manner of property line adjustment.



CITY OF MEDFORD

EXHIBIT # C

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Subject lot 700 is entirely within an SFR-10 zone. Adjacent Lot 800 is a 1.01 acre property entirely within an SFR-00 holding zone. The property has been within the SFR-00 zone since the property was annexed to the City and the zone was changed from a County Rural Residential.

Following the proposed zone change and subsequent property line adjustment, subject Lot 700 will remain fully within an SFR-10 zone and Lot 800 will remain fully within an SFR-00 zone. As such the proposed infill subdivision project will be able to move forward with a logical infrastructure plan and the status of the holding zone on the adjacent Lot 800 will remain unaffected.

Applicant requests that this zone change and property line adjustment be approved based upon the imposition of special development condition which requires the property line adjustment to be fully executed prior to final plat for the concurrently filed subdivision.

II

**EVIDENCE SUBMITTED WITH APPLICATION**

Applicant herewith submits the following evidence with its zone change application:

- Exhibit 1.** Applicants' Proposed Findings of Fact and Conclusions of Law
- Exhibit 2.** Applicant's Proposed Area of Zone Change Map
- Exhibit 3.** Applicant's Proposed Property Line Adjustment Maps
- Exhibit 4.** Jackson County Assessor's Plat Map 38-2W-01AB
- Exhibit 5.** Vicinity Map Depicting Proposed Zone Change Area with GLUP Map Designations Shown
- Exhibit 6.** Medford General Land Use Plan Map
- Exhibit 7.** Zoning Map (Current) and Zoning Map (Current) on Aerial
- Exhibit 8.** Zoning Map (Proposed)
- Exhibit 9.** Lot Creation Deed Records & Historic Survey Plats
- Exhibit 10.** Legal Description for the Area of Zone Change
- Exhibit 11.** Completed Zone Change Application Form with Duly Executed Limited Power of Attorney for CSA Planning, Ltd to represent Applicant/Property Owner
- Exhibit 12.** Completed Property Line Adjustment Application Form
- Exhibit 13.** Title Report

III

**RELEVANT SUBSTANTIVE APPROVAL CRITERIA**

The criteria under which a zone change application must be considered are in Section 10.227 of the Medford Land Development Code (MLDC). The relevant approval criteria are recited verbatim below and again in Section V where each is followed by the conclusions of law of the Commission:

**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.
- (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 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 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.

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### 10.297 Property Line Adjustments

#### B. Property Line Adjustment Approval Criteria.

A property line adjustment shall be approved if it complies with the following:

- (1) All properties were lawfully created;
- (2) No new lots or parcels of land will result from the adjustment;
- (3) The adjustment will not result in a unit of land that overlaps the city limit line, urban growth boundary, or zoning districts;
- (4) The adjusted property configurations shall not create a substandard condition relative to the applicable standards of the Code. When one or more properties are less than the minimum required area or width, none of the resulting units of land shall be made smaller in area or narrower in width than the original smallest existing unit of land.



IV

FINDINGS OF FACT

The following findings of fact are reached and found to be true with respect to this matter. Unless otherwise stated, the following findings of fact pertain to subject property 38-2W-01AB-700 in its entirety:

- 1. Property Location, Description and Size:** The proposed zone change is for a 1334 square-foot strip of the subject property identified in the Assessor's records as 38-2W-01AB-700. Tax Lot 700 is located at the northeast corner of Agate Street and Hart Avenue in southwest Medford, approximately one block west of Kings Highway, 385 feet south of Diamond Street and one half mile north of South Stage Road. The property is within the corporate limits of the City of Medford and its adopted and acknowledged urban growth boundary.

The 1334 square-foot strip of land area for which the zone change is sought is illustrated on the Applicant's attached maps at Exhibits 2, 3, 5 and 8 for which a legal description is provided at Exhibit 10. This area is situated along the southeasterly border of subject lot 700 in a strip ~160 feet long that varies in width from 10 feet to 5 feet.

Collectively, subject lots 700 and 800 comprise what was previously described as Block 21 of the Oakdale Park Addition Subdivision, along with the adjacent portions of vacated rights of way.

In 1910, the Oakdale Park Addition Subdivision (001-059-001) created Lots 1-6 within Block 21, surrounded by Agate Street to the south, Hart Street to the east, Pearl Street to the north and Lincoln Street to the east. Lots 1-3 were situated within the easterly half of Block 21 and Lots 4-6 were within the westerly half.

In 1912, the aforementioned subdivision was amended by Oakdale Park Addition Subdivision – Amended (002-011-001). The streets surrounding Block 21 remained the same, but the center of the block in a north-south direction was modified to include a 20-foot wide public alley; the easterly portion was modified to include lots 1-7 and the westerly portion was modified to include lots 8-14.

In 1916, through instrument Volume 498 Page 476, the portions of Lincoln Street, Pearl Street and the north-south alley adjacent to and through Block 21 were vacated. The portions of said road between Block 21 and the road centerlines were absorbed into the adjacent lots within Block 21.

Oregon Revised Statute (ORS) 92.017 provides "*A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.*" While the 14 lots within Block 21 of the 1912 Amended Oakdale Park Addition subdivision, were lawfully created. They did not however remain separate and discrete because significant portions of the lines were vacated. The vacation rendered Block 21 to be one lot in its entirety in 1912.



As evidenced by 1956 deed Volume 427 Page 452, the westerly 2/3 of Block 21 was conveyed separately from the easterly 1/3. The easterly 1/3 was thereby created as a separate residual unit of land. There were no zoning rules in affect governing the subject property in 1956 and the 1956 conveyance was not a subdivision so the conveyance was not subject to any subdivision ordinances in effect at that time. As evidenced by deeds OR72-00086 and OR2015-012076 Subject Lot 700 has remained as the westerly 2/3 of said Block 21. As evidenced by deed OR98-053711, Lot 800 has remained as the easterly 1/3 of Block 21. Based on the foregoing information both Lots 700 and 800 were lawfully established as separate and discrete parcels and pursuant to ORS 92.017 (cited above) each lot shall remain as separate and discrete.

Alternatively and in addition to the findings herein above, the City also has the authority to recognize each parcel as being lawful based on their conformance with the current underlying zone. As noted herein below, Lot 700 is entirely within an SFR-10 zone. At 1.67 acres, the property meets the minimum lot area for the underlying zone. The property also fronts on one improved and one unimproved public road. Lot 800 is within an SFR-00 zone that does not establish a minimum lot size. Lot 800 also fronts on a public road. Both lots 700 and 800 are each in conformance with their respective underlying zones.

Based on the aforementioned information and attached evidence, both Lots 700 and 800 are lawfully established parcels.

2. **Subject Property Ownership:** The subject property is owned by Clyde Akins. *See* Exhibits 9, 11 & 12.
3. **Related Planning Actions:** This zone change is being sought in connection with a request for 14-lot subdivision and associated property line adjustment. As noted herein above, the property line adjustment is being sought for the sole purpose of implementing an agreement for a utility easement on Tax Lot 800 that will benefit and serve the proposed subdivision. The sole purpose of the zone change is to allow the property line adjustment to occur in a manner that does not create a split zoned property. The zone change and property line adjustment will assure that the adjacent property to the east (lot 800) will remain entirely within an SFR-00 holding zone until such time that facility adequacy is addressed for that entire parcel.
4. **Comprehensive Plan Map Designation:** The property is designated Urban Residential on the Medford Comprehensive Plan Map<sup>1</sup> (*See*, Exhibit 6).
5. **Current and Proposed Zoning Map Designation:** The entirety of subject lot 38-2W-01AB-700 is currently zoned City SFR-10. The entirety of adjacent lot 38-2W-01AB-800 is currently zoned City SFR-00 (*See*, Exhibit 7). The proposed property line adjustment if approved will convey approximately 1334 square feet of land from Lot 700 to 800. It is that 1334 square-foot adjustment area for which a zone change to SFR-00 is sought.
6. **Existing Land Use:** Subject Lot 38-2W-01AB-700 contains a 1628 square foot single story dwelling built in 1925 and a couple general purpose sheds, all of which are in disrepair. Adjacent lot 38-2W-01AB-800 to the east contains a single family residence

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



and a few small general purpose sheds. The garage serving Lot 800 is side loaded, facing subject Lot 700. The adjustment will better facilitate ingress and egress to the garage from the public street and has the potential to help facilitate a future north-south public road across Lot 800.

7. **Intended Land Use:** The bulk of the parent property is to be developed as a single-family residential subdivision. The existing dwelling and general purpose sheds will be removed. The proposed area of zone change is to be absorbed into adjacent lot 800 and to be used as land in conjunction with the single family residence situated immediately adjacent to the east. Once the adjustment is finalized, the adjustment area will afford additional vehicular turning movement for the side-loaded garage serving the residence on Lot 800.
8. **Topography:** The property slopes gently from the southwest to the northeast at about 1.5 percent grade. According to City 2-foot contour data, the ground elevation at the property southwest corner is approximately 1462.5 feet above mean sea level and the northeast corner is at an elevation of approximately 1457 feet, a difference of 5.5 feet in elevation over a distance of approximately 420 feet. It is this very gentle slope that necessitates the need for utility easement for storm drainage to serve the subdivision because the drainage to the north is so gradual that easement agreement is the only location where large amounts of fill can be avoided to assure proper drainage for the subdivision.
9. **Wetlands; Floodplain:** According to Medford and Jackson County Geographical Information System (GIS) databases taken from the U.S. National Wetland Inventory and FEMA, the subject property does not include any wetlands or floodplain. According to the Medford Irrigation District, there is an irrigation facility at the front of the property. Applicant's preliminary plans reflect accommodation of said facilities.
10. **Surrounding Land Uses:** The GLUP map (Exhibit 6), Zoning Map which is overlaid on an aerial photo (Exhibit 7) and the Surrounding Area Development Patterns Map (Exhibit 5) accurately depicts the pattern of land partitioning and development in the surrounding area. The land uses that surround the subject property are further described as follows:
  - A. **Surrounding Area Characteristics:** The property is located within the City of Medford surrounded by lots with single family dwellings. Much of the area is dominated by lots with sufficient acreage to be further divided. However, lot configurations and dwelling placements create spatial obstacles for redevelopment.
  - B. **East:** Lot 38-2W-01AB-800, a single 1.01 acre lot with a residence lies directly to the east. Applicant has entered into an agreement with the owners of Lot 800. The agreement provide for a utilities easement to be extended across lot 800 for the purpose of serving the proposed subdivision on subject lot 700 in exchange for the proposed property line adjustment that will convey a 1334 square foot portion of lot 700 to lot 800. Said adjustment area is the same area proposed for zone change. The utility easement will allow sewer and storm drainage facilities from the proposed subdivision to tie into facilities within the Merlot Subdivision adjacent to the north east. The Merlot Subdivision was recently approved and according to correspondence



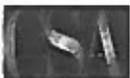
with the Merlot Subdivision Engineer's, they are in the process of installing infrastructure and working toward final plat. Applicant has agreed to stipulate to executing the property line adjustment and easement prior to final plat of the proposed subdivision.

- C. **South:** Agate Street lies immediately to the south. Beyond Agate Street to the southwest lies the McKennell Subdivision. The McKennell Subdivision includes 25 single family lots fully built-out.
- D. **West:** Hart Lane, an unimproved public right of way lies directly west of the subject property. Hart Lane will provide access to a significant portion of the proposed subdivision and will therefore be improved in a manner consistent with the local street standards and proportionate to the development. Beyond Hart Lane to the west lie a handful of large properties ranging from 0.43 acres to 0.8 acres. Each includes a residence and some include out-buildings. While direct access to those lots is from Peach Street to the west and Agate Street to the south, Hart Lane could provide access to the lands to the west should they be further divided and redeveloped.
- E. **North:** Lot 38-2W-01AB-500 lies immediately north of the subject property. Lot 500 is a 0.58 acre vacant property with access directly from Hart Avenue.

**11. 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 serving the *contemporaneously sought subdivision* on subject Lot 700:

- A. **Sanitary Sewer Service (Collection):** The property is in the area served by Rogue Valley Sewer Services (RVSS). Existing 8-inch sanitary sewer lines are adjacent to the property along the southerly and westerly boundaries within Agate Street and Hart Avenue right of way. The City approved Merlot Subdivision to the northeast contemplates an 8 inch sewer line within the approved public rights of way. Applicant has secured an easement across lot 38-2W-01AB-800 that will allow sewer service to connect from the lots within the proposed subdivision to the approved sewer lines within the Merlot Subdivision to the northeast. Correspondence with City of Medford Public Works / Engineering Department, the Applicant's consulting Engineers at Adkins Engineering and engineers designing the sewer lines within the Merlot Subdivision, downstream lines are of appropriate size, location and depth to accommodate the subject proposal and assert there are no known downstream deficiencies.

Based on ground elevations and existing sewer line depths, proposed Lots 1 through 4, and possibly Lots 5 and 6 (subject to final grading plan approval) can be served with sewer from Agate Street. All remaining lots can be served with sewer through the easement across lot 38-2W-01AB-800 and public rights of way within the Merlot



Subdivision, ultimately to the sewer lines within the public rights of way within Kings Highway nearby to the northeast.

**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)<sup>2</sup> 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 (RWRP), 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 RWRP capacity was 10 million gallons per day (MGD) average dry weather flow
- RWRP capacity was doubled between 1980 and 1990 through several incremental expansions. In 1992 the RWRP 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 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 plan to handle a PWWF of 118 MGD by 2030 to serve a future 2030 City of Medford population of 115,286.

<sup>2</sup> Formerly Bear Creek Valley Sanitary Authority (BCVSA)



- C. Water Distribution Lines:** Water is available to the property via 8" water lines in Agate Street, that are within the Southwest high level water pressure zone. Said zone is comprised of an 80 acre area located in southwest Medford served by the Archer Pump Station and Southwest Reservoir.
- 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.
- E. Storm Drainage:** The property has available storm drainage that can feasibly be connected at three locations including Agate Street to the south, Hart Avenue to the west / northwest and to the northeast via private easement across lot 38-2W-01AB-500 to approved public rights of way and storm drainage facilities within the Merlot Subdivision that tie into storm drainage facilities in Kings Highway. Applicant's concurrently sought subdivision application includes a conceptual grading and storm water facilities plan. Lots 1-4 and possibly lots 5 and 6 can drain to facilities in Agate Street. All remaining lots will drain to the northeast via private easement and future facilities within the approved Merlot Subdivision.
- F. Streets and Connectivity:** The following facts pertain to streets related to the subdivision project:
- **Project Access and Street Functional Classification:** Local improved residential street Agate Street, provides access to this property along the project southerly border. Local unimproved street Hart Avenue also provides access to the property along the project westerly border.
  - **New streets:** One new Residential Lane will be created as part of the subdivision, depicted on the Tentative Plat as Lilybrook Lane. Within the project, a total of 6 lots front on and may take access from Lilybrook Lane. Two of the lots that front on Lilybrook also front on Hart Avenue. The road is designed at 33 feet in width with parking on one side. The length of the road, within the project area is approximately 186 feet. Lilybrook Lane intersects with Hart Avenue on the project's westerly extent. Applicant agrees to stipulate to provide a street stub at the easterly extent of Lilybrook Lane. Immediately adjacent to the property lies Lot 38-2W-01AB-800. Directly north of Lot 800 lies the Merlot Subdivision. Lillian Street within the Merlot Subdivision stubs into Lot 800 from the north. Proposed Lilybrook Lane is designed to tie into a future southerly extension of Lillian Street, within the borders of Lot 800. Presuming such an extension occurs in the future, Lilybrook Lane has the potential to provide direct access for up to 8 lots.
  - **Subdivision Lot Access:** Each resulting individual lot will have frontage and access from a City street.



- **Future Access:** As noted herein above, a single street stub will be created as part of this subdivision that will allow Lilybrook Lane to be extended when the adjacent properties build-out.
- **Flag Lot:** Proposed Lot 6 within the project is designed as a flag lot. Lot 6 is 90.31 feet deep by 61.8 feet wide with a 20-foot wide by 90-foot long flag strip connecting the lot to Hart Avenue. A single flag lot within the subdivision provides for an efficient use of land by minimizing the amount of land required for public streets while affording a creative redevelopment solution for the area.
- **Circulation:** Much of the surrounding area is partitioned and improved with single family dwellings that are situated in locations that make redevelopment and street connectivity difficult. The proposed project is able to utilize both Agate Street and Hart Avenue for access and with the inclusion of Lilybrook Lane, the project is able to tie-into future local streets to the east.

As illustrated on the City of Medford Southwest Circulation Plan map (included with the contemporaneously sought subdivision), multiple north-south local street connections are conceptualized for the area. Nothing within the proposed subdivision will prohibit the completion of a future contemplated north-south connection to the east, where Lillian Street is stubbed.

With the City's approval of the Merlot Subdivision to the northeast, the City authorized a local street design that differs slightly from the conceptual Circulation Plan. For example the approved east-west road through the Merlot Subdivision ties into Kings Highway rather than looping back down to Agate Street. Applicant is in agreement that the approved design is a functional and likely better alternative than the City's conceptual layout. The same east-west street through Merlot Subdivision is situated slightly further north than the conceptual Circulation Plan.

In a fashion similar to that of the Merlot Subdivision, Applicant proposes a subdivision that differs slightly in detail from the Circulation Plan. For unknown reasons, the Circulation Plan calls for two almost immediately adjacent north south local streets within the project area and lot 800 to the east. Should the City's detailed design be implemented, the Applicant and the neighboring properties to the east would be forced to single-load lots off of multiple local streets creating a very inefficient use of land and increasing costs to the point that they are likely to be prohibitive for any redevelopment of the area. A strict implementation of the City's Circulation Plan would be in direct conflict with the through-lot provisions of MLDO 10.704 and intersection spacing standards of MLDO 10.426(D). The proposed subdivision provides adequate circulation for the subject project, is consistent with the through-lot and intersection spacing standards and does not in any manner impede future local connections on lands to the east.

**G. Police and Fire Protection:** The property is served by the Medford Fire Department from its new replacement Fire Station located immediately east of the intersection of Stewart Avenue and Garfield Street, approximately 1.2 miles from the subject



property. Emergency fire response is estimated to be approximately 3 minutes. Police protection is from the City of Medford Police Department.

Applicant's Agent met with representatives of the City of Medford Fire Department. From said correspondence, it is Applicant's understanding that emergency services will be able to adequately access all lots and future structures within the project. Specific to Lilybrook Lane, it is Applicant's understanding that the intersection of Lilybrook and Hart Avenue can be utilized to turn-around large fire apparatus should the need occur and additional turn-arounds along Lilybrook Lane are not necessary or sought. The same is subject to ultimate fire department approval of fire hydrant placements and parking restrictions.

- H. Assuming Lot 800 to the east will someday be further divided and ultimately re-developed, it would be logical to extend Lillian Street from the north down to Agate Street, in a manner that allows for double loading along the prospective Lillian Street extension. Should the property to the east be redeveloped in such a fashion, which is a highly presumptuous yet logical assumption, the east-west block length would be approximately 250 feet and the block perimeter would be approximately 975 feet.

**12. Public Facilities Related to Zone Change Area:** As shown on attached Exhibit 7, Lot 800 is currently zoned SFR-00. Pursuant to the text of the Medford Comprehensive Plan, SFR-00 zones are allowed in all GLUP map designations. The reason being, SFR-00 is a placeholder zone to which low levels of development are allowed and no further division is permitted. The SFR-00 zone allows for one single family residence. Since the area of proposed SFR-00 zoning is to be absorbed into Lot 800, a lot that already includes a residence, there will be no appreciable effect on public facilities and services. As a result of the combined property line adjustment and zone change, Lot 800 will remain completely within an SFR-00 zone to which no additional development and no further division will be allowed until such time that facility adequacy is demonstrated for the property.

V

**CONCLUSIONS OF LAW**

The following conclusions of law are reached for each of the relevant substantive criteria with respect to this matter:

***City of Medford Approval Criteria  
Medford Land Development Code (MLDC) 10.227***

***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:

***Criterion 1***

- (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.

**Conclusions of Law:** The proposed zone change has no appreciable effect on the development capacity of either Tax Lot 800 or Tax Lot 700. Even with the additional land, and if Tax Lot 800 rezoned in the future at the maximum density, then the maximum number of dwelling units would be 11 or 12 for the entire parcel which falls below the level of significance of 25PM peak hour trips in the MLDC that implements TSP. Thus, by virtue of the small acreage associated with the zone change and small size of the receiving Tax Lot 700, the Planning Commission concludes the zone change is consistent with the TSP due to its minimal effect on transportation facility planning at the city-wide scale of the TSP.

With respect to consistency with the General Land Use Plan Map designation, the General Land Use Plan Element provides as follows with respect to the SFR-00 zoning district:

The City's SFR-00 (Single-Family Residential – one dwelling unit per existing lot) zone is permitted in all GLUP Map designations because it is considered a holding zone for parcels that are being converted from County to City zoning.

Tax Lot 800 is already in the SFR-00 holding zone (from its rezoning from the prior County zoning) and the proposed zone change will not alter the regulatory condition of Tax Lot 800 in its holding zone status. Further, the addition of ~1334 square feet of land area in the SFR-00 zone will have no appreciable effect on the ability to demonstrate facility adequacy at such future time as an urban zoning is requested for the property. The proposed zone change will facilitate the orderly and economic provision of public facilities on subject lot 800 for its contemporaneously sought zone change, which advances the “real world” urban facility services for the subject property. Thus, the proposed zone change will facilitate urban development on land planned and zoned for urban development that is seeking development permits for needed housing while doing nothing to hinder future urbanization of a parcel



already within an SFR-00 holding zone. This outcome is consistent in all ways with the goals and policies of the General Land Use Plan Element, and consequently, the Planning Commission concludes that the small amount of additional SFR-00 land is consistent with the GLUP Map designation because the district is allowed in all GLUP Map designations and the zone change is consistent with the general purpose and intent of the district as a holding zone for properties within the City but prior to urban zoning for future urban development.

\* \* \* \* \*

### Criterion 2

#### 10.227 Zone Change Criteria

- (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 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 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:

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- (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.

**Conclusions of Law:** The Planning Commission concludes that the proposed zone change to SFR-00 will have no appreciable effect on the demand for public facilities and services and a 1334 square-foot strip of SFR-00 land being added to Tax Lot 800 will have no appreciable effect on its ability to demonstrate facility adequacy as part of a future amendment to an urban zoning designation.

\*\*\*\*\*

### **Criterion 3**

#### **10.297 Property Line Adjustments**

##### **B. Property Line Adjustment Approval Criteria.**

A property line adjustment shall be approved if it complies with the following:

- (1) All properties were lawfully created;
- (2) No new lots or parcels of land will result from the adjustment;
- (3) The adjustment will not result in a unit of land that overlaps the city limit line, urban growth boundary, or zoning districts;
- (4) The adjusted property configurations shall not create a substandard condition relative to the applicable standards of the Code. When one or more properties are less than the minimum required area or width, none of the resulting units of land shall be made smaller in area or narrower in width than the original smallest existing unit of land.

**Conclusions of Law:** The Planning Commission concludes Property Line Adjustment complies with the applicable criteria above based upon the following:

- (1) Based upon the findings of fact in Section IV, the Planning Commission concludes that the properties involved in the adjustment were lawfully created.
- (2) The adjustment will not create any new lots and the new lots to be created on Tax Lot 700 will occur as a result of the separate application for subdivision.
- (3) As a result of the zone change requested herein, the resulting property line adjustment will not overlap a city limit line, UGB or zoning district boundary.
- (4) Tax Lot 800 will comply as a holding zone and is larger than the minimum necessary for any applicable future urban residential designation. Tax Lot 700 exceeds the minimum dimensions for the SFR-10 zoning district and all lots proposed in the



contemporaneously sought subdivision can be found to comply with applicable SFR-10 lot regulations and the same is evidenced in the findings of the Commission with respect to that subdivision.

\*\*\*\*\*

VI

AGREED TO STIPULATIONS

Applicant herewith agrees to stipulate to the following to which it agrees to comply if the same is made a condition attached to the approval of this land use application:

1. Applicant will accept a zone change condition of approval that the Planning Commission's approval shall not take effect until property line adjustment has been executed and a copy of the recorded adjustment has been submitted to the City of Medford Planning Department.

\*\*\*\*\*

VII

ULTIMATE CONCLUSIONS

Based upon the preceding findings of fact and conclusions of law, it is ultimately concluded that the case for a zone change from existing SFR-10 to SFR-00 and the requested PLA are both consistent with all of the relevant substantive approval criteria.

Respectfully submitted on behalf of applicant on **March 14, 2017**:

CSA PLANNING, LTD.



Mike Savage  
Consulting Planner

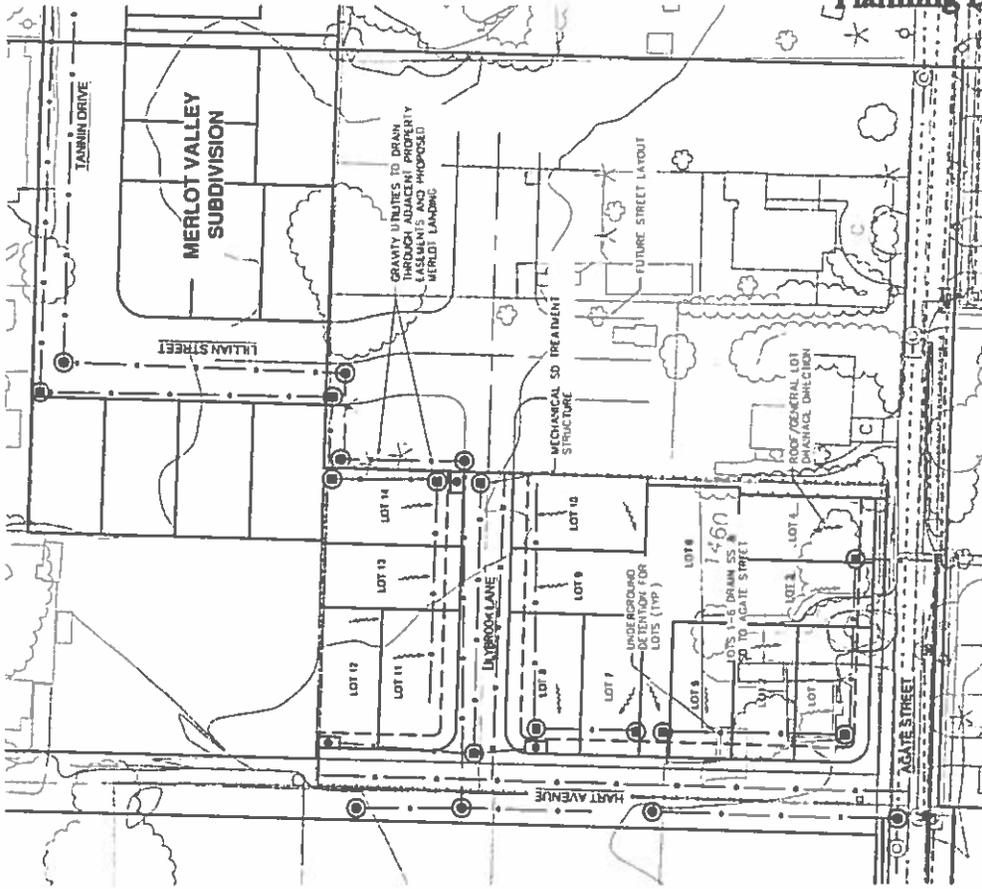




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Planning Dept.



LEGEND

CONCEPT PLAN LEGEND

WATER LINE	---	EXISTING	---	PROPOSED	---
SEWER LINE	---	EXISTING	---	PROPOSED	---
STORM DRAIN	---	EXISTING	---	PROPOSED	---
GRAVITY SEWER INH	○	EXISTING	○	PROPOSED	○
STORM DRAIN INH	○	EXISTING	○	PROPOSED	○
CURB INLET	□	EXISTING	□	PROPOSED	□

CONCEPTUAL UTILITY & DRAINAGE PLAN  
SCALE 1"=40'



DATE	2/20/17	DATE	
PROJECT	7022-01	DATE	
P.L.C.	P. ANNING	DATE	
DESIGNED BY	M.J.Z	DATE	
DRAWN BY	M.J.Z	DATE	
CHECKED BY	M.J.Z	DATE	
SURCONSULTANT			
 ADKINS CONSULTANTS, INC. 200 South St., Suite 111 Medford, Oregon 97504 Phone: 531-754-1100 Fax: 531-754-1101 Copyright © 2013 ADKINS CONSULTANTS, INC.			
CITY OF MEDFORD ENGINEERING DEPARTMENT		CITY PROJECT	
ANNEX SUBDIVISION MEDFORD, OR		SHEET NO	
CONCEPTUAL GRADING & UTILITY PLAN		C1	
REV. CITY ENGINEER		DATE	
DRAFT			



# Adopted Southwest Medford Circulation Plan

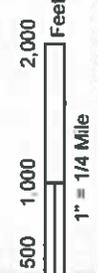
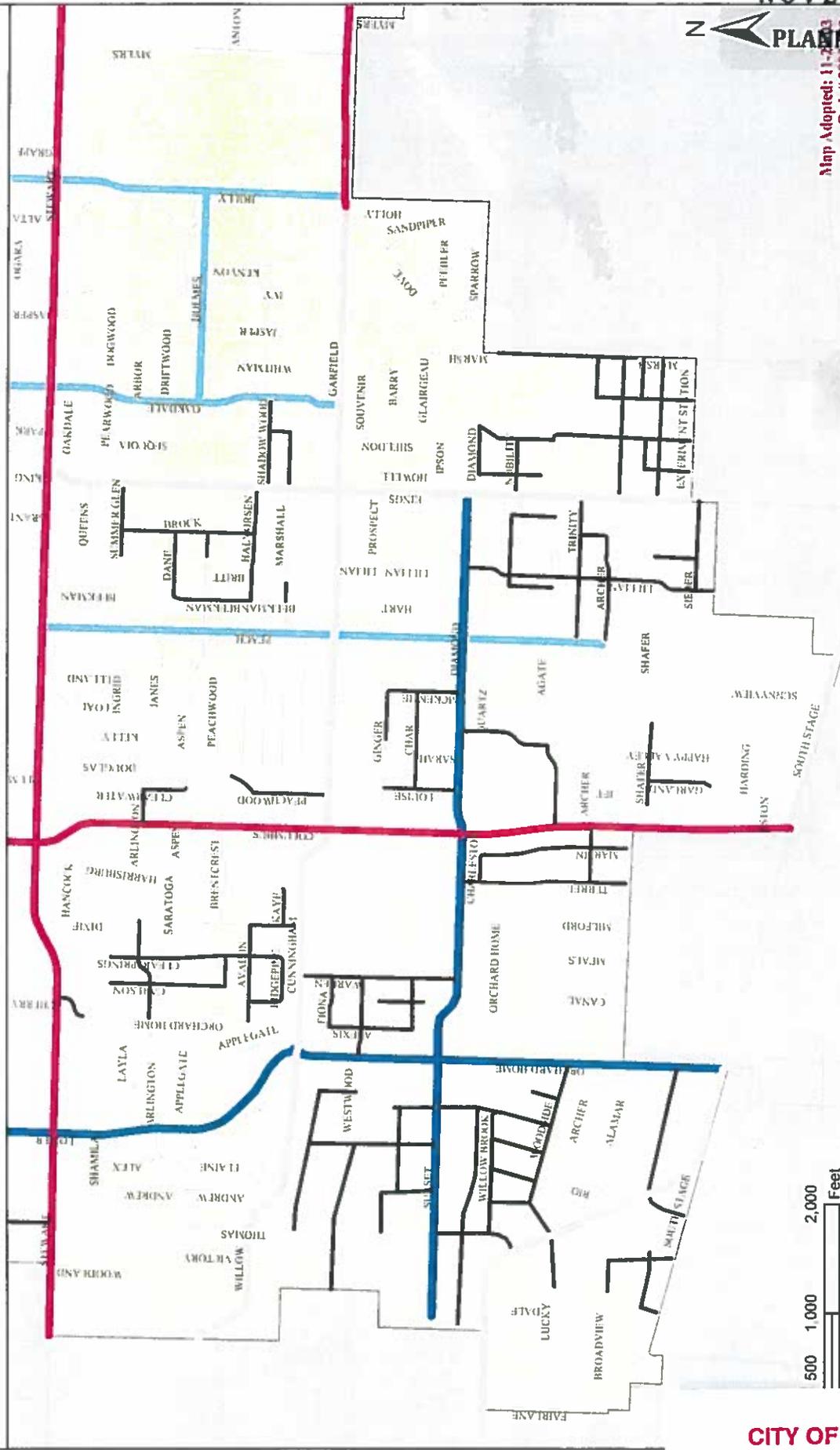
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NOVEMBER 29, 2016

PLANNING DEPARTMENT

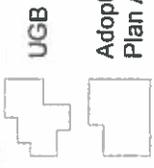
Map Adopted: 1-1-2013  
Ord. # 2003-09  
Map Printed: 1-2-2014

The Circulation Information System (CIS) data used to produce this map is an un-audited and un-reviewed by the City of Medford and is provided as a public utility for informational purposes only. THERE MAY BE ERRORS IN THE MAPS OR DATA. THE MAPS OR DATA MAY BE OUTDATED, INACCURATE, AND MAY NOT BE IMPORTANT TO YOUR PARTICULAR PROJECT. THE USER ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS INFORMATION. THE CITY OF MEDFORD DOES NOT WARRANT THE ACCURACY OF THE DATA OR THE PERFORMANCE OF THE SOFTWARE. THE USER ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS INFORMATION.



### Legend

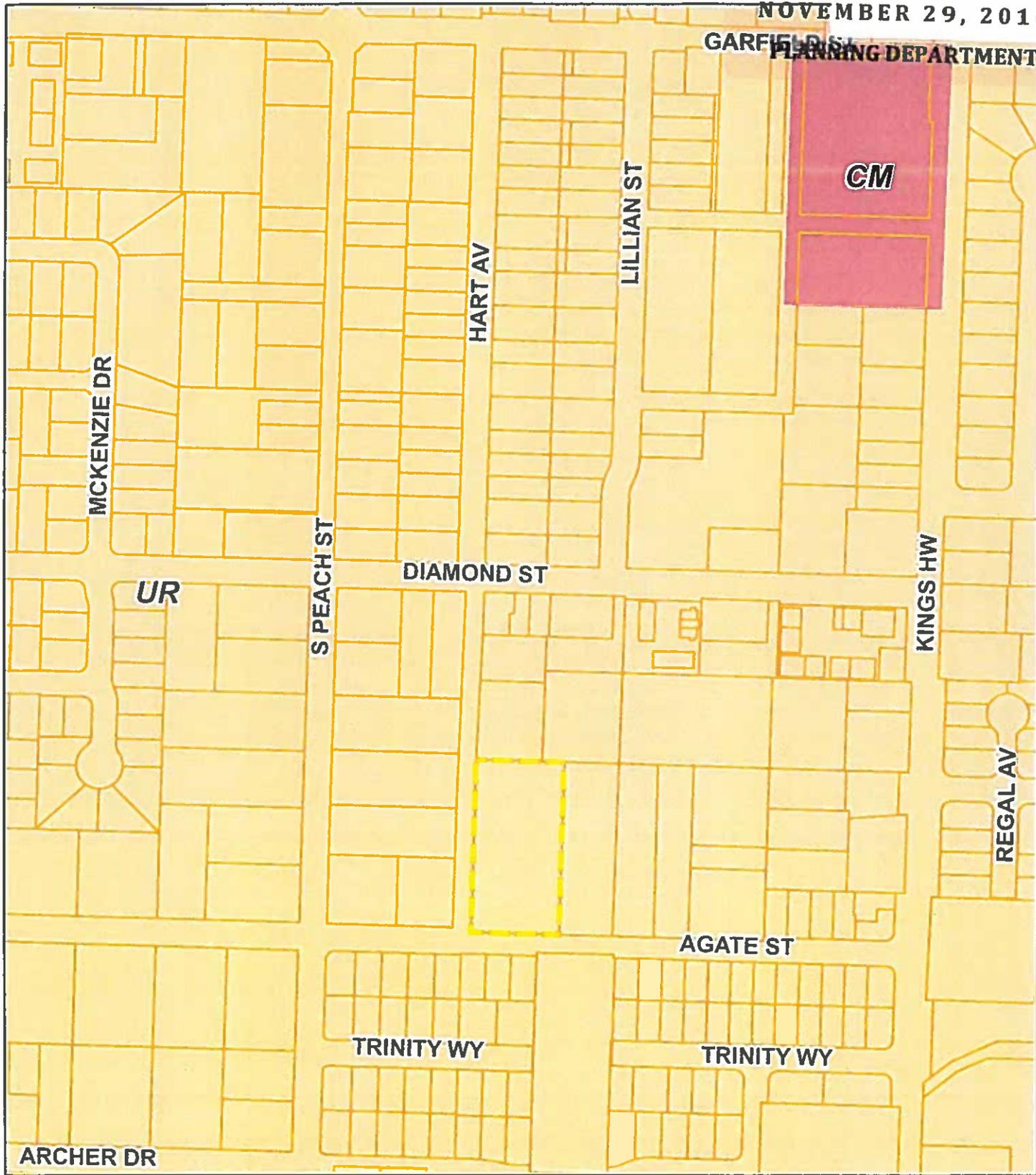
- Major Arterial
- Major Collector
- Minor Arterial
- Residential
- Other Streets



UGB  
Adopted Circulation Plan Area

Files\Planning\Circulation Plans\Southwest\Southwest Circulation Plan.mxd

GARFIELD  
PLANNING DEPARTMENT



 Subject Lot  
 Tax Lots  
 CM  
 UR

  
CSA Planning, Ltd.

11-24-2015 Source: CSA Planning, Ltd.; Cit

### GLUP MAP

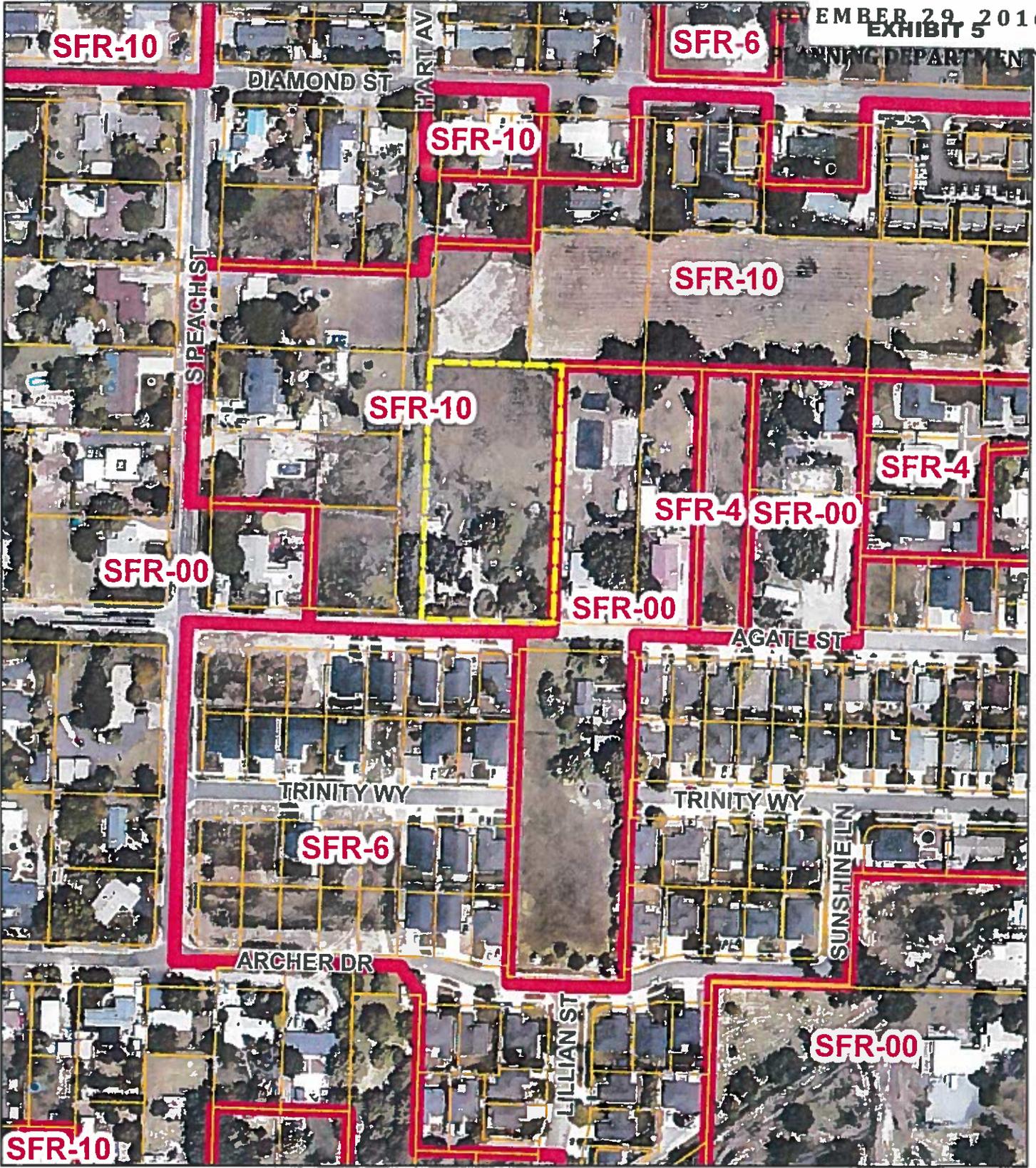
AKINS  
38-2W-01AB-700  
840 Agate Street, Medford Or. 97501



300 150



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**EXHIBIT #** H  
**File #** LDS-16-152/ZC-17-037



-  Subject Lot
-  Tax Lots
-  Medford Zoning



CSA Planning, Ltd.

### ZONING MAP

AKINS  
38-2W-01AB-700  
840 Agate Str



200 100



**CITY OF MEDFORD**  
EXHIBIT # I  
File # LDS-16-152/ZC-17-037



- Merlot Valley Sub'd Lots
- Subject
- Proposed Lots
- Tax Lots

0 100 200 Feet

### Surrounding Area Development Patterns

AKINS  
38-2W-01A  
840 Agate  
2012 Aeria



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Prospective  
Utilities  
Easement

38-2W-01AB-700  
 Current: 1.67 ac  
 To TL 800: 0.03 ac  
 Post PLA: 1.64 ac

38-2W-01AB-800  
 Current: 1.01 ac  
 From TL 700: 0.03 ac  
 Post PLA: 1.04 ac



Common Line  
Prior to Adjustment

GP Bldng  
To Be Removed

Common Line  
Post Adjustment

House  
To Be Removed

House

AGATE ST

HART AVE

- Subject Lots
- PLA Area
- Sewer
- Water
- Buildings
- Fence
- Prospective PUE
- Prospective Utility Easements
- Proposed Subdivision Lots
- Future Right of Way
- Tax Lots

### Proposed Property Line Adjustment

CITY OF MEDFORD  
 EXHIBIT # \_\_\_\_\_  
 AKINS & HOCK  
 38-2W-01AB-70  
 840 Agate Stree  
 808 Agate Stree

CITY OF MEDFORD  
 EXHIBIT # K  
 File # LDS-16-152/ZC-17-037

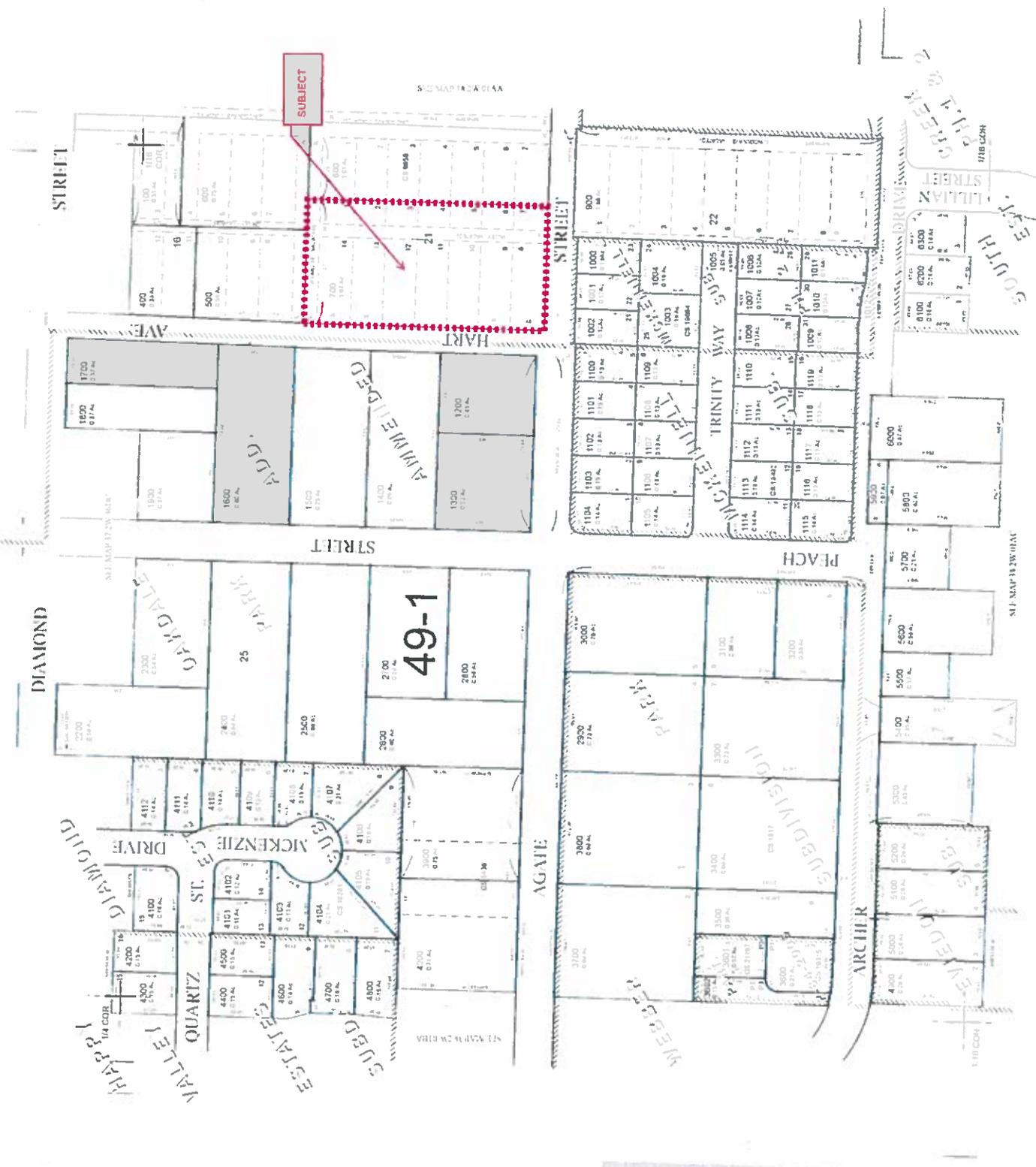
50 25

N.W. 1/4, N.E. 1/4, SEC. 1, T.38S., R.2W., W.M.  
JACKSON COUNTY

**EXHIBIT 2**

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Continuous Improvement Customer Service

PLANNING DEPT.

CITY OF MEDFORD

LD Date: 1/4/2017

File Numbers: LDS-16-152

PUBLIC WORKS DEPARTMENT STAFF REPORT  
Lilybrook Subdivision

**Project:** Consideration of Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel.

**Location:** Located at the northeast corner of Agate Street and Hart Avenue, within an SFR-10 (Single-Family Residential, ten dwelling units per acre) zoning district (382W01AB700).

**Applicant:** Clyde Akins, Applicant (CSA Planning, Ltd., Agent). Praline McCormack, Planner.

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)

A. **STREETS**

1. **Dedications**

Agate Street is 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 frontage to comply with the half width of right-of-way, which is 27.5-feet. The Developer's surveyor shall verify the amount of additional right-of-way required.

**Hart Avenue** (from Agate Street north approximately 370-feet) is proposed as a Minor 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 27.5-feet. **The Developer's surveyor shall verify the amount of right-of-way required.**

**Lilybrook Lane** is proposed as a Residential Lane with a right-of-way width of 33-feet, consistent with the standard prescribed by MLDC 10.430. **The Developer shall dedicate the full width of right-of-way.**

**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, 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

**Agate Street** shall be improved to Minor Residential street standards, along the frontage of this development, in accordance with MLDC 10.430. The Developer shall improve the north half plus 12-feet south of the centerline along the easterly 40-feet of the project frontage.

That said, the McKennell Subdivision Phase 2 project (P1617D) completed partial improvements to the south half plus 12-feet north of centerline to Agate Street for the westerly 145-feet of the frontage. Therefore, along this partially improved westerly portion, the Developer shall improve the remaining north half to provide a 14-foot half street width. This shall include saw cutting the existing east edge of pavement back a minimum of 1-foot to ensure structural integrity and to provide cross slopes that meet current standards as required.

**Hart Avenue** (from Agate street north approximately 370-feet) shall be improved to Minor Residential street standards, along the frontage of this development, in accordance with MLDC 10.430. The Developer shall improve the east half plus 12-feet west of the centerline.

**Lilybrook Lane** shall be constructed to Residential Lane standards in accordance with MLDC 10.430.

**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. 5 – Type R-100 HPS

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

- A. 2 – Stop Sign
- B. 2 – Street Name Signs
- C. 1 – Dead-End Sign
- D. 2 – Dead-End Barricades

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**

There is no pavement cutting moratorium currently in effect along Agate Street. Hart Avenue is unimproved.

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 to Public Street System**

Driveway access and street circulation to and through the proposed development shall comply with MLDC 10.550 and 10.426.

**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.*

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.

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.

**Agate Street, Hart Avenue & Lilybrook Lane:** 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 14 dwelling units and will improve approximately 740 lineal feet of roadway which equates to 53 lineal feet per dwelling unit. Also the development will dedicate approximately 10,268 square feet of right-of-way which equates to approximately 733 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Orchard Court Subdivision west of this development between Diamond Street and Orchard Home Court and consisted of 7 dwelling units. The previous development improved approximately 430 lineal feet of roadway and dedicated approximately 10,800 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 61 lineal feet of road per dwelling unit and approximately 1,543 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 14 Lots within the City of Medford and increase vehicular traffic by approximately 133 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. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking. 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 connecting streets will decrease emergency response times and provide emergency vehicles alternate choices in getting to an incident and reducing miles traveled.
- e. 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.
- f. 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.

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. 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.

Upon completion of the project, the developer's design engineer shall provide written certification to the Engineering Division that the construction of the controlled storm water release drainage system was constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to certificate of occupancy of the new building.

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 developers 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. 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.

### **5. 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.

#### **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**

If this subdivision is to be developed in phases, then 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. 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.

#### **6. System Development Charges (SDC)**

Buildings in this development are subject to sewer treatment and street SDCs. 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

#### **7. 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: Doug Burroughs

# SUMMARY CONDITIONS OF APPROVAL

Lilybrook Subdivision

LDS-16-152

## A. Streets

### 1. Street Dedications to the Public:

- Dedicate right-of-way on **Agate Street**.
- Dedicate right-of-way on **Hart Avenue**.
- Dedicate right-of-way on **Lilybrook Lane**.
- Dedicate 10-foot public utility easements (PUE).

### 2. Improvements:

#### Public Streets

- Improve **Agate Street** to Minor Residential street standards.
- Improve **Hart Avenue** to Minor Residential street standards.
- Construct **Lilybrook Lane** 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.

#### Other

- Provide pavement moratorium letters.
- Provide soils report.

## B. Sanitary Sewer:

- Provide a private lateral to each lot. Located in RVSS area.

## 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 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.

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.



Continuous Improvement Customer Service

## CITY OF MEDFORD

LD Date: 4/19/2017  
File Number: ZC-17-037

### **PUBLIC WORKS DEPARTMENT STAFF REPORT** **840 Agate Street** **(382W01AB700)**

- Project:** Consideration of a zone change on 1334 square foot strip of land.
- Location:** Located approximately 200 feet east of Hart Avenue and north of Agate Street in Southwest Medford from SFR-10 (Single Family Residential – 10 dwelling units per acre) to SFR-00 (Single Family Residential – 1 dwelling unit per lot or parcel) (382W01AB700)).
- Applicant:** Applicant, Clyde Akins; Agent, CSA Planning Ltd, Mike Savage; Planner Liz Conner.

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. The applicant shall contact RVSS to see if sanitary sewer services and facilities are available and have capacity to serve this property under the proposed zoning.

#### **II. Storm Drainage Facilities**

This site lies within the Crooked Creek Drainage Basin. The subject properties currently drain to the northwest. The City of Medford has existing storm drain facilities in the area. This site would be able to connect to these facilities at the time of development. This site will be required to provide stormwater quality and detention at time of development in accordance with Medford Land Development Code (MLDC), Section 10.729 and/or 10.486.

### III. Transportation System

No traffic impact analysis (TIA) will be required for this zone change. The proposed application doesn't meet the requirements for a TIA, per Medford Municipal Code (MMC), Section 10.461 (3).

No conditions pertaining to streets, street capacity, or access are requested by Public Works at this time.

At the time of future land division or development permit, Public Works may require additional right-of-way and public utility easement (PUE) dedications and will condition the developer to improve their street frontage to the City's current standards. Improvements shall include paving, drainage, and curb, gutter, street lighting, sidewalk, and planter strips.

Prepared by: Doug Burroughs

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.



BOARD OF WATER COMMISSIONERS  
**Staff Memo**

**TO:** Planning Department, City of Medford  
**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer  
**SUBJECT:** LDS-16-152  
**PARCEL ID:** 382W01AB TL 700  
**PROJECT:** Consideration of Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located at the northeast corner of Agate Street and Hart Avenue, within an SFR-10 (Single-Family Residential, ten dwelling units per acre) zoning district (382W01AB700); Clyde Akins, Applicant (CSA Planning, Ltd., Agent). Praline McCormack, Planner.  
**DATE:** January 4, 2017

**RECEIVED**  
JAN 03 2017  
PLANNING DEPT.

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 existing water meter which serves the home at 840 Agate Street may be used to serve future Lot 1 if the current meter location does not conflict with proposed driveway to this lot. If current location conflicts with proposed driveway location the existing meter will be required to be abandoned and a new meter installed outside of proposed driveway improvements.
4. Installation of a new 8-inch water line is required in Hart Avenue between Agate Street and the north property line of this parcel.
5. Installation of a new 8-inch water line is also required in Lilybrook Lane. This water line shall terminate at the east property line, and be stubbed for future extension.
6. Applicant or their civil engineer shall coordinate with Medford Fire Department for approved locations for required fire hydrants.
7. If a well is located on this parcel, it shall be abandoned per State of Oregon regulations.

**COMMENTS**

1. Off-site water line installation is not required.

*Continued to next page*

CITY OF MEDFORD  
EXHIBIT # 0 1 of 3  
File # LDS-16-152/ZC-17-037



BOARD OF WATER COMMISSIONERS  
**Staff Memo**

*Continued from previous page*

2. On-site water facility construction is not required.
3. Static water pressure is expected to be approximately 45 psi.
4. MWC-metered water service does exist to this property. A ¾-inch water meter serves the existing dwelling at 840 Agate Street. (See Condition 3 above)
5. Access to MWC water lines is available. A 6-inch water line is located in Agate Street.





BOARD OF WATER COMMISSIONERS

**Staff Memo**

**TO:** Planning Department, City of Medford

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

**SUBJECT:** ZC-17-037

**PARCEL ID:** 372W25AD TL's 7100 & 7200

**PROJECT:** Consideration of a zone change on 1334 square foot strip of land located approximately 200 feet east of Hart Avenue and north of Agate Street in Southwest Medford from SFR-10 (Single Family Residential – 10 dwelling units per acre) to SFR-00 (Single Family Residential – 1 dwelling unit per lot or parcel). (382W01AB700) Applicant, Clyde Akins; Agent, CSA Planning Ltd, Mike Savage; Planner Liz Conner.

**DATE:** April 19, 2017

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

**COMMENTS**

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 system does have adequate capacity to serve this property.
4. Off-site water facility construction may be required depending on future land development review.
5. On-site water facility construction may be required depending on future land development review.
6. MWC-metered water service does exist to this property. There is an existing water meter for 840 Agate Street located west of the existing driveway.
7. Access to MWC water lines for connection is available. There is an existing 6-inch water line in Agate Street.



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

**Water Facility Map  
for  
ZC-17-037**

**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
  - Trapping 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



Peach St



# Medford Fire Department

200 S. Ivy Street, Room #180  
Medford, OR 97501  
Phone: 774-2300; Fax: 541-774-2514;  
www.medfordfirerescue.org

**RECEIVED**  
JAN 04 2017  
PLANNING DEPT.

## LAND DEVELOPMENT REPORT - PLANNING

To: Praline McCormack

LD Meeting Date: 01/04/2017

From: Greg Kleinberg

Report Prepared: 01/03/2017

Applicant: Clyde Akins, Applicant (CSA Planning, Ltd., Agent)

File #: LDS - 16 - 152

Site Name/Description: Lilybrook

Consideration of Lilybrook, a 14 lot residential subdivision on a 1.64 acre parcel located at the northeast corner of Agate Street and Hart Avenue, within an SFR-10 (Single-Family Residential, ten dwelling units per acre) zoning district (382W01AB700); Clyde Akins, Applicant (CSA Planning, Ltd., Agent). Praline McCormack, Planner.

DESCRIPTION OF CORRECTIONS	REFERENCE
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**Requirement MINIMUM ACCESS ADDRESS SIGN**

OFC

505

Required for lot #6:

The developer must provide a minimum access address sign. A pre-approved address sign can also be utilized. A brochure is available on our website or you can pick up one at our headquarters.

**Requirement FIRE HYDRANTS**

OFC

508.5

Fire hydrants with reflectors will be required for this project.

Fire hydrant locations shall be as follows: One fire hydrant is required on the corner of Lilybrook Lane and Hart Ave in front of lot #8.

The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Plans and specifications for fire hydrant system shall be submitted to Medford Fire Department for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).

**Requirement "NO PARKING" SIGNS REQUIRED**

OFC

503.3

Parking shall be posted as prohibited along both sides of Hart Ave until the street is fully improved.

Parking shall be posted as prohibited along one side of Lilybrook Lane.

Parking shall be posted as prohibited along the narrow part of the minimum access driveway for lot #6.

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



# Medford Fire Department

200 S. Ivy Street, Room #180  
Medford, OR 97501  
Phone: 774-2300; Fax: 541-774-2514;  
www.medfordfirerescue.org

## LAND DEVELOPMENT REPORT - PLANNING

To: Praline McCormack

LD Meeting Date: 01/04/2017

From: Greg Kleinberg

Report Prepared: 01/03/2017

Applicant: Clyde Akins, Applicant (CSA Planning, Ltd., Agent)

File #: LDS - 16 - 152

Site Name/Description: Lilybrook

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.

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

**Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.**



# Medford Fire Department

200 S. Ivy Street, Room #180  
Medford, OR 97501  
Phone: 774-2300; Fax: 541-774-2514;  
E-mail [www.fire@ci.medford.or.us](mailto:www.fire@ci.medford.or.us)

## LAND DEVELOPMENT REPORT - PLANNING

To: Liz Conner

LD Meeting Date: 04/19/2017

From: Fire Marshal Kleinberg

Report Prepared: 04/07/2017

File #: ZC - 17 - 37

### Site Name/Description:

Consideration of a zone change on 1334 square foot strip of land located approximately 200 feet east of Hart Avenue and north of Agate Street in Southwest Medford from SFR-10 (Single Family Residential - 10 dwelling units per acre) to SFR-00 (Single Family Residential - 1 dwelling unit per lot or parcel). (382W01AB700)

DESCRIPTION OF CORRECTIONS	REFERENCE
<u>Approved as Submitted</u> Meets Requirement:    No Additional Requirements	

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

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.



# 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

December 27, 2016

Medford Planning Department  
200 S. Ivy Street  
Medford, Oregon 97501

RECEIVED  
DEC 27 2016  
PLANNING DEPT.

Re: Lilybrook, LDS-16-152 (Map 382W01AB, Tax Lots 700)

ATTN: Praline,

There is an existing 8" sewer main on Agate Street with a 4" service to the existing house on TL 700. Sewer service to lots fronting Agate Street can be had by tapping the existing 8" main. Sewer service to the remainder of the subdivision will require a main line extension from Agate Street or north to the currently yet to be constructed Merlot Valley Subdivision.

Rogue Valley Sewer Services requests that approval of this project be subject to the following conditions:

1. This sewer main must be designed and constructed in accordance with RVSS standards.
2. If the proposed sewer is connected to any off-site sewer, i.e. Merlot Valley Subdivision, the off-site sewer must be accepted by RVSS prior to the acceptance of sewer for this application.
3. Sewer easements per RVSS standards must be provided for mainline constructed on private property.
4. The existing sewer service to TL 700 must be abandoned in accordance with RVSS standards.
5. The sanitary sewer system must be accepted as a public system by RVSS prior to the issuance of any building permits.

Feel free to call if you have any questions regarding this project.

Sincerely,

*Nicholas R. Bakke*

Nicholas R. Bakke, PE  
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNING\LAND SUB\2016\LDS-16-152\_LILYBROOK

CITY OF MEDFORD  
EXHIBIT # S  
File # LDS-16-152/ZC-17-037

**Praline M. McCormack**

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**From:** CAINES Jeff <Jeff.CAINES@aviation.state.or.us>  
**Sent:** Thursday, December 29, 2016 11:46 AM  
**To:** Praline M. McCormack  
**Subject:** LDS-16-152 - ODA Comment

**RECEIVED**  
**DEC 29 2016**  
**PLANNING DEPT.**

Praline:

Thank you for allowing ODA to comment on the proposed 14-lot residential development (LDS-16-152) located on the NE corner of Agate Street & Hart Avenue. After review of the proposed project, ODA has the following comments:

The site is located approximately 4.4 miles SSW of the Rouge Valley Int'l airport. There is existing development between the site and the airport. As a result, ODA finds that the proposed project will not cause a hazard to air navigation.

Thank you for allowing ODA to comment. Please feel free to contact me if you or the applicant have any questions.

Jeff  
*Jeff Caines, AICP*  
**Oregon Department of Aviation**  
Aviation Planner / SCIP Coordinator  
3040 25th St. SE | Salem, OR 97302  
Office: 503.378.2529  
Cell / Text: 503.507.6965  
Email: Jeff.Caines@aviation.state.or.us

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**CITY OF MEDFORD**  
**EXHIBIT # T 1 of 2**  
**File # LDS-16-152/ZC-17-037**

**Liz A. Conner**

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**From:** CAINES Jeff <Jeff.CAINES@aviation.state.or.us>  
**Sent:** Monday, April 10, 2017 2:02 PM  
**To:** Liz A. Conner  
**Subject:** ZC-17-037 - ODA Comments

Liz:

Thank you for allowing ODA to comment of the proposed zone change (File # ZC-17-037) rom SFR-10 to SFR-00. ODA has reviewed the project and have the following comments:

The site is 4.4 miles SSW of the Rogue Valley Int'l airport. Due to the distance and development between the site and the airport ODA finds that this proposed zone change and future development will pose a hazard to air navigation. Therefore, no FAA from 7460-1 will be required.

Thank you again for allowing ODA to comment.

Feel free to contact me if you or the applicant have any questions.

Jeff

**Jeff Caines, AICP**  
**Oregon Department of Aviation**  
Aviation Planner / SCIP Coordinator  
3040 25th St. SE | Salem, OR 97302  
Office: [503.378.2529](tel:503.378.2529)  
Cell / Text: [503.507.6965](tel:503.507.6965)  
Email: [Jeff.Caines@aviation.state.or.us](mailto:Jeff.Caines@aviation.state.or.us)

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MAR 14 2017

PLANNING DEPT.

ZONE CHANGE APPLICATION

TRAFFIC IMPACT ANALYSIS FORM

A. Form to be filled out and signed by a representative from the Public Works Department – Traffic Section prior to submittal of this Zone Change application.

Map and Tax Lot(s) 38-2W-01AB 700

Current Zoning District: SFR-10

Proposed Zoning District: SFR-00

1334/43560 - 0.03AC SFR-10 10 Trips  
SFR-0 10 Trips

B. Based upon the information submitted with this application:

A Traffic Impact Analysis is not required

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

A Traffic Impact Analysis is required and has NOT been submitted to the Public Works – Traffic Section.

Insufficient information to determine if TIA is required.

Peter T Mackprang  
Printed Name

Peter T Mackprang  
Signature

Associate Traffic Engineer  
Title

TELEPHONE  
541-772-2782

JAMES E. HIBBS, PLS



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

P.O. BOX 1947  
PHOENIX, OR 97535

FAX  
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION

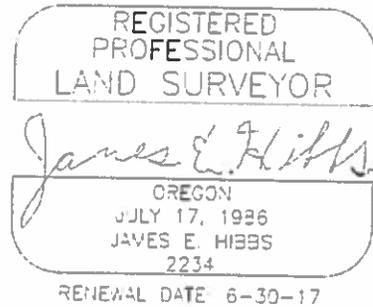
Commencing at Southwest corner of Lot 8, Block 21 of the AMENDED PLAT OF BLOCKS 2, 3, 5, 7, 9, 11, 12, 13, 14, 16, 17, 20, 22 AND 23, OAKDALE PARK ADDITION, according to the official plat thereof, now of record, in Jackson County, Oregon; thence along the South line of said Block 21, South 89°57'27" East, 193.33 feet to the Southeast corner of that tract described in Document No. 2015-012076, Official Records of Jackson County, Oregon and the true point of beginning; thence along the East line of said tract, North 00°05'24" East, 161.10 feet; thence North 89°57'21" West, 5.50 feet; thence parallel to said East line, South 00°05'24" West, 61.80 feet; thence North 89°57'27" West, 4.50 feet; thence parallel to said East line, South 00°05'24" West, 99.30 feet to the South line of said Block 21; thence along said South line, South 89°57'27" East, 10.00 feet to the true point of beginning. Containing 1333 square feet, more or less.

TRACT TO BE ACQUIRED BY TL800  
& ZONE CHANGED  
382W01AB TL700  
Akins  
15-227  
February 17, 2017

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MAR 14 2017

PLANNING DEPT.



CITY OF MEDFORD  
EXHIBIT # 11 2 of 2  
File # LDS-16-152/ZC-17-037

101

# DENSITY CALCULATION FORM

For all residential LDP, LDS, PUD, and AC Application Files

File No.	LDS-16-152
Planner	Liz Corner
Date	May 1, 2017

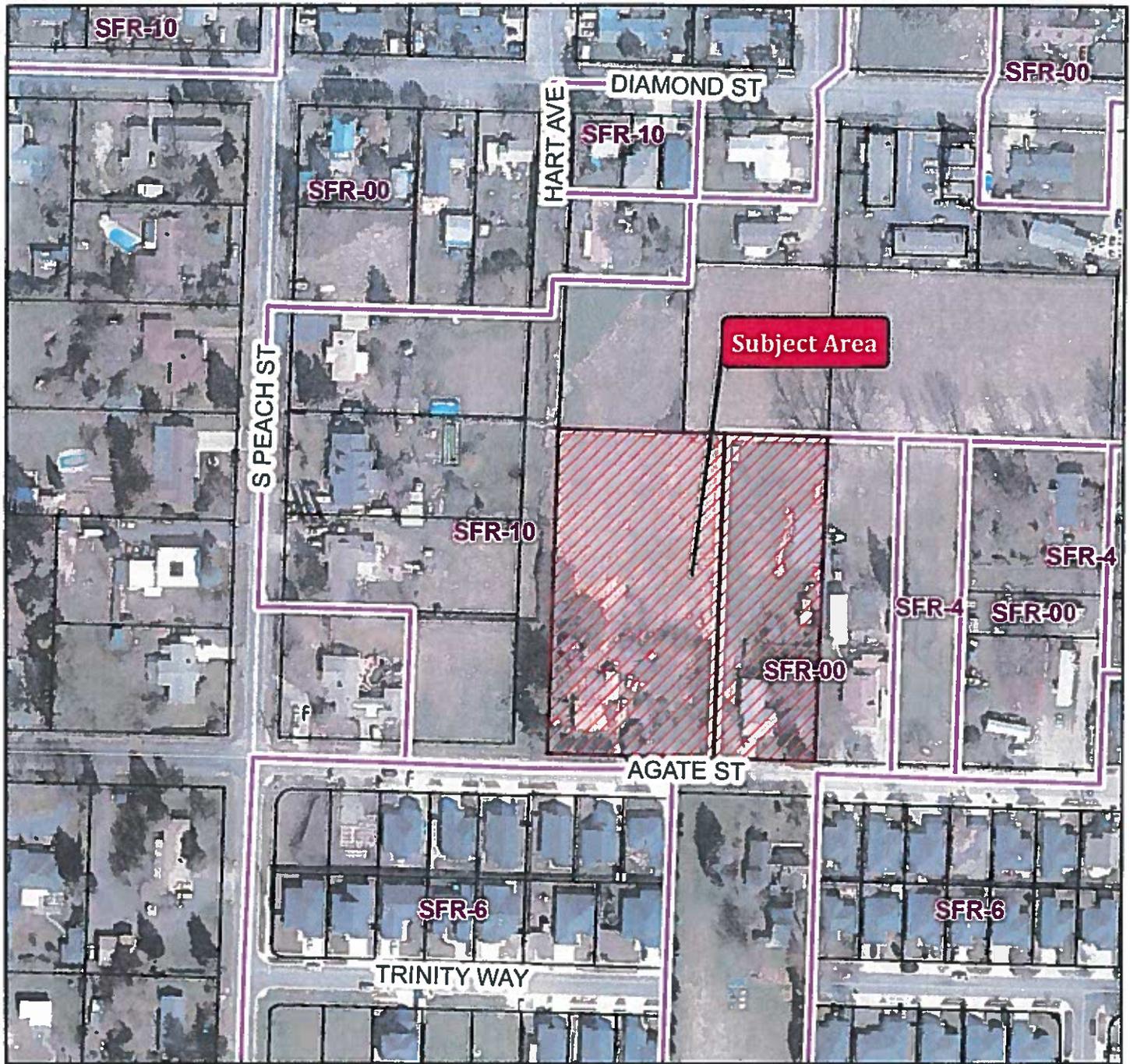
DENSITY RANGE	
Zoning District	SFR-10
Density Range	Minimum 6.00 Maximum 10.00
No. DU Proposed	
No. DU Permitted	Minimum 11.40 Maximum 18.99
Percentage of Maximum	0.00%

SUBTRACTED ACREAGE	
Large Lots for Existing Development	AC
Reserved Acreage	AC
Other <sup>1</sup>	AC
	AC
	AC
	AC
	AC
Subtracted Acres	AC

GROSS ACREAGE	
Tax Lot Numbers	AC
382W01AB700	1.64 AC
	AC
	AC
	AC
	AC
	AC
Existing ROW to Centerline	0.26 AC
Gross Acres	1.90 AC
Effective Acres (Gross - Subtracted)	1.90

EXISTING R-O-W CALCULATION			
Agate St	LF	Width	SF
Hart St	190.00	20.00	3,800.00
(Street Name)	375.00	20.00	7,500.00
(Street Name)	-	-	-
(Street Name)	-	-	-
			11,300.00
			0.09
			0.17
			-
			0.26

<sup>1</sup> Such as future ROW dedication, resource protection areas, common open space, other dedication areas, etc.



Project Name:  
**Clyde Akins**  
**Zone Change &**  
**Property Line Adjustment**

Map/Taxlot:  
**372W25AD TL 7100 & 7200**



03/22/2017

**Legend**

-  Subject Area
-  Medford Zoning
-  Tax Lots

