

PLANNING COMMISSION

AGENDA

JUNE 13, 2019



Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Jared Pulver

Jeff Thomas

Regular Planning Commission meetings

are held on the second and fourth

Thursdays of every month

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380



Planning Commission

Agenda

Public Hearing

June 13, 2019

5:30 PM

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

10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

20.1 **ZC-19-001** Final Order of a request for a zone change of a 0.93 acre parcel located on the south side of Cherry Lane approximately 200 feet east of the intersection of Mary Bee Lane and Cherry Lane from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre) (371W27AC TL 1200). Applicant: Mahar Homes Inc.; Agent: Neathamer Surveying Inc.; Planner: Liz Conner.

20.2 **LDS-19-049** Final Order of tentative plat approval for Shafer Valley Landing, a proposed 8-lot residential subdivision on a single 1.50-acre parcel located at 1105 Shafer Lane in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (382W01BD 7800). Applicant: Horton Homes, Inc.; Agent: Scott Sinner Consulting, Inc.; Planner: Dustin Severs.

20.3 **LDS-19-051 / E-19-047** Final Orders of a proposed tentative plat for an 8-lot residential zero lot line dwelling subdivision with an exception to the number of units allowed to take access off a minimum access easement on 0.9 acres, located on the east side of Columbus Ave approximately 150 feet south of Garfield St. within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district. (372W36CD TL 400). Applicant: Scott Sinner Consulting LLC; Liz Conner: Planner.

30. Minutes

30.1 Consideration for approval of minutes from the May 23, 2019, hearing.

40. Oral and Written Requests and Communications

Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**

50. Public Hearings

Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**

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

Continuance Request

- 50.1 **DCA-19-001** An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC) to make housekeeping corrections and other changes related to housing and density. Applicant: City of Medford; Planner: Sarah Sousa. **Staff has requested to continue this item to the Thursday, June 27, 2019 Planning Commission meeting.**
- 50.2 **LDS-19-040 / CUP-19-041** Consideration of tentative plat approval for The Meadows at Crooked Creek – Phase 1, a proposed 22-lot residential subdivision, along with a request for a Conditional Use Permit (CUP) for placement of storm detention facilities partially within the riparian corridor of Crooked Creek, on a 3.28-acre parcel located at 2145 Kings Highway in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (382W01AA TL 4000). Applicant: Meadows at Crooked Creek, LLC; Agent: CSA Planning Ltd.; Planner: Dustin Severs. **The applicant has requested to continue this time to the Thursday, July 11, 2019 Planning Commission meeting.**

Old Business

- 50.3 **ZC-18-189** Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400). Applicant: Jane Erin Griffin-Hagle; Planner: Dustin Severs.

New Business

- 50.4 **LDP-19-055 / ZC-19-003** Consideration of a request for tentative plat approval of a proposed two-lot partition of a 6.20-acre parcel, along with a request for a change of zone from Light-Industrial (I-L) to Regional Commercial (C-R) of a 1.90-acre portion of the total 6.20-acre parcel, located at 590 Airport Road (372W12A1102). Applicant: Sedona Properties, LLC; Agent: CSA Planning Ltd; Planner: Dustin Severs.

60. Reports

- 60.1 Site Plan and Architectural Commission
- 60.2 Transportation Commission
- 60.3 Planning Department

70. Messages and Papers from the Chair

80. Remarks from the City Attorney

90. Propositions and Remarks from the Commission

100. Adjournment

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF PLANNING COMMISSION FILE ZC-19-001)
APPLICATION FOR A ZONE CHANGE SUBMITTED BY MAHAR HOMES INC.) **ORDER**

ORDER granting approval with conditions of a request for a zone change of a 0.93 acre parcel located on the south side of Cherry Lane approximately 200 feet east of the intersection of Mary Bee Lane and Cherry Lane from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre).

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below, within corporate limits of the City of Medford; and

WHEREAS, the City Planning Commission has given notice of, and held a public hearing, and, after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated May 23, 2019, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 1W 27AC Tax Lot 1200

is hereby changed from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single Family Residential, four dwelling units per gross acre) on a 0.93 acre parcel located on the south side of Cherry Lane approximately 200 feet east of the intersection of Mary Bee Lane and Cherry Lane.

Accepted and approved this 13th day of June, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION REPORT

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

Project 4240 Cherry Lane Zone Change
Applicant: Mahar Homes; Agent: Neathamer Surveying Inc.

File no. ZC-19-001

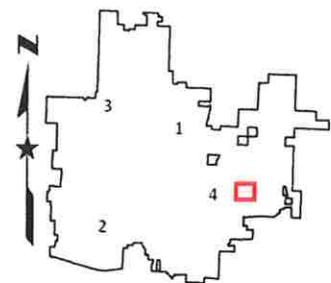
Date May 23, 2019

BACKGROUND

Proposal

Consideration of a request for a zone change of a 0.93 acre parcel located on the south side of Cherry Lane approximately 200 feet east of the intersection of Mary Bee Lane and Cherry Lane from SFR-00 (Single Family Residential, one dwelling unit per existing lot) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre). (371W27AC TL 1200)

Vicinity Map



Subject Site Characteristics

Zoning	SFR-00/SE	Single Family Residential, one dwelling unit per existing lot/ Southeast Plan Overlay
GLUP	UR	Urban Residential
Use		Single Family Dwelling

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-00/SE
	Use:	Single Family Dwelling
<i>South</i>	Zone:	SFR-4/SE (Single Family Residential, four dwelling units per gross acre/Southeast Plan Overlay
	Use:	Subdivision under construction
<i>East</i>	Zone:	SFR-4/SE
	Use:	Subdivision under construction
<i>West</i>	Zone:	SFR-00/SE
	Use:	Single Family Dwelling

Related Projects

PLA-19-052 – Property Line Adjustment

Applicable Criteria

**ZONE CHANGE APPROVAL CRITERIA – SFR-4 ZONE
FROM SECTION 10.204(B) OF THE MEDFORD LAND DEVELOPMENT CODE**

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

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.
- (2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

- (f) For zone changes to apply or to remove an overlay zone (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).

- (3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.
- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
- (b) Adequate streets and street capacity must be provided in one of the following ways:
- (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
- (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
- (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
- a. the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
- b. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.
- (iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

- (c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:
- (i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;
 - (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;
 - (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Corporate Names

According to the Oregon Secretary of State Corporation Division, Patrick Huycke is listed as the registered agent for Mahar Homes, Inc.

ISSUES AND ANALYSIS

Background

The subject property shares its south and east boundaries with Phase 16 of the Summerfield at South East Park subdivision that recently received approval. The owners of the subject property allowed the Summerfield developers to construct a concrete wall on the subject site.

The property line adjustment criteria found in Medford Land Development Code (MLDC) Section 10.158(B)(3) requires the properties to have the same zone designation. The purpose of this zone change application is to change the current SFR-00 zoning to the SFR-4 zone – like the abutting properties – to allow the property line to be adjusted to coincide with the constructed wall.

Sanitary Sewer Facilities

Per the staff report submitted by Public Works (Exhibit C), the downstream sanitary sewer system currently has capacity constraints, and the proposed zone change to SFR-4 has the

potential to increase the flows to the sanitary sewer system. Pursuant to MLDC 10.204(3), the applicant must demonstrate that Category A urban services and facilities are available or can and will be provided to adequately serve the subject property with the permitted uses allowed under the proposed zoning. Accordingly, Public Works has recommended this zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

Site Compliance

Existing Use(s)

The subject site currently is developed with a 2,632 square foot single family dwelling, in ground pool and mature landscaping.

Density

The density for this lot between three and four units (Exhibit H).

Lot dimensions

Per the site development standard found in MLDC Section 10.710, the subject 0.93 acre parcel meets all of the minimum dimensional standards for the SFR-4 zoning district.

Criteria Compliance

GLUP/TSP

The General Land Use Plan (GLUP) designation for the subject site is UR (Urban Residential). According to the General Land Use Plan Element of the Comprehensive Plan, the SFR-4 zoning district is a permitted zone within the UR zone.

The Transportation System Plan (TSP) provides a long-range vision for the transportation system in the City. A traffic Impact Analysis (TIA) is required when an application has the potential of generating more than 250 net Average Daily Trips (ADT) or the Public Works Department has concerns due to operations or accident history. The Public Works



Department determined that the subject property, fully built-out, would not exceed this 250 ADT threshold, and therefore a TIA was not required (Exhibit C).

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

Locational Criteria

All zone change proposals require an assessment of the applicable locational criteria, as outlined per MLDC 10.204(B)(2); however, there are no locational criteria for the SFR-4 zoning district.

Facility Adequacy

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

The agency comments included in Exhibits C-G, demonstrate that with the imposition of the condition of approval contained in Exhibit A, Category A facilities can be made to be adequate to serve the property.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit B) and recommends the Commission adopt the findings as modified by staff below:

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UR General Land Use Plan Map designation and the Transportation System Plan. The Commission can find that this criterion is met.
- With regard to Criterion 2, there are no locational criteria for a change of zone to SFR-4. The Commission can find that this criterion is not applicable.
- With regard to Criterion 3, the agency comments included as Exhibits C-G, demonstrate that with the imposition of the condition of approval contained in Exhibit A, Category A facilities can be made to be adequate to serve the property at the time of issuance of a building permit for vertical construction. The Commission can find that this criterion is met.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of ZC-19-001 per the Planning Commission Report dated May 16, 2019 including Exhibits A through H.

EXHIBITS

- A. Conditions of Approval, dated May 16, 2019
- B. Applicant's findings and conclusions, received March 18, 2019
 - a-1 Proposed re-zoning area description of subject area**
- C. Public Works Staff report dated April 24, 2019
- D. Medford Fire Department report dated April 16, 2019
- E. Medford Building Department Memo dated April 24, 2019
- F. Medford Water Commission Memo dated April 24, 2019
- G. Jackson County Roads Department reports dated April 17, 2019
- H. Density Calculation dated May 10, 2019
 - Vicinity map

MEDFORD PLANNING COMMISSION

Mark McKechnie, Chair

PLANNING COMMISSION AGENDA:

**MAY 23, 2019
JUNE 13, 2019**

EXHIBIT " "

**PROPOSED RE-ZONING AREA
DESCRIPTION SHEET**

SFR-4

All that real property described in Instrument Number 69-04945, of the Official Records of Jackson County, Oregon, being located in the Northeast One-quarter of Section 27, Township 37 South, Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon. The exterior outline of the area to be re-zoned is more particularly described as follows:

Commencing at the northeast corner of Donation Land Claim Number 58, said township and range; thence North 00°18'20" East, 30.00 feet to the centerline of Cherry Lane, a public street; thence along the centerline of Cherry Lane, South 89°41'40" East, 1195.25 feet; thence leaving said centerline, South 00°18'20" West, 30.00 feet to the southerly right-of-way thereof, the northwest corner of that tract of land described in Instrument Number 69-04945, said records, and the **TRUE POINT OF BEGINNING**; thence along said right-of-way and the exterior boundary of said tract, the following courses and distances: South 89°41'40" East, 160.00 feet to northwest corner of Reserve Acreage Phase 18, per SUMMERFIELD AT SOUTH EAST PARK, PHASE 17 AND PHASE 22A, filed for record on December 7, 2018, and recorded in Volume 44 of Plats at Page 23 of the Records of Jackson County Oregon, and filed as Survey Number 22690 in the office of the Jackson County Surveyor; thence leaving said right-of-way and along the westerly boundary of Reserve Acreage Phase 18, said records, South 00°00'09" West, 150.02 feet to an angle point on the exterior boundary of Phase 16 per SUMMERFIELD AT SOUTH EAST PARK, PHASE 16 AND PHASE 22B, filed for record on February 15, 2019, and recorded in Volume 45 of Plats at Page 03, of the Records of Jackson County, Oregon, and filed as Survey Number 22735 in the office of the Jackson County Surveyor; thence along the boundary of said Phase 16, the following courses and distances, South 00°00'09" West, 102.71 feet and North 89°33'41" West, 160.00 feet to the northwesterly corner thereof; thence leaving the boundary of said Phase 16, North 00°00'09" East, 252.36 feet to the Point of Beginning.

Area to be re-zoned contains 0.93 acres, more or less.

Basis of bearings for this description is the centerline of Cherry Lane per Survey Number 21969, as filed in the office of the Jackson County Surveyor.

This description is prepared for the distinct purpose of outlining an area to be re-zoned in the City of Medford, Oregon and is not sufficient for the conveyance of real property, the determination or creation of real property boundaries.

Prepared By:
Neathamer Surveying, Inc.
3126 State Street, Suite 203
Medford, Oregon 97501
Phone: (541) 732-2869
FAX: (541) 732-1382
Project Number: 12034-9B & 11B

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF _____)
SHAFFER VALLEY LANDING _____ [LDS-19-049] _____) **ORDER**

ORDER granting approval of a request for tentative plat for *Shafer Valley Landing*, described as follows:

A proposed 8-lot residential subdivision on a single 1.50-acre parcel located at 1105 Shafer Lane in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (382W01BD 7800).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *Shafer Valley Landing*, as described above, with the public hearing a matter of record of the Planning Commission on May 23, 2019.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *Shafer Valley Landing*, 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 *Shafer Valley Landing*, stands approved per the Planning Commission Staff Report dated May 16, 2019, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Staff Report dated May 16, 2019.

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

Accepted and approved this 13th day of June, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF _____)
JORDAN VILLAGE _____ [LDS-19-051] _____) **ORDER**

ORDER granting approval of a request for tentative plat for *Jordan Village*, described as follows:

A proposed tentative plat for an 8-lot residential zero lot line dwelling subdivision with an exception to the number of units allowed to take access off a minimum access easement on 0.9 acres, located on the east side of Columbus Ave approximately 150 feet south of Garfield St. within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district. (372W36CD TL 400).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *Jordan Village*, as described above, with the public hearing a matter of record of the Planning Commission on May 23, 2019.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *Jordan Village*, 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 *Jordan Village*, stands approved per the Planning Commission Staff Report dated May 16, 2019, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Staff Report dated May 16, 2019.

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

Accepted and approved this 13th day of June, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR)
JORDAN VILLAGE [E-19-047])

ORDER

ORDER granting approval for a request of an exception for *Jordan Village*, as described below:

To the number of units allowed to take access off a minimum access easement on 0.9 acres, located on the east side of Columbus Ave approximately 150 feet south of Garfield St. within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district. (372W36CD TL 400).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.186(B); and
2. The Medford Planning Commission has duly held a public hearing on the exception for *Jordan Village*, as described above, with the public hearing a matter of record of the Planning Commission on May 23, 2019.
3. At the public hearing on said exception, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted exception approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for *Jordan Village*, as described above, stands approved per the Planning Commission Staff Report dated May 16, 2019, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for exception approval is hereafter supported by the findings referenced in the Planning Commission Staff Report dated May 16, 2019.

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

Accepted and approved this 13th day of June, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



Planning Commission

Minutes

From Public Hearing on **May 23, 2019**

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

Commissioners Present

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

Staff Present

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

Commissioners Absent

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

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 PUD-18-152 Final Order of a request for amendment of the Rogue Valley Manor Planned Unit Development, File No. PUD-98-023, to consider changes to the PUD boundary of approximately 233-acres of property and to demonstrate that the 'Commercial Village' is able to develop without any vehicle trip stipulations, located east of Interstate 5 between Ellendale and La Loma Drives, within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre), SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre), SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre), MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre), MFR-30 (Multiple Family Residential - 20 to 30 dwelling units per gross acre) and C-C (Community Commercial) zoning districts. Applicant: Pacific Retirement Services; Agent: Richard Stevens & Associates; Planner: Steffen Roennfeldt.

20.2 ZC-18-192 Final Order of a zone change from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) to MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre) on approximately 1 acre located south of Westwood Drive, approximately 375 feet west of Orchard Home Drive (372W35DD700). Applicant & Agent: Judith Ann Hogue; Planner: Steffen Roennfeldt.

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

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 5-0-0.

30. Minutes

30.1 The minutes for May 9, 2019, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Eric Mitton, Deputy City Attorney read the Quasi-Judicial statement.

50. Public Hearings – Continuance Request

50.1 ZC-18-189 Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400); Applicant: Jane Erin Griffin-Hagle; Planner: Dustin Severs. **The applicant has requested to continue this item to the Thursday, June 13, 2019 Planning Commission meeting.**

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the June 13th 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 June 13th. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued ZC-18-189, per the applicant's request, to Thursday, June 13, 2019, Planning Commission meeting.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 5-0-0.

New Business

50.2 SV-19-044 Consideration of a request for the vacation of both a portion of a public storm drainage easement and a public utility easement on two non-contiguous parcels located north of Midway Road, west of Interstate 5, and east of Cummings Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (372W13AA TL 601 & 372W13AB TL 211). Applicant: Tom Malot Construction Company, Inc.; Agent: Richard Stevens & Associates, Planner: Dustin Severs.

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

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

Dustin Severs, Planner III reported that the Street Vacation approval criteria can be found in the Medford Land Development Code Section 10.228(D). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

The public hearing was opened.

a. Clark Stevens, Richard Stevens & Associates, Inc., P. O. Box 4368, Medford, Oregon, 97501. Mr. Stevens reported that the public sewer easement will go away and be realigned within the public right of way for storm drainage. The Midway extension towards I-5 is a reduction in the public utility easement. There is currently a 44 foot easement that will be reduced 20 feet on the applicant's property and there will still be a 20 foot public utility easement on the property to the south.

Commissioner McFadden asked, is there a storm drain in the easement area? Mr. Stevens replied the one with the extension of Midway as it terminates towards I-5 is strictly a public utility easement. The one that traverses west then back north is strictly a storm drain easement. All storm drains will be relocated within the public right of way when the applicant develops the subdivision.

Mr. Stevens reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the approval criteria are met or not applicable, forwards a favorable recommendation to the City Council for approval of SV-19-044 per the staff report dated May 16, 2019, including Exhibits A through K.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 5-0-0.

50.3 ZC-19-001 Consideration of a request for a zone change of a 0.93 acre parcel located on the south side of Cherry Lane approximately 200 feet east of the intersection of Mary Bee Lane and Cherry Lane from SFR-00 (Single Family Residential, one dwelling unit per

parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre) (371W27AC TL 1200). Applicant: Mahar Homes Inc.; Agent: Neathamer Surveying Inc.; Planner: Liz Conner.

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

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

Liz Conner, Planner II reported that the Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204(B). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner addressed the description used for Exhibit B (a). The legal description terminology was listed as the subject area and it should be listed as proposed rezoning area description sheet. Ms. Conner gave a staff report.

Vice Chair Foley stated that Ms. Conner mentioned B (a) in her presentation. Does the Planning Commission have to do something with that in their motion? Ms. Conner reported that it is a title correction. She called it a legal description of the subject area and it should be called a proposed rezoning area description. The change will come forward in a Commission Report.

Commissioner McFadden asked, are there plans to further develop the property other than the one house and selling off the back part? Ms. Conner deferred the question to the applicant.

Chair McKechnie asked, when does the stipulation for the three choices need to be made? Does that need to be made this evening? Ms. Conner commented that it is a condition of approval under Exhibit A in the staff report. It reads: *"Provide staff with a deed restriction recorded in the official records of Jackson County stipulating to only develop the property so that the total sewer flows do not exceed current zoning limitation, which will result in the property's approved SFR-4 zoning classification additionally be designated with a Restricted Zoning administrative mapping overlay, restricting future development of the property; or the applicant shall make improvements to the downstream sanitary sewer system to alleviate capacity constraints; or the developer shall provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change."*

Mr. Mitton reported that the applicant does not need to decide which of the three stipulations this evening. The condition can be imposed that they do the engineering study and if the study is favorable they can move forward. If the study is not favorable

they can discuss staying at the development equivalent to current zoning limitation or whether they want to improve capacity. The Commission just approves the condition. The applicant can make those decisions further down the line.

The public hearing was opened.

a. Bob Neathamer, Neathamer Surveying, Inc., 3126 State Street, Suite 203, Medford, Oregon, 97504. Mr. Neathamer reported that based on the submitted application, the prepared staff report and presentation the approval criteria can or has been met. Therefore, the applicant respectfully requests the Planning Commission approves the zone change.

Commissioner McFadden asked, is the width of Cherry Lane in front of the house adequate for future development by the City? Mr. Neathamer reported that is not an approval criteria for a zone change. There are plans to improve Cherry Lane. Commissioner McFadden has concerns with the way it is currently laying out. The City will have no other time to request a remedy if the roadway is not wide enough because the lot may not be further developed. According to Mr. Neathamer's knowledge there are no plans to further develop the property at this time. However, the potential does exist. There are some requirements about changing driveways and so forth that are tied to the development project that will take place immediately to the east. When improvements are done for that project there will be a lot of street improvements. He does not know if they will extend in front of the subject property but there will be a water main extended and other improvements.

Mr. Neathamer reserved rebuttal time.

Alex Georgevitch, City Engineer reported that Cherry Lane is a higher order road. It is not part of the criteria but because it is a higher order road he understands Commissioner McFadden's concerns that this is a section that could be left unimproved for a long period of time. Since it is a higher order road there is a possibility for Public Works to build the section of roadway with street SDCs.

Mr. Georgevitch pointed out that the issue with the sewer is often they have a stipulated zone change and later shown adequate capacity. It is an administrative process to remove the stipulation. It is a common process.

Commissioner McFadden asked, is the road adequate? Mr. Georgevitch stated that the road has the capacity but does not meet the standards for a major collector which is its designation. The City would eventually build that section if the property is not developed. Public Works may negotiate with the developer on future phases to build it all at the same time.

Commissioner McFadden asked, could the City now ask for the dedication as part of this application and not have to go through measures in the future to purchase property if it is not wide enough? Mr. Georgevitch replied that the City does not have that authority at zone change.

Mr. Mitton concurred with Mr. Georgevitch with the street issue. It is not before the Planning Commission at this time so ask for any additional widths.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of ZC-19-001 per the staff report dated May 16, 2019, including Exhibits A through H, with the title change on Exhibit B (a).

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 5-0-0.

50.4 LDS-19-049 Consideration of tentative plat approval for Shafer Valley Landing, a proposed 8-lot residential subdivision on a single 1.50-acre parcel located at 1105 Shafer Lane in the SFR-6 (Single-Family Residential, six dwelling units per gross acre) zoning district (382W01BD 7800). Applicant: Horton Homes, Inc.; Agent: Scott Sinner Consulting, Inc.; Planner: Dustin Severs.

Chair McKechnie inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Pulver disclosed that he ran into a neighbor coming into the meeting this evening and they spoke briefly. The neighbor had several questions and Commissioner Pulver directed him to the applicant's agent and planner. It will not affect his ability to weigh in on this matter.

Chair McKechnie disclosed that Mr. Sinner is his neighbor but it would not affect his decision on this particular matter.

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

Dustin Severs, Planner III reported that the Land Division approval criteria can be found in the Medford Land Development Code Section 10.202(E). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting Inc., 4401 San Juan Drive, Suite G, Medford, Oregon, 97504-9343. Mr. Sinner reported that the applicant will be extending urban services in the public right-of-way. At the east end the applicant will provide a recommended barricade that will allow for future development and for the eventual connection by other development of Shafer Lane consistent with the circulation plan.

Chair McKechnie asked, is Tract A a storm water management facility? Mr. Sinner replied yes.

Chair McKechnie asked, who will be maintaining that? Mr. Sinner reported that it will be dedicated to the City.

Vice Chair Foley asked, will Shafer Lane end at the barricade with no turn around? Mr. Sinner replied yes.

Mr. Sinner reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of LDS-19-049 per the staff report dated May 16, 2019, including Exhibits A through J.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 5-0-0.

50.5 LDS-19-051 / E-19-047 Consideration of a proposed tentative plat for an 8-lot residential zero lot line dwelling subdivision with an exception to the number of units allowed to take access off a minimum access easement on 0.9 acres, located on the east side of Columbus Ave approximately 150 feet south of Garfield St. within a SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zoning district. (372W36CD TL 400). Applicant: Lori Magel Homes; Agent: Scott Sinner Consulting LLC; Planner: Liz Conner.

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

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

Liz Conner, Planner II reported that the Land Division approval criteria can be found in the Medford Land Development Code Section 10.202(E). The Exception approval criteria can be found in the Medford Land Development Code Section 10.186(B). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Conner gave a staff report.

Vice Chair Foley stated that staff and the Planning Commission have been discussing a major minimum access easement. This seems to meet that criteria. Ms. Conner reported that it does. However, at the time of the application submittal it was not in the code.

The public hearing was opened.

a. Scott Sinner, Scott Sinner Consulting Inc., 4401 San Juan Drive, Suite G, Medford, Oregon, 97504-9343. Mr. Sinner reported that the applicant is proposing a duplex building, two units attached with a lot line in between to allow for each side to be sold. The reason for doing the application and reconfiguring it from the approved plat is because the applicant could not create the separate home ownership opportunity with the cul-de-sac design. They could not meet the standards for lot frontage for the proposed duplex divided by a lot line. That is the reason they came up with the exception request. The applicant designed to the residential lane so it looks like and functions as the same as a public residential lane. The applicant will be responsible for the maintenance.

The applicant does not have the buildings determined exactly but there is a possibility that they could meet the arterial street frontage landscape requirements and the sound wall.

Commissioner McFadden asked, do the adjoining properties on Columbus have separation walls? Mr. Sinner reported that the south is undeveloped. He believes there is to the north.

Commissioner McFadden asked, has there been any thought to running the driveways of the north two lots on the east end of the property instead of the west end? Mr. Sinner commented that it has to do with storm drainage.

Tract A is relatively large and the applicant does not anticipate the entire area being required for storm drainage. The applicant will be proposing additional parking because residential lanes are constricted.

Chair McKechnie asked, is Tract A going to be deeded to the City? Mr. Sinner replied only if there is public water in it. It could go either way but not the entire Tract A. The applicant will be improving South Columbus so there will be detention and treatment

requirements. If it is public the applicant will be potentially dedicating. If it is private they have a Homeowners Association for the maintenance of the private street.

Chair McKechnie stated that even with a zero lot line scheme for the two lots on the north it looks hard to develop. Are they 30 or 50 feet apart? Mr. Sinner reported they are 30 feet net. The center line of the property extends to the center line of the minimum access easement.

Chair McKechnie asked, did the applicant give any thought of running the lot division vertically north and south to get it square and design something that works? Mr. Sinner stated that the lots would be nonconforming for length and depth. They will be taking access off the hammerhead turnaround without parking in them. They are deeper lots. There will be private parking on Lots 7 and 8 out of the turnaround area.

Mr. Sinner reserved rebuttal time.

b. Bonnie Fichera, 1361 Garfield Street, Medford, Oregon, 97501. Ms. Fichera requested that the maple trees between her property and the subject property remain. They provide a lot of shade. Her daughter has a large flower area and wanted to know if that would be eliminated and how soon. She just wanted more information. Chair McKechnie commented that her questions could be answered by the applicant.

Mr. Sinner gave Ms. Fichera his contact information.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Orders for approval of LDS-19-051 and E-19-047 per the staff report dated May 16, 2019, including Exhibits A through P.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 4-1-0, with Chair McKechnie voting no.

50.6 LDS-19-040 / CUP-19-041 Consideration of tentative plat approval for The Meadows at Crooked Creek – Phase 1, a proposed 22-lot residential subdivision, along with a request for a Conditional Use Permit (CUP) for placement of storm detention facilities partially within the riparian corridor of Crooked Creek, on a 3.28-acre parcel located at 2145 Kings Highway in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (382W01AA TL 4000). Applicant: Meadows at Crooked Creek, LLC; Agent: CSA Planning Ltd.; Planner: Dustin Severs.

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

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

Dustin Severs, Planner III reported that there is an ongoing lot line dispute between the subject property and the abutting property to the south 2165 Kings Highway. Staff received new exhibits that were forwarded to the Planning Commission earlier this week. Both exhibits are in reference to the lot line issue. The first exhibit is from the applicant and will be submitted into the record as Exhibit DD. The next exhibit is an email received from Mr. Nelson who is the owner of the property at 2165 Kings Highway. It will be submitted into the record as Exhibit EE. Mr. Severs will not speak to the exhibits since lot line issue disputes are civil matters. Mr. Mitton will speak to this at the end of Mr. Severs presentation.

The Land Division approval criteria can be found in the Medford Land Development Code Section 10.202(E). The Conditional Use Permit approval criteria can be found in the Medford Land Development Code Section 10.184(C). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

Mr. Severs did not include in the staff report intersection spacing pursuant to MLDC 10.426(D). It requires a minimum of 200 feet between two intersecting streets. The proposed Terrazzo Way is less than 200 feet from Trinity Way. The Planning Commission has authority to allow less than 200 feet if it is necessary to economically develop the property with a use for which it is zoned or an existing offset of less than 200 feet is not practical to correct. In this particular situation there would be no way for the applicant to access their property. They did locate the street as far south as they possibly could. Staff is supportive of this. It will need to be included in the motion this evening to grant approval for the intersection to be less than 200 feet.

The public hearing was opened.

a. Mike Savage, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173 . Mr. Savage reported that he submitted a packet via email today to Planning staff and staff requested that he bring hard copies for the Planning Commissioners. Included in the packet are short responses to additional information received from the neighbor Mr. Nelson to the south in regards to three points: 1) Intersection spacing; 2) Property line dispute; and 3) The appropriateness of the residential street. The memorandum and attached documentation speak for themselves.

The applicant agrees with the staff report with one minor correction. The staff report referred that the developer or HOA will maintain the storm drainage lot. According to the code the City maintains storm drainage facilities if the storm drainage takes runoff from public streets. The City of Medford will be responsible for the maintenance of storm drainage facilities. However, the developer or HOA are responsible for the vegetation management.

Mr. Savage contemplated addressing the intersection spacing and the property line dispute upon rebuttal. He addressed the intersection spacing stating that not much can be done. They looked closely at putting an intersection directly across from Trinity. The applicant does not own the frontage there and if there was an ability to gain frontage it would be an expensive proposition because that is where the bridge is located. A new bridge would have to go in to accommodate Kings Highway and also accommodate the new road. It is not economically feasible. Pushing the road further south to meet the 200 feet the land is owned by Mr. Nelson.

Mr. Savage runs across property line disputes all the time.

Commissioner Mansfield interceded asking, why is this even relevant? The City has no power to deal with it. Why is the Planning Commission dealing with it?

Mr. Savage concurred. They based the property line information based on their surveyor's expertise. They are comfortable moving forward as far as their proposal is concerned with the property line the way it is.

Mr. Savage requested that if the storm drainage easement is not needed the applicant would like the option to convey Tract A to the City if the City is willing to accept it.

Mr. Mitton reported that normally legal counsel speaks at the end but given the issue has been raised in the record regarding the lot line dispute he would like to speak to it now. As Commissioner Mansfield noted when there is a property line dispute it is not part of the conditions that this Commission looks at. At the same time, for anyone in the audience, if there is a civil claim for it an approval by this Commission would not extinguish that civil claim. They are two separate issues. This Commission goes off recorded property lines as the record currently stands. The applicant is correct that they are referring to recorded property lines and that is what it is based off of. Whether or not a neighbor has a civil claim to obtain some of that is an issue Mr. Mitton cannot tell whether it is a strong or weak claim. If an individual feels they have a claim they would pursue it at Circuit Court in a proceeding separate from this proceeding.

Mr. Savage pointed out that they were praised for the abundance of vegetation and care by ODFW for designing the mitigation of vegetation along Crooked Creek.

Mr. Savage reserved rebuttal time.

Commissioner McFadden asked, is there a temporary plan for a turnaround at the end of the street? Mr. Savage replied yes.

b. Andy Nager, P. O. Box 8519, Bend, Oregon, 97708. Mr. Nager owns the mobile home park north of the subject property. There is a riparian corridor. It is his understanding there should be a setback of 50 feet from the north bank on each side. The plat looks like the lot lines are going all the way up to the bank.

c. Christian Nelson, 2165 Kings Highway, Medford, Oregon, 97501. Mr. Nelson briefly summarized his earlier submitted comments (Exhibit CC) to the Planning Commission. Mr. Nelson has concerns with the minor residential street, minimum distance between intersections, circulation plan, improvement of Kings Highway, sound barrier wall, dedicated right-of-way space, no notification from the developer and the lot line issue. Mr. Nelson requested that the Planning Commission not approve this application this evening. He would like to get legal counsel and deal with the lot line adjustment in civil court.

Chair McKechnie stated that there were comments regarding sound barrier walls and improvements to Kings Highway.

Mr. Georgevitch deferred the sound barrier question to Planning staff. Mr. Georgevitch reported that the applicant will have to make improvements along their frontage. The length of those improvements will have to be designed to meet AASHTO standards.

The minor residential street opposed to the standard residential street is confusing at times for people to understand. If this street served over 100 homes and there were no other outlets it would have to be a standard residential street. There is Marsh Lane to the east and other streets planned north and south that will limit it to less than the 100. There will be over 100 homes most likely in this area but there will be other roads to maneuver on. Therefore, they do not meet the requirements for a standard residential street. They can still be a minor residential street.

Mr. Mitton stated that Mr. Nelson mentioned he wanted time to seek counsel and pursue something about the adverse possession. There is no mechanism in the code to postpone this matter indefinitely while he pursues a civil matter. There is a mechanism to request additional time which could result in either continuation of one hearing or seven days to present additional written evidence to this Commission as opposed to pursuing something with the applicant. Is Mr. Nelson asking for additional time to submit additional evidence to this Commission or is he asking for a postponement to pursue something directly with the applicant through Circuit Court or direct negotiations? Mr. Nelson requested the record to remain opened to submit additional information.

Vice Chair Foley stated that another comment that came up was regarding setback versus lot line issues. Mr. Mitton reviewed the code.

Kelly Evans, Assistant Planning Director reported that the riparian standards were updated that there is not a requirement in the code now to have the riparian corridor on a separate unit of land. It is permissible under the code at this point in time. When Mr. Nager developed the property to the north it may not have been the case.

There is a requirement in Section 10.797 that requires for land divisions with houses that do not face an arterial street that an arterial street frontage landscape plan shall be submitted showing a vertical separation feature that is a minimum of eight feet in height. It can either be a wall or a combination of landscaping and berm. Ms. Evans does not believe the applicant requested relief from this requirement.

Mr. Mitton suggested to finish with testimony and rebuttal. When that is done instead of closing the hearing a decision needs to be made whether to continue to the next meeting or hold the record opened for additional written evidence.

Ms. Evans recommended close the public hearing and keep the record opened.

Mr. Savage stated that the applicant's preference would be to close the hearing and keep the record opened.

Most of the issues raised were answered fully by staff.

The applicant agrees that the riparian setback applies to the development not the lot lines.

It was pointed out regarding circulation that there are a number of local streets in the area. Under the previous subdivision years ago the land to the east had not come into the Urban Growth Boundary yet. That is a huge difference in considering circulation for the area.

The packet that Mr. Savage provided this evening includes a full report from Southern Oregon Transportation Engineering that analyzes safety of the intersection and spacing. Her conclusions were that it is adequate and safe, meets line of sight, clear vision, and queuing. All the elements that are looked at for transportation safety.

For the frontage improvements the applicant has no problem building the wall the code requires.

The public hearing was closed.

Motion: The Planning Commission moved to keep the record opened for seven days to receive additional written information.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Commissioner Mansfield asked, what is the basis for the seven day continuance? He has a great deal of empathy for Mr. Nelson. He respectfully disagrees with counsel when he suggested six to nine months. His experience with those kinds of disputes are more like a year or two years before they decide. It is not fair to the applicant for the Commission to hold off until Mr. Nelson's boundary dispute gets settled. It is clear to him that the reason Mr. Nelson wants this postponement is so that he can solve his boundary dispute. He questions whether it is appropriate to do that.

Mr. Mitton reported this is not a motion to postpone until the boundary issue is resolved in Circuit Court. The statute makes it clear that when someone asks for seven days to present additional written evidence the City has to grant that time whether the Commission thinks the evidence is relevant to the criteria or not.

Commissioner Mansfield commented that Mr. Mitton makes sense he firmly believes whatever evidence is going to be presented is not relevant.

Mr. Mitton commented that it may not be.

Commissioner McFadden asked, at the next meeting if the Planning Commission approved this application and for some reason the applicant could not comply with all the regulations, do they have a choice of bringing it back to the Planning Commission with those changes or not proceed forward? Mr. Mitton replied that is correct.

Commissioner Pulver asked, would the alternative be to leave the public hearing opened and continue the hearing until the next Planning Commission meeting? The reason that it might be better or worse is that it does not allow the applicant adequate time to rebut what is presented. Is that accurate? Mr. Mitton explained that there are two mechanisms: 1) Mr. Nelson has seven days to present written evidence then the applicant has seven days to respond to it in writing. 2) Nobody presents anything in writing for the next meeting and the Commission continues the public hearing. At that meeting or any time before then either Mr. Nelson or the applicant can submit additional documentation. The additional documentation will likely be a letter from a lawyer. If there is a lengthy letter raising details that is submitted on the day of the hearing it would not be uncommon for the applicant to continue the hearing in order to review the documentation with their legal counsel.

Roll Call Vote: Motion passed, 5-0.

TAKEN OUT OF ORDER**60.2 Transportation Commission**

Commissioner Pulver reported that the Transportation Commission met yesterday, Tuesday, May 22, 2019. The bulk of their agenda had to do with discussing the amendment to the code related to concurrency and they moved to forward it to the Planning Commission.

The second major item dealt with funding relating to the Mega Corridor that includes South Stage overpass over I-5 and the North Phoenix improvements. The number discussed was \$1.6 million total dollars coming from multiple sources. The City of Medford would have to raise approximately 40% of that.

Vice Chair Foley asked about the South Medford Interchange. Mr. Pulver reported that ODOT does an analysis of needs and at this point their needs analysis indicates that does not need to be a full interchange. The City feels differently with the functionality of the South Medford Interchange and the strain it will put on I-5 or the Phoenix Interchange if nothing happens in this regard.

TAKEN OUT OF ORDER**60.3 Planning Department**

Ms. Evans reported that the Planning Commission study session scheduled for Monday, May 27, 2019 has been cancelled due to Memorial Day.

There is business scheduled for Thursday, June 13, 2019, Thursday, June 27, 2019 and Thursday, July 11, 2019. The July 11th meeting is scheduled to be in the Prescott Room at the Police Department building.

Last week City Council approved the GLUP amendment for Columbia Care at Stewart and Columbus. They also approved the code amendment for Legacy Streets and adopting the new cross sections into the code that includes the major/minor residential streets.

TAKEN OUT OF ORDER**60.1 Site Plan and Architectural Commission.**

Ms. Evans reported that the Site Plan and Architectural Commission met Friday, May 17, 2019. They denied the Circle K project based on incompatibility of the intensity of the use. The final order will be adopted at their next meeting.

They approved 17 more units on West Main Street. It is part of the Orchard Glen project that is under construction.

- 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 7:22 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards
Recording Secretary

Mark McKechnie
Planning Commission Chair

Approved: June 13, 2018



STAFF REPORT – CONTINUANCE REQUEST

for a type-III quasi-judicial decisions: **Land Division & Conditional Use Permit**

PROJECT The Meadows at Crooked Creek
Applicant: Meadows at Crooked Creek, LLC.
Agent: CSA Planning

FILE NO. LDS-19-040 / CUP-19-041

TO Planning Commission

for June 13, 2019 hearing

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director *h*

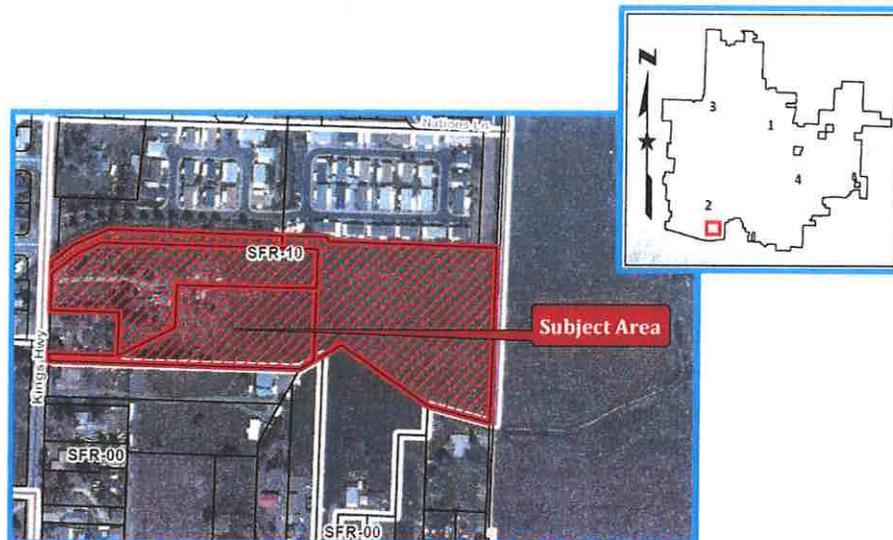
DATE June 6, 2019

BACKGROUND

Proposal

Consideration of tentative plat approval for The Meadows at Crooked Creek, a proposed 22-lot residential subdivision, along with a request for a Conditional Use Permit (CUP) for placement of storm detention facilities partially within the riparian corridor of Crooked Creek, on four contiguous parcels totaling 10.3-acres, and located at 2145 Kings Highway, in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (382W01AA TL 4000, 3900, 4200 & 381W06B TL 400).

Vicinity Map



Request

On May 23, 2019, the Planning Commission closed the public hearing and left the record open. The applicant has requested that the record be reopened, and, if so required by the Commission, that the item be continued to the July 11, 2019, meeting so that a revised tentative plat can be submitted into the record.

Pursuant to ORS 197.763(6), when a request is made for the public hearing to be closed and the record to remain open for additional written evidence, arguments or testimony, new evidence may only be submitted within the first seven-day period following the initial hearing. The second seven-day period is reserved to allow the applicant, or other effected parties, to respond to the new evidence submitted during the initial seven-day period. ORS 197.763(6)(e) prohibits the submittal of new evidence by the applicant in the seven-day rebuttal period.

In order to re-open the hearing as requested by the applicant, the meeting will have to be continued to a specific date and property owner notices sent for the new date. This is consistent with the due process requirements outlined in MLDC 10.124.

EXHIBITS

- A Continuance request, received June 6, 2019.
Vicinity Map

COMMISSION AGENDA:

**MAY 23, 2019
JUNE 13, 2019**

Dustin J. Severs

From: Mike Savage <mike@csaplanning.net>
Sent: Thursday, June 6, 2019 10:10 AM
To: Dustin J. Severs
Subject: Request to re-open record/ Meadows at Crooked Creek (LDS-19-040 / CUP-19-041); Applicant's Response and Proposed Accommodations.

Hi Dustin,

Applicant herewith request the PC re-open the record and if so-desired, continue the hearing.

The purpose of the request is to allow new evidence to be considered by the Planning Commission. The new evidence will include a minor adjustment to the proposed subdivision in a manner that will shift the road a negligible amount - in order to accommodate the concerns raised by adjacent property owner Mr. Nelson, over property lines.

I will follow-up with a letter to this email within the next hour.

We would anticipate the June 13th hearing would be held, the PC would consider the request for re-opening the record at that time and if approved – would accept the forthcoming evidence for their review.

We understand if the PC would want to continue the hearing until July 11th. However, if they are comfortable re-opening the record, reviewing the materials, accepting testimony, deliberating and making a decision on June 13th, we would not object.

Thank you very much for the considerations.

Sincerely,

Mike Savage
CSA Planning, Ltd.
541 779-0569
mike@csaplanning.net



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Mike@CSAplanning.net

June 6, 2019

City of Medford Planning Commission

Attention Dustin Severs, Planner III
City of Medford - Planning Department
Lausmann Annex, 200 S. Ivy Street
Medford, OR 97501

RE: Meadows at Crooked Creek (LDS-19-040 / CUP-19-041); Applicant's Response and Proposed Accommodations.

Dear Planning Commission:

Applicant herewith requests the records for the above files be re-opened to allow for new evidence. Applicant would like to offer a minor revision to the Application that will allow the proposed subdivision to proceed in a manner that addresses the primary concern of adjacent property owner Mr. Nelson.

In light of the concerns raised during the hearing over the portion of the subject property immediately adjacent to Mr. Nelson's property - Applicant offers a minor revision to the proposed layout as follows.

Proposed Revisions:

Applicant herewith modifies the request to shift the centerline of proposed street Terrazzo Way north approximately 5 feet and proposes the street be constructed at one-half plus 10 feet. This will allow for the one-half plus 8' of road construction required by MLDO 10.443, along with a couple of feet to accommodate grading stated as being needed by Applicant's Engineers. The same will occur beyond the approximate 12-feet of property over which there are raised concerns. Applicant anticipates the proposed modification will prevent any potentially valid conflicts raised by Mr. Nelson.

As a result of the proposed modification, Terrazzo Way will be shifted a negligible 5 feet closer to the nearest intersection being Trinity Way. As explained and addressed in the Applicant's supplemental materials providing at the hearing dated 05-23-2019 - the relevant section of the MLDO is found at 10.426(D). Given the circumstances over the portion of property for which there are raised concerns, Applicant asserts that the road way is as far from the nearest intersection as practical in a manner consistent with MLDO 10.426(D).

The transportation analysis conducted by SOTE and provided at the May 23, 2019 hearing demonstrates moving the roadway a negligible 5 feet closer will have zero impact on overall safety and functionality. The intersection spacing is still predicted to function at full future-year buildout without any conflicts. SOTE's analysis shows that queuing for both Trinity and Terrazzo way are a short 25 feet. With an intersection spacing that exceeds 150-feet - that leaves in excess of 100 feet of vehicle maneuverability between said ques. Given the lines of site, functionality and speeds of Kings Highway - that distance is more than adequate to prevent conflicts.

Response to Nelson:

Applicant provides the following in response to Mr. Nelson's assertion that there is no evidence in the record that speaks to the 'economically feasible' aspects of MLDO 10.426(D):

In the first alternative, MLDO 10.426(D) includes an 'or' provision. In light of the 'or' construction, Applicant must *either* address the 'economically feasible' aspect *or*



demonstrate the practical inability to remedy an intersection spacing less than 200 feet. Given that the property owner does not own sufficient land to meet the 200-foot, it is not practical to correct said spacing deficiency. In the second alternative, Applicant did provide substantial evidence, both written and at oral testimony that speaks to the 'economically feasible' aspects of MLDO 10.426(D). Please refer to Applicant's letter of 05-23-2019 and oral testimony.

Response to Nager:

It is the Applicants' understanding that they have a good working relationship with Mr. Nager and unequivocally, desire to maintain positive relationships moving forward. Applicant fully understands Mr. Nager's desire to protect the riparian corridor. As evidenced by the proposed application and ODFW approved mitigation planting plan the Applicant also has a strong desire to protect the riparian corridor. The applicant does however disagree with Mr. Nager on some of the points raised in his correspondence to the record, as follows.

Mr. Nager's reading of the riparian provisions of the MLDO are mis-placed. There are certainly restrictions on development within riparian setbacks but there are no prohibitions on lot lines within riparian setback areas. As evidenced by the Applicant's original submittal, all relevant criteria have been fully addressed and found to be satisfied with the imposition of conditions. Mr. Nelson's suggestion that direct compliance with Goal 5 and OAR 660 division 23 must be independently addressed at this time is also incorrect. The City adopted its current riparian protection regulations into the MLDO in a manner consistent with Goal 5. The same were properly noticed and acknowledged by the state. Once the regulations were adopted and incorporated into the development code, there is no obligation to separately re-address and make direct Goal 5 or Division 23 findings. To do so is an untimely collateral attack on a final land use decision.

Mr. Nelson, who owns the manufactured dwelling (mh) park immediately to the north appeared to assert in oral testimony that the subject application should be considered in the same manner that his park was reviewed when it was reviewed by the City. Applicant is uncertain what regulations pertained to the development of the mh park, but there is no provision of the MLDO that requires an application to be subject to rules that may or may not have governed prior projects on adjacent or nearby land.

As a side discussion, Applicant would like to point out the similarities and distinctions between the proposed project and the mh park to the north. It appears the mh park developed under a fairly *less* stringent set of rules. In short, the proposed subdivision offers more in the way of corridor enhancements and protections. Please see attached Riparian Discussion Map, along with additional aerial photos included as Exhibits in Applicant's original submittal.

- Riparian Setback: It appears the mh park was able to utilize a 25-foot riparian setback or less whereas the subject application is subject to a 50-foot riparian setback.
 - The primary access into the adjacent mh park is by paved private road that runs parallel with Crooked Creek. Said road is located almost entirely *within* the 50-foot riparian corridor. Other than vegetated storm detention facilities, the Applicant proposes no development within the riparian corridor.
- Lot Lines: Mr. Nelson raised the question of locating lot lines within riparian areas. It is interesting that the mh park lot lines are crossed by Crooked Creek and Crooked Creek extends through the middle of the mh park. No portion of the creek crosses the Applicant's subject property.
- Vegetation: Mr. Nelson's property includes a row of trees planted within approximately 25-feet of the creek. Applicant proposed to plant a row of trees



along their side of and within approximately 30-feet of the creek. The same has been approved by ODFW. Applicant also proposes to plant the storm detention facilities with vegetation that will enhance the riparian area. Each proposed lot affected by the riparian corridor will also be subject to the riparian corridor protections.

- **Development Proximity:** Applicant proposes lots that will allow for houses to be immediately outside the 50-foot riparian area. Immediately to the north, the mh park has houses that are immediately outside the 50-foot riparian area. Other portions of the mh park have houses much closer to the creek.

In summary, the mh park is crossed by the creek, was able to pave half their riparian area and was able to develop much closer to the creek - whereas the proposed subdivision provides protections and enhancements for the full 50-foot riparian corridor.

To reiterate the request made in the initial paragraph of this letter, Applicant respectfully request the Planning Commission re-open the records in order to consider the attached minor revisions to the proposed subdivision. It is the Applicant's hope and anticipation that the proposed minor revisions will satisfy concerns over property lines raised by the neighbor.

The Applicant recognizes that the concerns are of a civil nature and are not to be resolved by the City. That said, the Applicant holds that the proposal with the minor changes included herein satisfy all requirements of the MLDO and do so in a manner that should prevent potential civil entanglements. The same will allow the project to move forward in a timely manner.

Applicant respectfully requests your approval and appreciates your careful consideration.

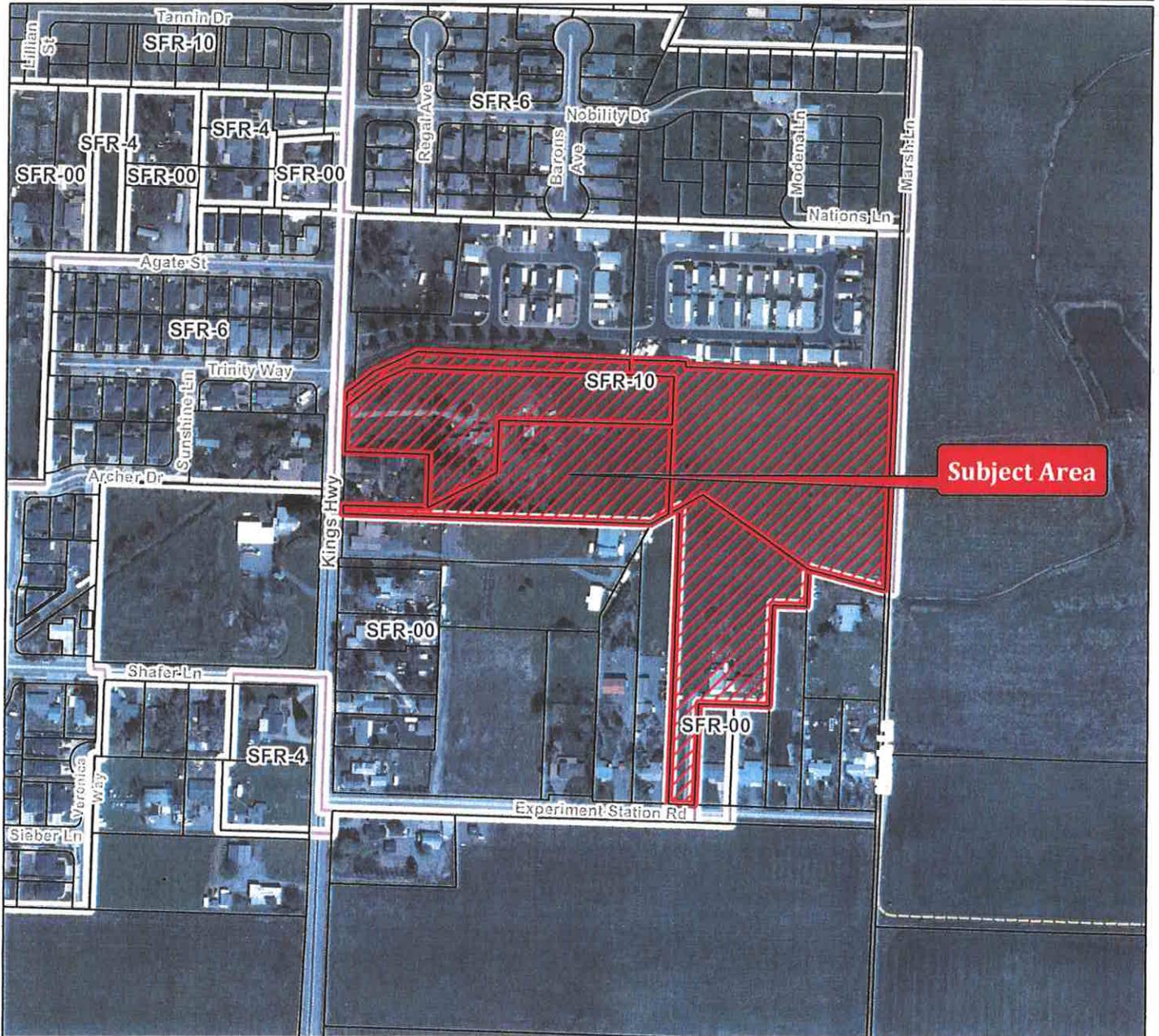
Very truly yours,

CSA Planning, Ltd.

A handwritten signature in black ink, appearing to read 'Mike Savage', written in a cursive style.

Mike Savage
Senior Associate

cc. File; Applicant



Project Name:

**The Meadows at
 Crooked Creek**

Map/Taxlot:

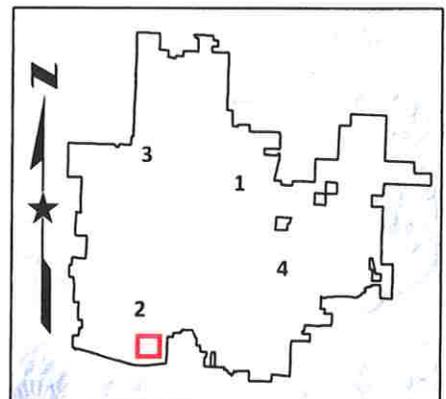
**382W01AA 3900, 4000, 4200
 381W06B TL 400 & 700**



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

03/12/2019





STAFF REPORT

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

Project Hagle Zone Change
Applicant: Jane Erin Griffin-Hagle

File no. ZC-18-189

To Planning Commission *for June 13, 2019 hearing*

From Dustin Severs, Planner III

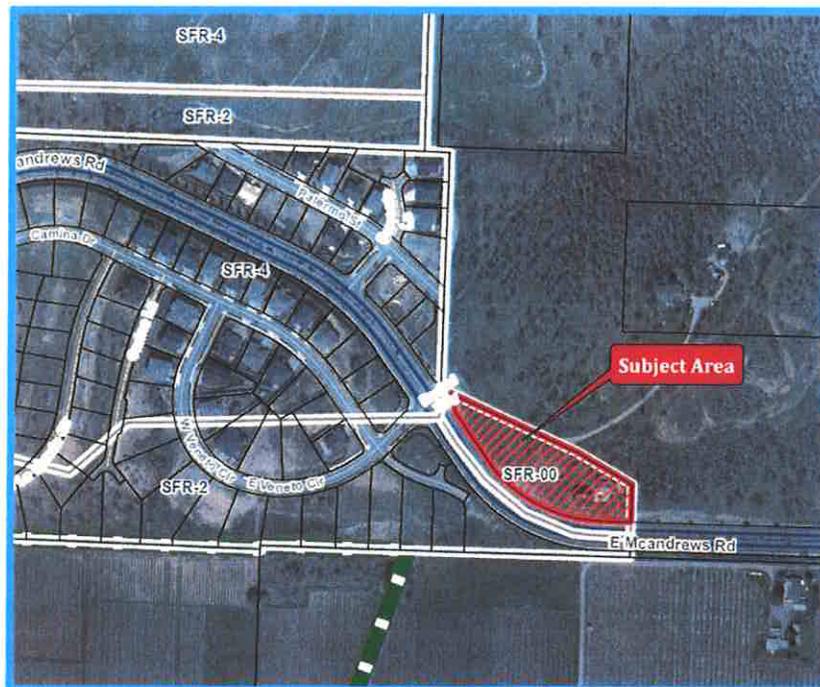
Reviewer Kelly Evans, Assistant Director

Date June 6, 2019

BACKGROUND

Proposal

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



Subject Site Characteristics

Zoning: SFR-00
GLUP: Urban Residential (UR)
Overlay(s): None
Use: Single-family residence

Surrounding Site Characteristics

North Zone: Jackson County zoning (Open Space Reserve)
Use(s): Single-family residential

South Zone: SFR-2 (Single-Family Residential, two dwelling units per gross acre)
Use(s): Residential (Bella Vista Heights subdivision)

East Zone: Jackson County zoning (Open Space Reserve)
Use(s): Single-family residential

West Zone: SFR-2 & SFR-4 (Single-Family Residential, four dwelling units per gross acre)
Use(s): Residential (Bella Vista Heights subdivision)

Related Projects

A-04-178 Annexation
PA-18- 075 Pre-application

Applicable Criteria

Inapplicable criteria have been omitted from this report. Omitted sections are identified by ***.

Medford Land Development Code §10.204, Zone Change Criteria

The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) through (3) below:

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.*
- (2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

- (3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services*

and facilities are contained in Section 10.462 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

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

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

ISSUES AND ANALYSIS

Background

The subject site consists of a single 1.89-acre parcel, which currently contains one single-family home and a detached two-story garage with a guest house (no kitchen) on the second floor. The property is fronted by East McAndrews Road, a Major Arterial street, to the south; and Rachel Way, a residential street, which is stubbed at the northwest corner of the property from where the property takes vehicular access. The subject site is located on the edge of City limits, with Jackson County land abutting the property along both its northerly and easterly property lines.



The subject site was annexed into the City in 2004, at which point it was designated with the SFR-00 zoning district. Pursuant to MLDC 10.307, 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.

As stated in the applicant's findings, and illustrated in Exhibit D, the applicant is proposing to continue the current use of the property as a single-family residence, while converting the existing guest house to an Accessory Dwelling Unit (ADU), and then subdivide the property, creating three additional parcels to the west of the existing residence.

Sanitary Sewer Facilities

Per the staff report submitted by Public Works (Exhibit E), the downstream sanitary sewer system currently has capacity constraints, and the proposed zone change to SFR-4 has the potential to increase the flows to the sanitary sewer system. Pursuant to MLDC 10.204(3), the applicant must demonstrate that Category A urban services and facilities are available or can and will be provided to adequately serve the subject property with the permitted uses allowed under the proposed zoning. Accordingly, Public Works has recommended this zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

At the Land Development meeting held on January 23, 2019, the applicant stated her intent to hire an engineering firm to provide a study of the downstream sewer system to show capacity exists to allow the proposed zone change.

As a condition of approval, prior to the approval of the zone change, the applicant will be required to provide staff with a deed restriction recorded in the official records of Jackson County stipulating to only develop the property so that the total sewer flows do not exceed current zoning limitation, which will result in the property's approved SFR-4 zoning classification additionally be designated with a Restricted Zoning (R-Z) administrative mapping overlay, restricting future development of the property; or the applicant shall make improvements to the downstream sanitary sewer system to alleviate capacity constraints; or the developer shall provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

Criteria Compliance

GLUP/TSP Consistency

The General Land Use Plan (GLUP) designation for the subject site is UR (Urban Residential), and according to the General Land Use Plan Element of the *Comprehensive Plan*, the SFR-4 zoning district is a permitted zone within the UR GLUP designation.

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

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

Locational Criteria

All zone change proposals require an assessment of the applicable locational criteria, as outlined per MLDC 10.204(B)(2); however, there are no locational criteria for the SFR-4 zoning district.

Facility Adequacy

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

The agency comments included in Exhibits E-G, demonstrate that with the imposition of the condition of approval contained in Exhibit A, Category A facilities can be made to be adequate to serve the property.

Other Agency Comments

None

Committee Comments

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

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit B) and recommends the Commission adopt the findings as modified by staff below:

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UR General Land Use Plan Map designation and the Transportation System Plan. The Commission can find that this criterion is met.
- With regard to Criterion 2, there are no locational criteria for a change of zone to SFR-4. The Commission can find that this criterion is met.
- With regard to Criterion 3, the agency comments included as Exhibits E-G, demonstrate that with the imposition of the condition of approval contained in Exhibit A, Category A facilities can be made to be adequate to serve the property at the time of issuance of a building permit for vertical construction. The Commission can find that this criterion is met.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of ZC-18-189 per the staff report dated June 6, 2019, including Exhibits A through G.

EXHIBITS

- A Conditions of Approval, dated February 7, 2019.
- B Applicant's Findings of Fact and Conclusions of Law, received December 11, 2018.
- C Jackson County Assessor's Map, received December 11, 2018.
- D Applicant's SFR-4 proposal Map, received December 11, 2018.
- E Public Works Staff Report dated January 23, 2019.
- F Medford Water Commission Staff Memo and Map, dated January 23, 2019.
- G Medford Fire Department Land Development Report dated January 23, 2019.
Vicinity Map

Planning Commission Agenda:

February 14, 2019
March 14, 2019
April 11, 2019
April 25, 2019
May 9, 2019
May 23, 2019
June 13, 2019

EXHIBIT A

Hagle Zone Change
ZC-18-189
Conditions of Approval
February 7, 2019

CODE REQUIRED CONDITIONS

Prior to the approval of the zone change, the applicant shall:

- 1.) Provide staff with a deed restriction recorded in the official records of Jackson County stipulating to only develop the property so that the total sewer flows do not exceed current zoning limitation, which will result in the property's approved SFR-4 zoning classification additionally be designated with a Restricted Zoning (R-Z) administrative mapping overlay, restricting future development of the property; or the applicant shall make improvements to the downstream sanitary sewer system to alleviate capacity constraints; or the developer shall provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

CITY OF MEDFORD
EXHIBIT # A
FILE # ZC-18-189

FINDINGS OF FACT BEFORE THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON, OF AN APPLICATION FOR A ZONE CHANGE OF PROPERTY DESCRIBED ON THE JACKSON COUNTY ASSESSORS MAP AS:

T37-R1W- Section 22A Tax Lot 400 located on the north side of East McAndrews, at the northerly terminus of E. Veneto Circle.

APPLICANT: Jane Griffin-Hagle
4199 Rachel Way
Medford, Oregon 97504

I. BACKGROUND INFORMATION

Acreage: 1.89 acres

Current Zoning: City SFR-00 (Single-Family Residential – 1 dwelling unit per existing lot.

Proposed Zoning: City of Medford SFR-4 (Single-Family Residential -2.5 to 4 units per acre)

Present Use: Residential. The property is developed with a single family residence and a detached two-story garage with an apartment (without kitchen).

Proposed Use: SFR-4. The owner proposes to continue the current use as a single-family residence, convert the garage apartment to an accessory dwelling unit (ADU) and separate these two structures and property (.84 acre) by lot line adjustment from the western portion (1.05 acre) of the property, with subsequent use as SFR-4 (2.5 to 4.0 dwelling units per gross acre), an additional three lots. *Note: This is a reduction in the request discussed at the 6/25/18 Pre-planning conference, from 6 lots to 4.*

Comprehensive Plan Designation: Urban Residential (UR)

Access: Current access to the subject property is from Rachel Way, a private drive.

Scope and Purpose of the Application:

This application will demonstrate compliance with the relevant zone change criteria for a zone change from City of Medford zoning district SFR-00 (Single-Family Residential - 1 dwelling unit per existing lot) to City of Medford zoning district SFR-4 (Single-Family Residential - 2.5 to 4 units per acre) consistent with the requirements of City of Medford Land Development Code Section 10.204 (B).

The applicant is pursuing: a Lot Line Adjustment for the purpose of creating two tax lots – one, of .84 acre containing the current primary residence and a detached two-story garage with an upstairs apartment that is planned to become an accessory dwelling unit; and, one, of 1.05 acre – both of which will be classified at the SFR-4 zoning designation. This zone change is required because current zoning for the property is at SFR-00, lot line adjustments require that each new adjacent parcel created have the same zoning designation, and to allow for the creation of new parcels to the density desired. Specifically, three parcels will be created from the 1.05-acre parcel for development, and one from the .84-acre, this latter of which will remain at its existing use for an undetermined amount of time.

Regarding expired building permits - #11-2875 and #08-328 – applicant intends to pursue an accessory dwelling unit (ADU) and will pursue that permitting, to replace #11-2875. Applicant will obtain new permit for the original purpose of #08-328, which was to install a heat pump by a local contractor.

II. RELEVANT APPROVAL CRITERIA:

Medford Land Development Code (MLDC) Section 10.204 (B) states that The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) through (3) below:

The Criteria for approval are:

1. The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map Designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.
2. Where applicable, the proposed zone shall also be consistent with the additional locational standards. Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria.
3. It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

Finding- Transportation System Plan

The proposed zone must be 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 (OAR 660 Division 12). OAR 660 is designed to assure local agencies comply with State goals and regulations regarding transportation issues and provides an explanation to local agencies to demonstrate compliance with a Transportation System Plan (TSP).

"Cities and counties shall prepare, adopt and amend local TSPs for lands within their planning jurisdiction in compliance with this division: Local TSPs shall establish a system of transportation facilities and services adequate to meet identified local transportation needs and shall be consistent with regional TSPs and adopted elements of the state TSP."

The City of Medford has approved a TSP consistent with the requirements of the State of Oregon. The TSP requires all modes of transportation be considered including rapid transit, air, water, rail, highway, bicycle and pedestrian.

A review of the subject property has determined that water and rail transportation are not available to this property. The subject property has frontage on East McAndrews Road, (a major arterial street).

Rachel Way is currently developed as a private driveway, does not have sidewalks and is not designated as a bicycle transportation facility. However, a bicycle path runs along the entire southern boundary of subject property, as part of the right-of-way of East McAndrews Road, and sidewalk exists on the southern side of East McAndrews Road, following the entire southern boundary of subject property. Access to sidewalk is 60' from subject property, while access to the bicycle path is within 10' from subject property.

Rapid transit may be available from Rogue Valley Transportation District. It should be noted that due to continuous changing in routing by the transportation district, stops may be added or discontinued depending on district planning.

Interstate 5 is approximately 4.5 miles from the subject property. Rogue Valley International Airport is approximately 4.7 miles from the subject property.

General Land Use Plan Map Designation

"The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map Designation.

The General Land Use Plan Map (GLUP) designation for the subject property is Urban Residential (UR). The General Land Use Plan contained in The Medford Comprehensive Plan specifies the requested SFR-4 (Single-Family Residential – 2.5 to 4 units per acre) zoning district is appropriate within the Urban Residential (UR) designation. A GLUP map is included as part of this application.

This application is requesting the SFR-4 for the subject property. This request can be found to be appropriate and consistent with the GLUP designation of Urban Residential (UR).

Locational Standards

Where applicable, the proposed zone shall also be consistent with the City of Medford Land Development Code Section 10.204 (B).

Finding:

The property directly west of and abutting the subject property is zoned SFR-4; the property directly south of the subject property – across East McAndrews Road - is zoned SFR-2/PD and SFR-4/PD; and, the property east of the subject property (within 1000 feet is zoned SFR-4/PD. The proposed zone change is consistent with surrounding properties, which are developed Planned Developments.

Conclusion

The Planning Commission can find the property is currently served with adequate transportation facilities as required by Transportation System Plan (TSP). As required in the TSP, the Planning Commission can find the change to the transportation plan is not substantial as a result of approval of the requested zone change.

Approval of the proposed zone change will not create a negative impact that was not anticipated by the Urban Residential designation indicated on the GLUP map.

As described in the Medford Land Development Code, the requested SFR-4 zoning district is an appropriate zoning district for the Urban Residential (UR) GLUP designation. The subject parcel is surrounded by properties to the east, west and south with SFR-4/PD, SFR-4/PD and SFR-2/PD zoning designations, respectively.

Relevant Approval Criteria -Category "A" Urban Services & Facilities

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 properties with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
- (b) Adequate streets and street capacity must be provided in one of the following ways:
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the

improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs: 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 an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

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

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

- (i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;
- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;
- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Findings- Category "A" Urban Services & Facilities

Storm Drainage:

The property is within the Lone Pine Creek Drainage Basin. The subject property currently drains to the west. The City of Medford has existing storm drain facilities along East

McAndrews and at the west end of subject property, at the intersection of Rachel Way and East McAndrews. These storm drain facilities provide services to Planned Developments east and west of subject property. Per City of Medford Public Works Department, this site “would be able to connect to these facilities at the time of development.” This site may be required to provide storm water quality and detention at time of development in accordance with MLDC Section 10.729 and /or 10.486.

Finding:

At time of development, conditions will be required to be in compliance with all Applicable City of Medford Drainage Master Plan and Building Division Codes, Area Codes, and Storm and Ground Water Drainage requirements of Chapter 11 of the Uniform Plumbing Code.

Conclusion:

The existing storm drainage system meets the requirements for the City of Medford, and new development will comply with the requirements of the Code and as stipulated by the City of Medford Engineering Division.

Sanitary Sewer Service:

The subject property is currently served by the City of Medford sanitary sewer system. Addition of an accessory dwelling unit is not coded to increase flows from its current usage to the sanitary sewer system. Future development of the subject property will require connection to this facility consistent with the construction requirements of the City of Medford Public Works Department.

The City of Medford Regional Waste Water Treatment Plant provides sewage treatment.

Finding:

The subject property is currently served by an 8-inch City of Medford sanitary sewer line tied in from East McAndrews. Public Works Department Staff Report dated 7/11/18 erroneously referenced the proposed zoning to “MFR-4” and reported that the “downstream sanitary sewer system currently has capacity constraints,” but did not specify what were those constraints, as regards numbers or issues of flow. It is this applicant’s understanding that a Sanitary Sewer Master Plan (SSMP) is currently under development for the City, but has not yet been finalized; therefore, the Public Works Department Staff Report of 7/11/18 is without objective finding. Without such objective information, this applicant must proceed on the basis of the numbers that are known.

Specifically, due to apparent improper excavation and fill, a March 2012 landslide in the Belle Vista Subdivision, across from subject property and between East La Strada Circle and Carino Lane, caused the subsequent abandonment of three lots in that subdivision, which was long-ago approved as part of the City of Medford’s sanitary sewer system. As regards the proposed additional three lots created to the west, the impact upon the flow numbers already anticipated to the City of Medford’s sanitary sewer system, as per the approved Belle Vista PD, provide a nil

impact on the sanitary sewer system. Since the proposed accessory dwelling unit will have a nil impact on sewer flow, it is not anticipated there could be an objection to the ADU.

Conclusion:

The information above demonstrates that existing sanitary sewage collection and treatment services and capacities are available for the proposed zone change.

Water Service:

Medford Water Commission (MWC) metered water service does exist to the subject property, which is currently served by a ¾" water meter located at the southeasterly back of sidewalk near the access to East McAndrews Road and Rachel Way. This water meter would be utilized to serve the proposed Lot adjacent to this location. The water line extends along the southern boundary of subject property, from the water meter to the home at 4199 Rachel Way. Access to MWC water lines is available. There is an existing 8-inch water line stubbed for extension on the east side of East McAndrews Road at Rachel Way.

Proposed fire hydrants locations will be coordinated with Medford Fire department.

Finding:

The Medford Water Commission has an adequate supply of water and requisite facilities to serve the subject property via an 8-inch waterline on the east side of East McAndrews Road at Rachel Way.

Conclusion:

There is adequate water capacity from the Medford Water Commission available.

Fire hydrants for fire protection will be installed prior to construction when combustible material arrives at the site.

Streets:

The property takes access from Rachel Way, a private drive off East McAndrews Road, which is classified as a major arterial road. The City of Medford Engineering Division does not monitor traffic counts on Rachel Way. Prior to any vertical structure permitting, Rachel Way will be improved and/or constructed, sufficient to meet the required condition and capacity.

Finding:

According to the City of Medford Engineering Department, East McAndrews Road has adequate street capacity for the zone change and future development of the subject property. Rachel Way, a private drive, will require improvement, to include power and cable facilities, and to be sufficient to meet the required condition for the additional traffic from three lots.

Conclusion:

Adequate street capacity currently exists to accommodate the zone change; however, for future development of the subject property, Rachel Way will require improvement.

Traffic Impact Analysis

The acreage of the property is 1.89 acres plus 0.73 acres along the East McAndrews Road frontage, to yield a gross acreage. Therefore, the gross acreage would yield a maximum of 10 units (4 units per acre x 2.5 acres (2.62 units rounded down to 2.5 units)). One unit already exists. Thus, this change would generate approximately (9 additional units x 9.44 trips/unit) = a net increase in vehicle trips of 85 ADT. Typically, a traffic impact analysis is required for more than 250 average daily trips per day. Because the number of vehicles does not exceed the requirement of 250 ADT threshold, a traffic study is not required, per Medford Municipal Code (MMC) Section 10.461 (3).

Finding:

The Planning Commission can find that the applicant has demonstrated that Category "A" urban services and facilities are currently available, or will be available at the time of development, to adequately serve the subject parcel with the permitted uses allowed under the proposed SFR-4 zoning designation.

Conclusion:

Based on the information above, it can be found that the water, storm drain, and sanitary sewer facilities, and streets are currently available to the subject property.

Power Pole & Utilities

There are a power pole and lines supplying power to the subject property, with an underground trench east of the primary residence. PP&L has been contacted and informed applicant that a PME pad-mounted switch gear is already located at the southwest point of subject property's access driveway that was set into place at the time Belle Vista Subdivision was developed, in "obvious planning" for subject property's development. PP&L requires a trench be dug into Rachel Way, and applicant has contacted adjacent undeveloped property owner, who has agreed to coordinate with trenching electrical and cable phone and television services also into this trench.

Finding:

Based on applicant's prior submittal of a Zone Change Application, as part of Belle Vista zone change request to SFR-4/PD, and for which applicant made payment for subject property's portion to Arthur Dubs, Belle Vista construction provided for subject property's future development by placement of a PP&L PMD pad-mounted switch gear at Rachel Way and East McAndrews. Thus, underground power may be developed into Rachel Way and supply power to

all new parcels, existing property and neighbor at 4195 Rachel Way with a coordinated effort. A Request for Development may be initiated with PP&L at such time as this phase is ready for completion.

Conclusion

Underground utilities are available to be developed to serve this zone change request.

Summary and Conclusion

The Planning Commission can find the property is currently served with adequate transportation facilities as required by Transportation System Plan (TSP). As required in the TSP, the Planning Commission can find the impacts to the transportation plan are not substantial as a result of approval of the requested zone change.

Approval of the proposed zone change will not create an impact that was not anticipated by the Urban Residential designation indicated on the GLUP map. As described in the Medford Land Development Code, the requested SFR-4 Residential zoning district is an appropriate zoning district for the Urban Residential (UR) GLUP designation. The subject parcel is within the UR designation.

The Planning Commission can also find the applicant has demonstrated that Category "A" urban services and facilities are currently available, or can be made available at the time of development, to adequately serve the subject property with the permitted uses allowed under the proposed SFR-4 zoning district and the traffic impact is not substantial.

I respectfully request the approval of this request for a zone change of the subject property to the City of Medford SFR-4 (Single-Family Residential – 2.4 to 4 units per acre) zoning district as demonstrated in the findings included.

Respectfully,

A handwritten signature in black ink that reads "Jane Griffin-Hagle". The signature is written in a cursive, flowing style.

Jane Griffin-Hagle

Plat Map

RECEIVED

Borrower Jane Griffin-Hadle
Property Address 4199 Rachel Way
City Medford

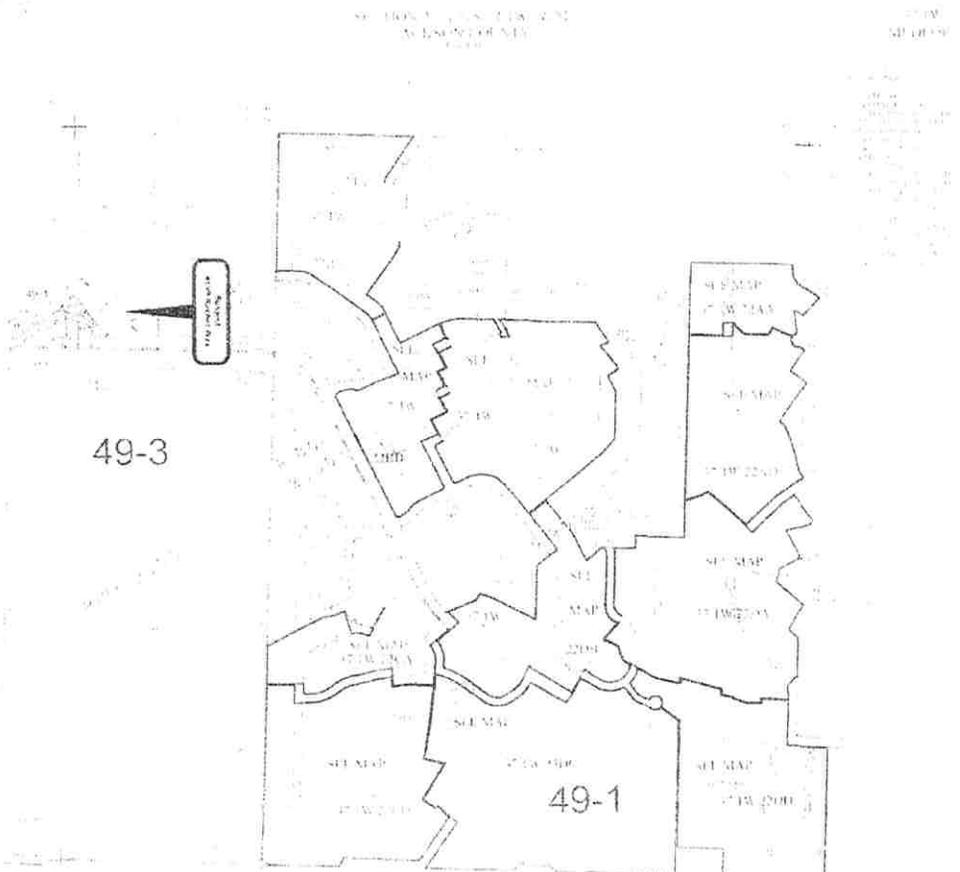
County Jackson

State OR

Zip Code 97504

DEC 11 2010
PLANNING DEPT

Lender/Client Sammanish Mortgage



CITY OF MEDFORD

EXHIBIT # C

File # 20-18-189

2

4199 Rachel Way SFR-4 Proposal

Page 58

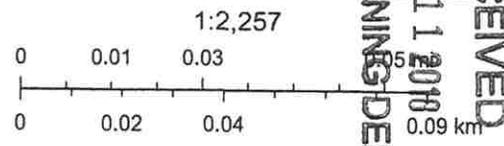


File # 20-18-1891
EXHIBIT # D
CITY OF MEDFORD

12/11/2018, 12:06:05 PM

Site Address Point

400 Tax Lot



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

RECEIVED
DEC 11 2018
PLANNING DEPT



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 1/23/2019
File Number: ZC-18-189

PUBLIC WORKS DEPARTMENT STAFF REPORT 4199 Rachel Way (TL 400) Zone Change

Project: Request for a zone change of a 1.89-acre parcel from SFR-00 (Single-Family Residential, 1 dwelling unit per gross acre) to SFR-04 (Single-Family Residential, 4 dwelling units per gross acre).

Location: Located at 4199 Rachel Way (371W22400).

Applicant: Applicant/Agent, Jane Erin Griffin-Hagle: Planner, Dustin Severs.

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

The proposed zone change to SFR-4 has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has capacity constraints. Based on this information, the Public Works Department recommends this zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the Developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

II. Storm Drainage Facilities

This site lies within the Lone Pine Creek Drainage Basin. The subject property currently drains to the west. 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 may be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

III. Transportation System

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

Prepared by: Jodi K Cope

Reviewed 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: ZC-18-189

PARCEL ID: 371W22 TL 400

PROJECT: Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, four dwelling units per gross acre) (371W22400). Applicant/Agent, Jane Erin Griffin-Hagle: Planner, Dustin Severs

DATE: January 23, 2019

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

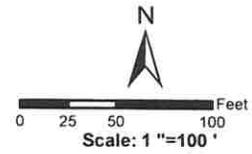
CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The existing water meter currently serving the home at 4199 Rachel Way shall be protected in place.

COMMENTS

1. There is adequate capacity within the water distribution system to serve this proposed development.
2. Off-site water line installation is not required at this time.
3. On-site water facility construction is not required at this time.
4. MWC-metered water service does exist to this property. There is an existing ¾-inch water meter which serves the existing home located at 4199 Rachel Way. (See Condition 3 above)
5. Access to MWC water lines is available. There is an existing 8-inch water line stubbed for extension on the northeast side of E McAndrews Road at the connection of Rachel Way.

CITY OF MEDFORD
EXHIBIT # F
FILE # ZC-18-189



Water Facility Map
City of Medford
Planning Application:
ZC-18-189
(37-1W-22-400)
January 9, 2019

Legend

- Air Valve
 - Sample Station
 - Fire Service
 - Hydrant
 - Reducer
 - Blow Off
 - Plugs-Caps
- Water Meters:**
- Active Meter
 - On Well
 - Unknown
 - Vacant
- Water Valves:**
- Butterfly Valve
 - Gate Valve
 - Tapping Valve

- Water Mains:**
- Active Main
 - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line

- Boundaries:**
- Urban Growth Boundary
 - City Limits
 - Tax Lots

- MWC Facilities:**
- Control Station
 - Pump Station
 - Reservoir



This map is based on a digital elevation compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept responsibility for errors, omissions, or outdated accuracy. There are no warranties, expressed or implied.
 Date: 1/9/2019
 File: G:\Mapping\MWD\Map_Maps - RC.mxd



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 1/14/2019
Meeting Date: 1/23/2019

LD File #: ZC18189

Planner: Dustin Severs

Applicant: Jane Erin Griffin-Hagle

Project Location: 4199 Rachel Way from SFR-00 (Single-Family Residential, Four dwelling units per gross acre)

ProjectDescription: Consideration of a request for a zone change of a 1.89-acre parcel

Specific Development Requirements for Access & Water Supply

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

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

www.medfordfirerescue.org

CITY OF MEDFORD
EXHIBIT # 6
FILE # ZC-18-189



Project Name:

**Griffin-Hagle
 Zone Change**

Map/Taxlot:

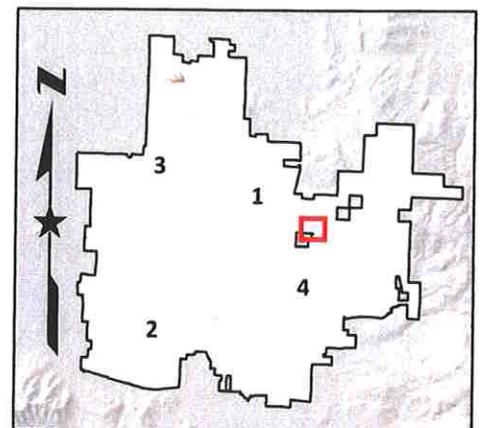
371W22 TL 400



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

12/19/18





STAFF REPORT

for a type-III quasi-judicial decisions: **Land Partition & Zone Change**

PROJECT Sedona Properties
Applicant: Sedona Properties, LLC.
Agent: CSA Planning

FILE NO. LDP-19-055 / ZC-19-003

TO Planning Commission

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director

DATE June 6, 2019

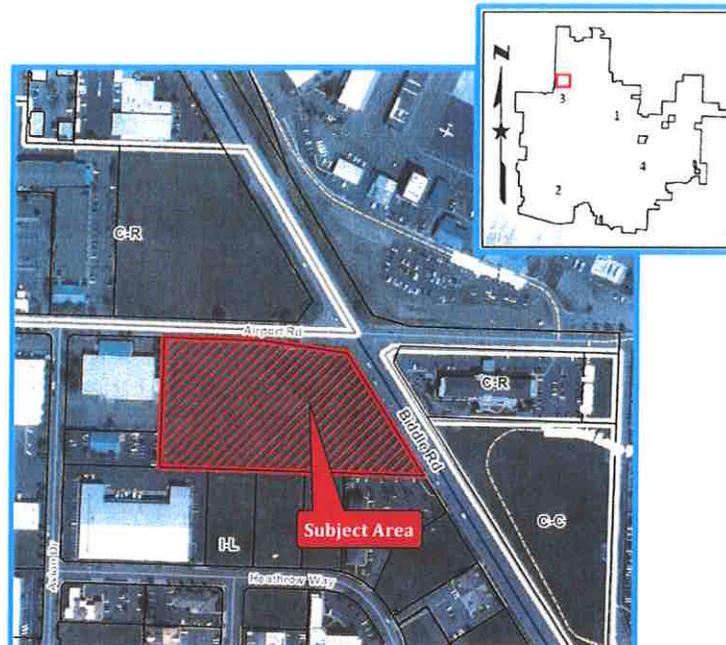
for June 13, 2019 hearing

BACKGROUND

Proposal

Consideration of a request for tentative plat approval of a proposed two-lot partition of a 6.20-acre parcel, along with a request for a change of zone from Light-Industrial (I-L) to Regional Commercial (C-R) of a 1.90-acre portion of the total 6.20-acre parcel, located at 590 Airport Road (372W12A1102).

Vicinity Map



Subject Site Characteristics

Zoning: I-L (Light Industrial)
GLUP: CM (Commercial)
Overlay(s): AC (Airport Area of Concern)
Use(s): vacant

Surrounding Site Characteristics

North Zone: C-R
Use(s): Vacant land & Airport

South Zone: I-L
Use(s): Navigators Landing PUD & Candlewood Suites Medford Hotel

East Zone: C-R & C-C (Community Commercial)
Use(s): KRWQ

West Zone: I-L
Use(s): Courtyard by Marriot Hotel

Related Projects

CP-97-215 GLUP change from General Industrial (GI) to Commercial (CM)
AC-98-126 Zone change from I-L to CC (later withdrawn)

Applicable Criteria

MLDC 10.202(E): Land Division Criteria

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

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

Medford Land Development Code §10.204, Zone Change Criteria

The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) through (3) below:

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.*
- (2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.*

(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

(iii) The overall area of the C-R zoning district shall be over three acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.

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

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

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

- (i) Restriction of uses by type or intensity; however, in cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development, on the subject property or adjacent parcels. In no case shall residential densities be approved which do not meet minimum density standards,*
- (ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule,*
- (iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.*

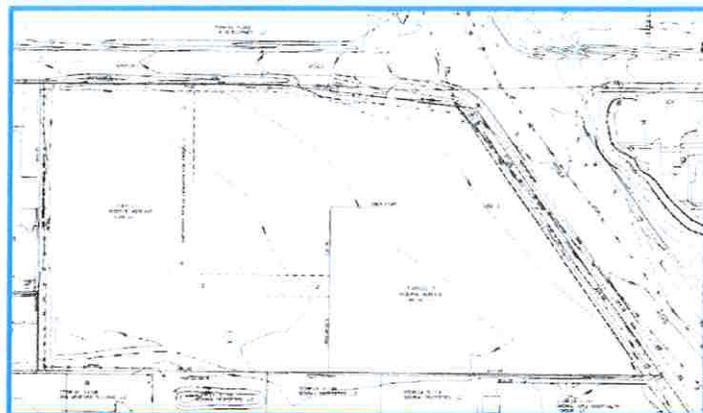
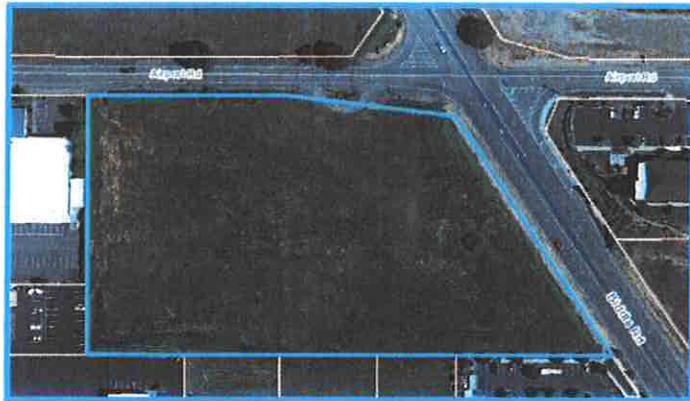
Corporate Names

The Oregon State Business Registry lists Sedona Properties, LLC as located at 1175 E Main Street in Medford, and its registered agent as Thomas Becker.

ISSUES AND ANALYSIS

Project Summary

The subject site consists of a single 6.20-acre parcel, and is currently vacant. The applicant is proposing to partition the property, creating two lots: a 4.30-acre lot, identified as Parcel 1 on the tentative plat; and a 1.90-acre parcel, identified as Parcel 2 on the tentative plat. The applicant is additionally requesting to rezone Parcel 2 from I-L to C-R, while Parcel 1 will retain its current I-L zoning designation. Access to both parcels is proposed off of Airport Road via a 30-foot temporary access easement provided by Parcel 1, as identified on the tentative plat. The applicant's findings state that the future development of the remainder of Parcel 1 may result in the relocation of the temporary access.



Development Standards

Site Development Table

	Lot Area	Min. lot Width	Min. lot Depth	Min. Lot Frontage
Required I-L	20,000 SF	70 feet	100 feet	70 feet
Shown Parcel 1	4.30 AC (187,308 SF)	384 feet	400 feet	691 feet
Required C-R	15,000 SF	70 feet	100 feet	70 feet
Shown Parcel 2	1.90 AC (82,764 SF)	230 feet	282 feet	276 feet

As shown in the Site Development Tables above, it can be found that the 2 lots shown on the tentative plat meet all the dimensional standards for the I-L and C-R zoning districts, respectively, as found in Article V of the Medford Land Development Code.

Reserve Acreage

The submitted tentative plat shows both proposed parcels designated as Reserve Acreage. Pursuant to MLDC 10.708(A)(3)(a), portions of a project site which are not intended to be part of the development and can be separately developed at a later, may be designated as Reserve acreage. The public improvements for the tracts identified as Reserve Acreage may be delayed until the time at which the properties are developed. Accordingly, the submittal and approval of plans for site grading/drainage and detention, and all applicable public improvements, will be required at the time the site is developed in the future, and will not be required as part of the final plat approval for the subject partitioning of the property.

Traffic Impact Analysis (TIA)

A TIA prepared by Southern Oregon Transportation Engineering was submitted on behalf of the applicant for the proposed zone change (Exhibit Q). The report shows that the intersection of Airport Road and Biddle Road is currently exceeding City of Medford operational performance standards and that 25 or more peak hour trips would reach this intersection from the property.

The applicant is proposing a trip cap consisting of the allowable trips under the existing I-L zoning (570 ADT), plus the maximum allowable trips per the code prior to onset of significant impact to a failing intersection (249 ADT). The trip cap would be for a maximum of 819 ADT.

Public Works recommends the following condition of approval:

Trip generation on the property shall not exceed 819 ADT. The developer shall submit a trip accounting with any subsequent development applications showing that trip generation from the proposal will not cause the total trip generation of the subject site to exceed 819 ADT.

Sanitary Sewer Facilities

Per the staff report submitted by Public Works (Exhibit L), the down gradient storm drain system currently has capacity constraints, and the proposed zone change to C-R zoning has the potential to increase storm drainage flows down gradient where the system has capacity limitations. Pursuant to MLDC 10.204(3), the applicant must demonstrate that Category A urban services and facilities are available or can and will be provided to adequately serve the subject property with the permitted uses allowed under the proposed zoning. Accordingly, Public Works has recommended this zone change be denied, or the applicant stipulate to only develop so the total storm drainage flows do not exceed current zoning limitation; or the applicant shall make improvements to the down gradient storm drain system to alleviate capacity constraints; or the developer shall provide an engineering study of the down gradient storm drain system to show capacity exists to allow the proposed zone change

As a condition of approval, prior to the approval of the zone change, the applicant will be required to Provide staff with a deed restriction recorded in the official records of Jackson County stipulating to only develop the property so that the total storm drainage flows do not exceed current zoning limitation, which will result in the property's approved C-R zoning classification additionally be designated with a Restricted Zoning (R-Z) administrative mapping overlay, restricting future development of the property; or the applicant shall make improvements to the down gradient storm drain system to alleviate capacity constraints; or the developer shall provide an engineering study of the down gradient storm drain system to show capacity exists to allow the proposed zone change.

Facility Adequacy

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

Other Agency Comments

Jackson County Roads (Exhibit P)

The segment of Biddle Road fronting the subject property is under the jurisdiction of Jackson County. The report received by Jackson County Roads lists eight comments, including a request to review and comment on the hydraulic report including the calculations and drainage plan.

As a condition of approval, the applicant will be required to comply with all applicable requirements of Jackson County Roads, prior to final plat approval.

Committee Comments

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

FINDINGS AND CONCLUSIONS

Land Partition

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; and criterion 3-6 are inapplicable.

Zone Change

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the CM General Land Use Plan Map designation and the proposed trip cap stipulation (Exhibit Q) will ensure consistency with the Transportation System Plan. The Commission can find that this criterion is met.
- With regard to Criterion 2, there is adequate evidence in the record to demonstrate that the proposal meets the locational criteria for the C-R zoning district, as the subject property, when combined with abutting properties zoned C-R, exceeds three acres in size; fronts an arterial street (Biddle Road); and does not include a neighborhood shopping center. The Commission can find that this criterion is met.
- With regard to Criterion 3, the agency comments included as Exhibits K-0, demonstrate that, with the imposition of the condition of approval contained in Exhibit A, Category A facilities can be made to be adequate to serve the property at the it is developed in the future. The Commission can find that this criterion is met.

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDP-19-055 & ZC-19-003 per the staff report dated June 6, 2019, including Exhibits A-R.

EXHIBITS

- A Conditions of Approval, dated June 6, 2019.
- B Tentative Plat, received May 3, 2019.
- C Applicant's Vicinity Map, received May 3, 2019.
- D GLUP Map, received May 3, 2019.
- E Zoning Map (current), received May 3, 2019.

- F Zoning Map (proposed), received May 3, 2019.
- G Airport Overlays Map, received May 3, 2019.
- H Assessor's Map, received May 3, 2019.
- I Legal description and Exhibit Map, received May 3, 2019.
- J Finding of Fact and Conclusions of Law, received May 3, 2019.
- K Public Works report (Land Partition), received May 22, 2019.
- L Public Works report (Zone Change), received May 22, 2019.
- M Medford Water Commission memo and associated map, received May 22, 2019.
- N Fire Department report, received May 22, 2019.
- O Rogue Valley Sewer Services (RVSS) report, received May 14, 2019.
- P Jackson County Roads report, received May 14, 2019.
- Q Traffic Impact Analysis (Summary), received April 3, 2019.
- R Conceptual layout for future hotel, received June 5, 2019.
Vicinity map

PLANNING COMMISSION AGENDA:

JUNE 13, 2019

EXHIBIT A

Sedona Properties
LDP-19-055 / ZC-19-003
Conditions of Approval
June 6, 2019

CODE REQUIRED CONDITIONS

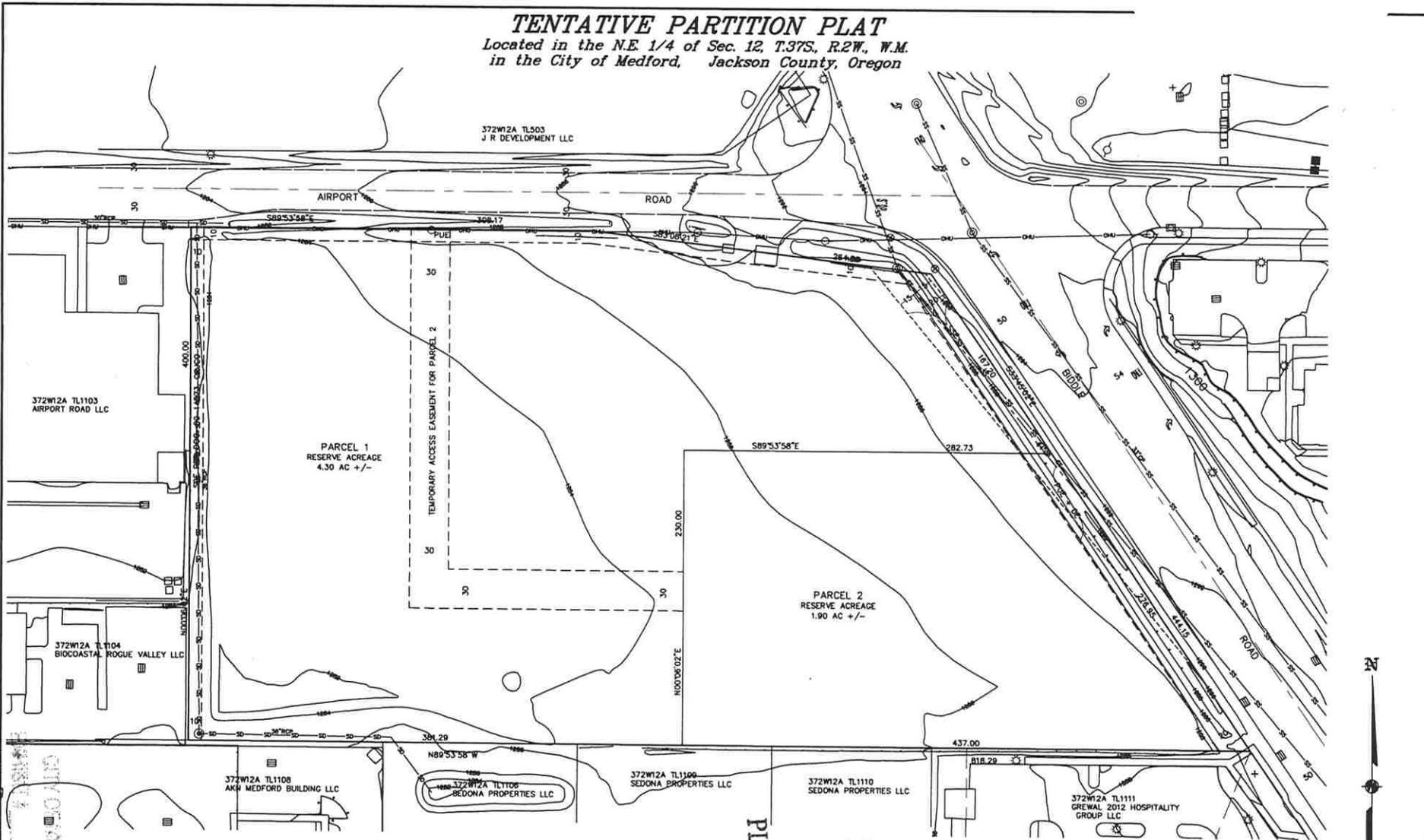
Prior to the approval of the final plat, the applicant shall:

1. Comply with all applicable conditions stipulated by the Medford Public Works Department (Exhibits K).
2. Comply with all applicable conditions stipulated by the Rogue Valley Sewer Services (RVSS) (Exhibit O).
3. Comply with all applicable requirements of Jackson County Roads (Exhibit P).

Prior to the approval of the zone change, the applicant shall:

4. Provide staff with a deed restriction recorded in the official records of Jackson County stipulating to only develop the property so that the total storm drainage flows do not exceed current zoning limitation, which will result in the property's approved C-R zoning classification additionally be designated with a Restricted Zoning (R-Z) administrative mapping overlay, restricting future development of the property; or the applicant shall make improvements to the down gradient storm drain system to alleviate capacity constraints; or the developer shall provide an engineering study of the down gradient storm drain system to show capacity exists to allow the proposed zone change (Exhibit L).

TENTATIVE PARTITION PLAT
 Located in the N.E. 1/4 of Sec. 12, T.37S., R.2W., W.M.
 in the City of Medford, Jackson County, Oregon



Page 75

ADP 17-055/2e19-003
 B

EXHIBIT "A"

FILE NO.: _____ DATE: _____

ASSESSOR'S MAP # 372W12A TL1102

ZONING DISTRICT: I-1

MIN. LOT SIZE: 8000 SF MAX. LOT SIZE: 18750 SF

NO. OF LOTS: 2 RESERVE ACREAGE PARCELS

MAPS TRACT: _____

COMP. PLAN DESIGNATION: INDUSTRIAL

RECEIVED BY: _____ DATE: _____

REVIEWED BY: _____ DATE: _____

GENERAL NOTES

SCHOOL DISTRICT: MEDFORD 541C
 IRRIGATION DISTRICT: A.L.D. (NOT BEING ASSESSED)
 TOTAL GROSS ACREAGE: 7.23 AC.
 NET ACREAGE: 6.30 AC
 TOPOGRAPHY FROM 2018 MEDFORD AERIAL MAPPING.
 50 FT = SQUARE FEET.
 FILE = EXISTING PUBLIC UTILITY EASEMENT.
 SDE = EXISTING STORM DRAINAGE EASEMENT.
 DE = EXISTING DRAINAGE EASEMENT.

RECEIVED
 APR 03 2019
 PLANNING DEPT.



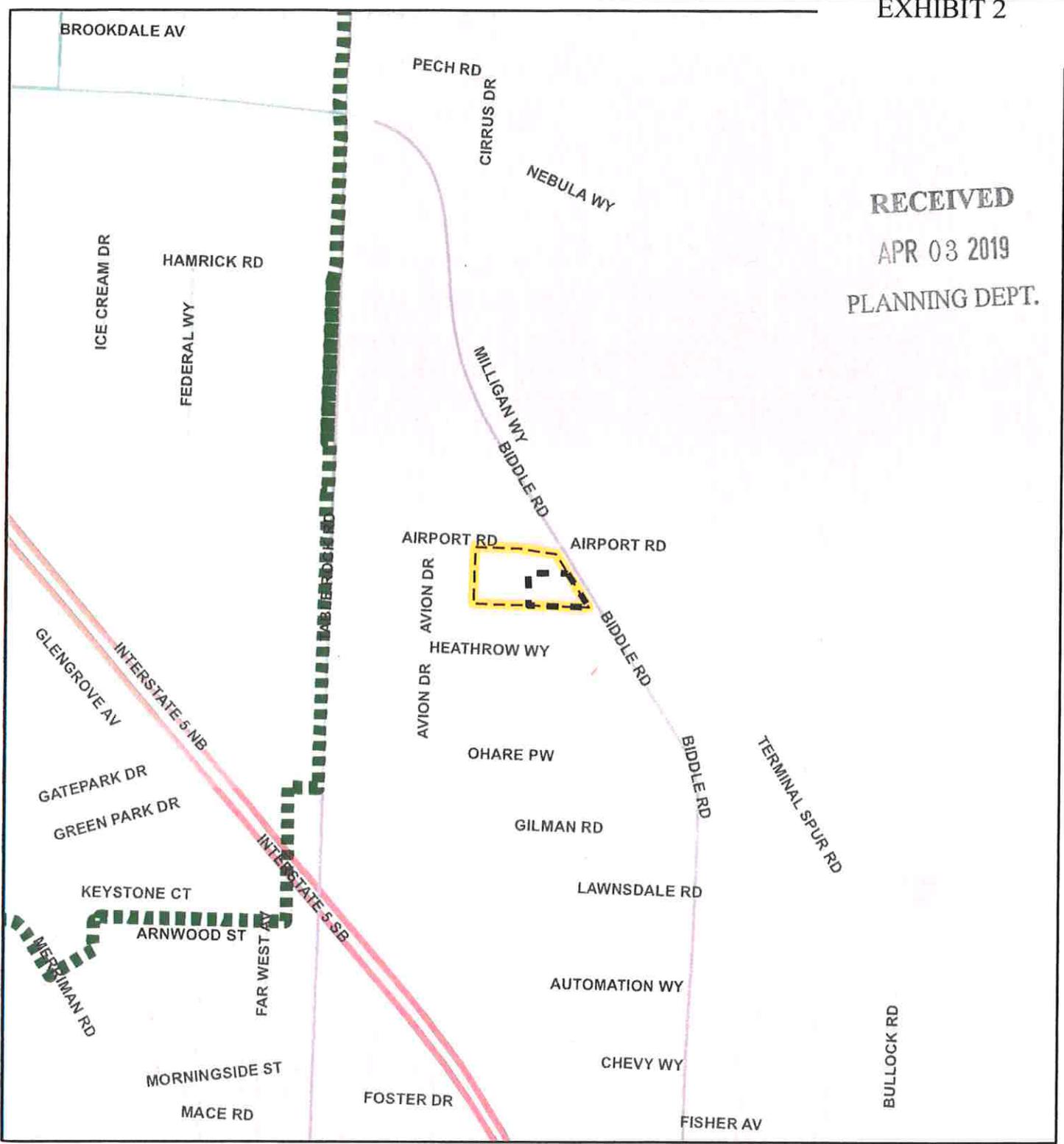
REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hibbs
 OREGON
 JULY 17, 1988
 JAMES E. HIBBS
 2234
 RENEWAL DATE 8-30-19

TITLE: PROPOSED LAND PARTITION
 ASSESSOR'S MAP # 372W12A TL1102
 APPLICANT & OWNER:
 SEDONA PROPERTIES, LLC
 1175 E. MAIN ST., 2B
 MEDFORD, OR 97504

L.J. FRIAR & ASSOCIATES P.C.
 CONSULTING LAND SURVEYORS
 100 BOX 1847, HINGOLES, OR
 (503) 722-5765
 lfriar@friar.net

DATE: 8 MAR 2019
 SCALE: 1 inch = 50 feet
 DRAWN BY: JEH
 CWF BY:
 CHECKED BY:
 ROTATION OF JOB: 1912274
 Sheet 1 of 1.

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PLANNING DEPT.



City Limits

-  Site
-  Subject
-  Urban Growth Boundry
-  Central Point
-  Medford

Vicinity Map

Sedona Properties LLC
Zoning Change / Partition
37-2W-12A tax lot 1102

CITY OF MEDFORD
EXHIBIT # C
File # LDP-19-055/20-19-003



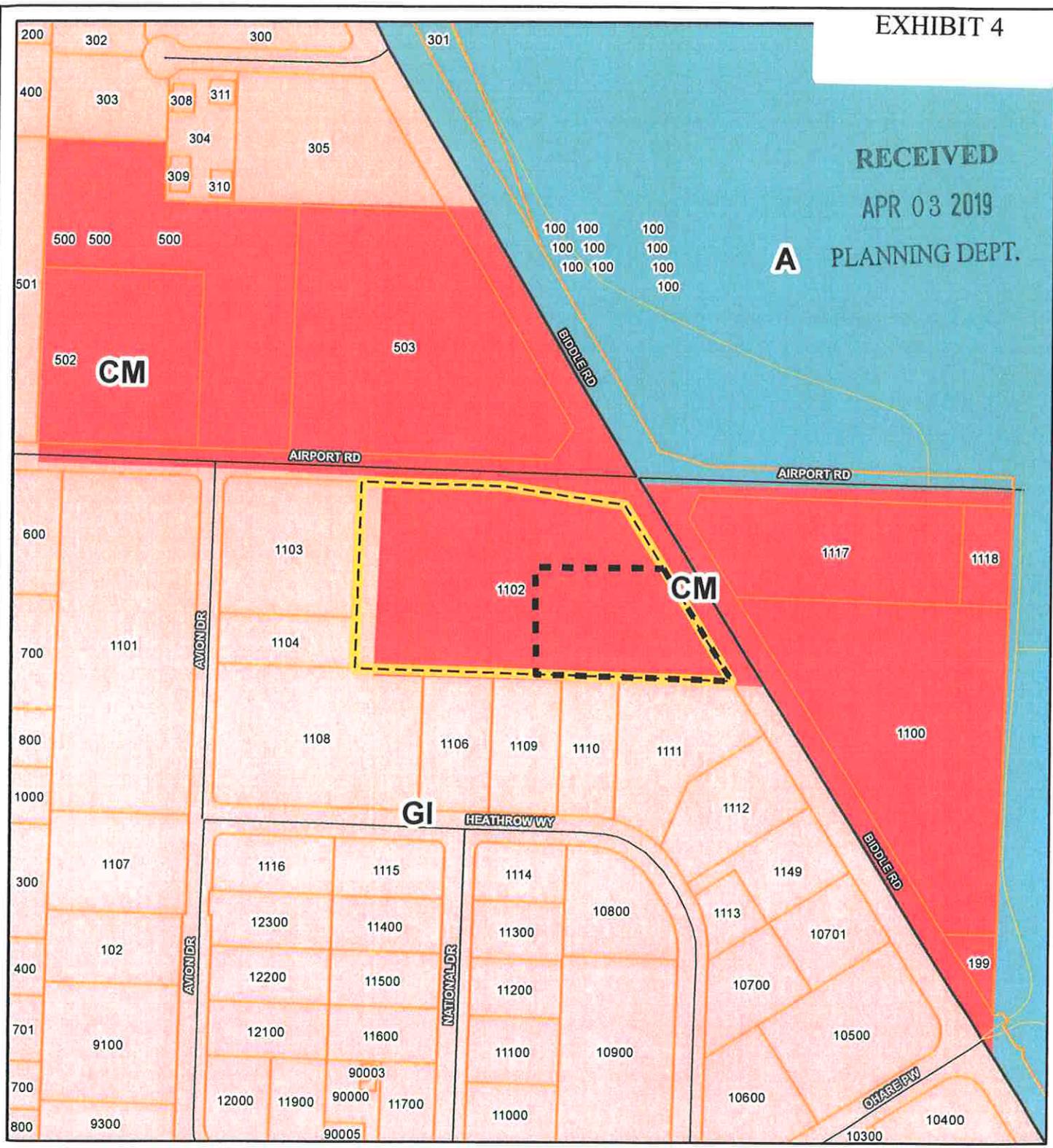

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PLANNING DEPT.

A



GLUP

- Site
- Subject
- Tax Lots

- A
- CM
- GI

General Land Use Plan (GLUP) Map

Sedona Properties LLC
 Zoning Change / Partition
 37-2W-12A tax lot 1102

CITY OF MEDFORD
 EXHIBIT #
 FILE # LDP-19-055/ZC-19-003

CSA Planning LTD

300 150 0 300 Feet

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

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-  Site
-  Subject
-  Tax Lots
-  Medford Zoning

Current Zoning Map

Sedona Properties LLC
Zoning Change / Partition
37-2W-12A tax lot 1102

2016 Aerial
CITY OF MEDFORD
EXHIBIT # E
FILE # LDP-19-055/ZC-19-003


CSA Planning LTD


 300 150 0 300 Feet

EXHIBIT 6

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Proposed
C-R Zoning
(2.22 ac)

C-R

C-R

I-L

C-C

-  Proposed C-R Zoning
-  Subject
-  Tax Lots
-  Medford Zoning

Proposed Zoning Map

Sedona Properties LLC
Zoning Change / Partition
37-2W-12A tax lot 1102

2016 Aerial
CITY OF MEDFORD

EXHIBIT # F

FILE # LDP-19-055/ZC-19-003

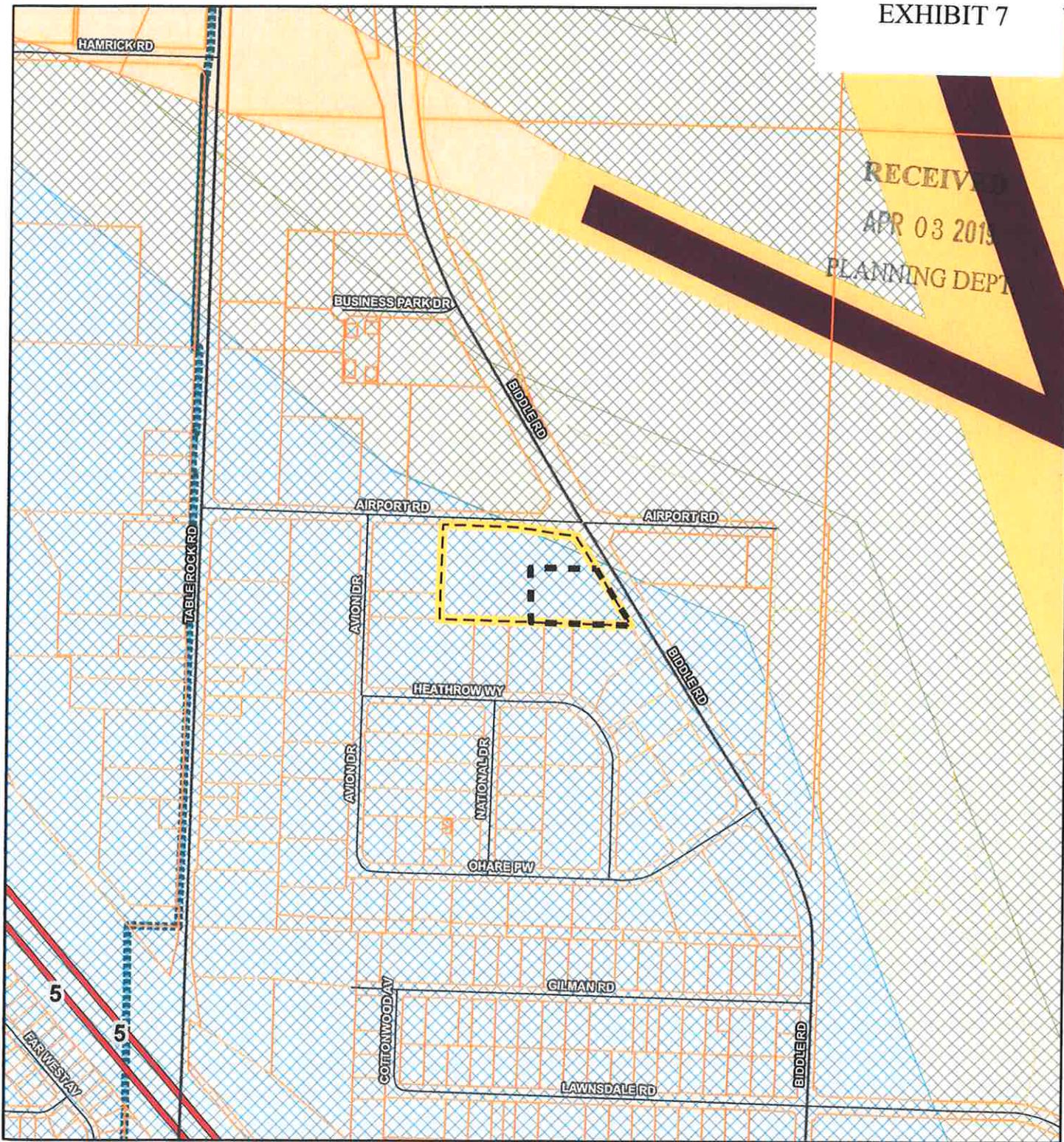


300 150 0 300 Feet

CSA Planning LTD

162

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	Site	Airport Overlays
	Subject	Horizontal Surface (Plane)
	Tax Lots	Approach Surface (20:1)
	UGB	Transitional Surface (7:1)
		Primary Surface
		Runway

Airport Overlays

Sedona Properties LLC
 Zoning Change / Partition
 37-2W-12A tax lot 1102

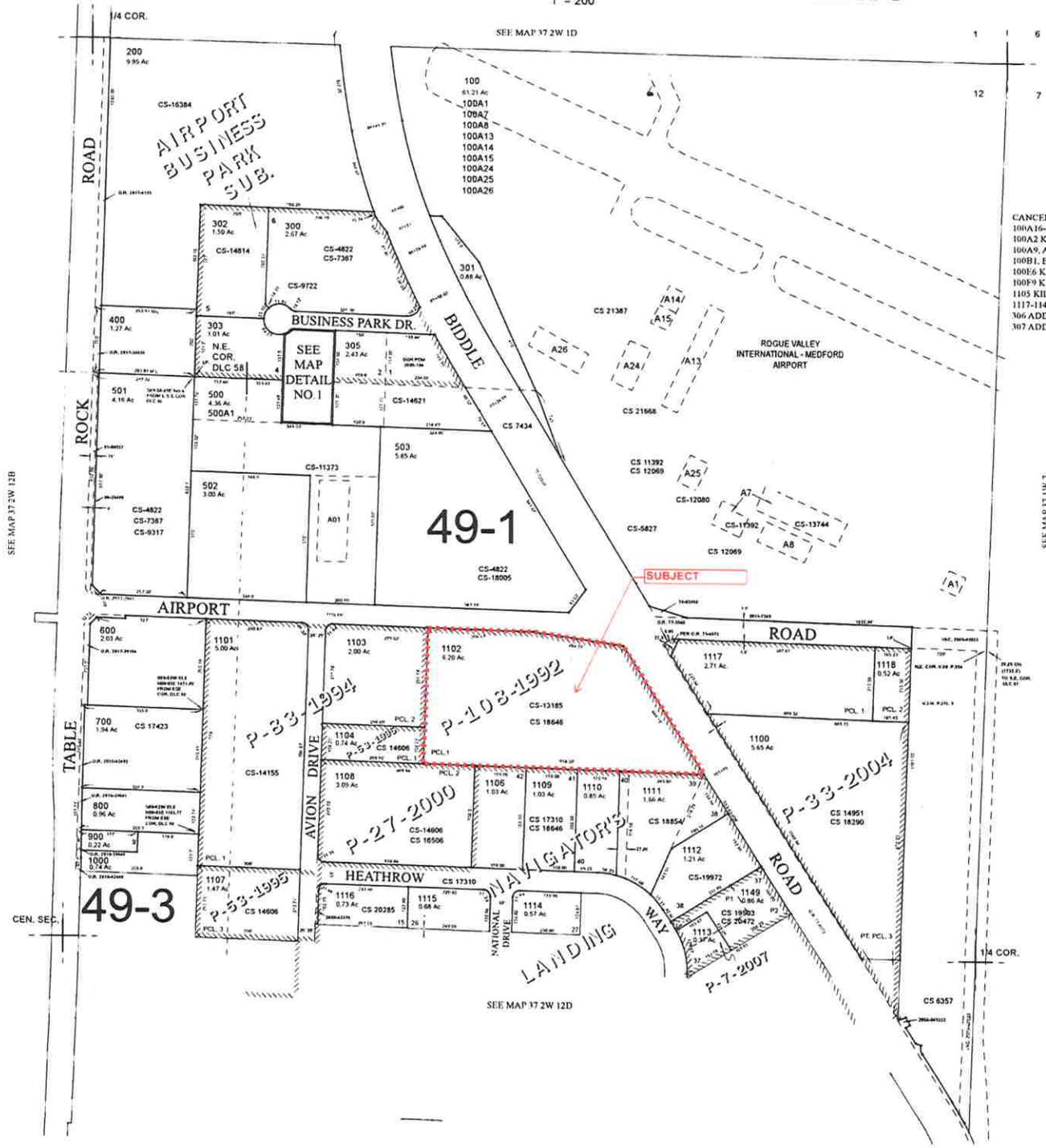
CITY OF MEDFORD
EXHIBIT # G
FILE # LDP-19-055/ZC-19-003



600 300 0 600 Feet



CSA Planning LTD



CANCELLED TAX LOT NUMBERS
 100A16-100A23 REMAPPED TO 372W01D
 100A2 KILLED TO 100
 100A9, A10, A11, A12 KILL TO 100
 100B1, B2, C7, D7, E7-E9, F1-F8 REMAPPED TO A10-A24
 100E6 KILL TO 100
 100F9 KILL TO 100
 1105 KILLED TO STREET
 1117-1148 REMAPPED TO 372W12D
 306 ADDED TO 305
 307 ADDED TO 500

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 PLANNING DEPT.

372W12A
 MEDFORD
 NEW MAP March 28, 2011
 REV April 20, 2018

Page 81

CITY OF MEDFORD
 LDP-19-055 / ZC-19-003
 GIS DATA
 05/17/2018 7:12:57 AM bomsamb

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

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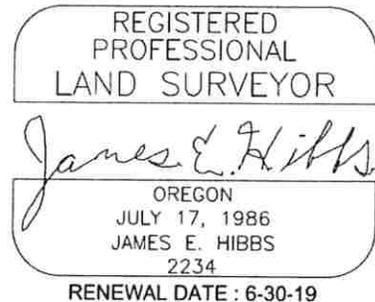
ljfriar@charter.net

LEGAL DESCRIPTION

PLANNING DEPT.

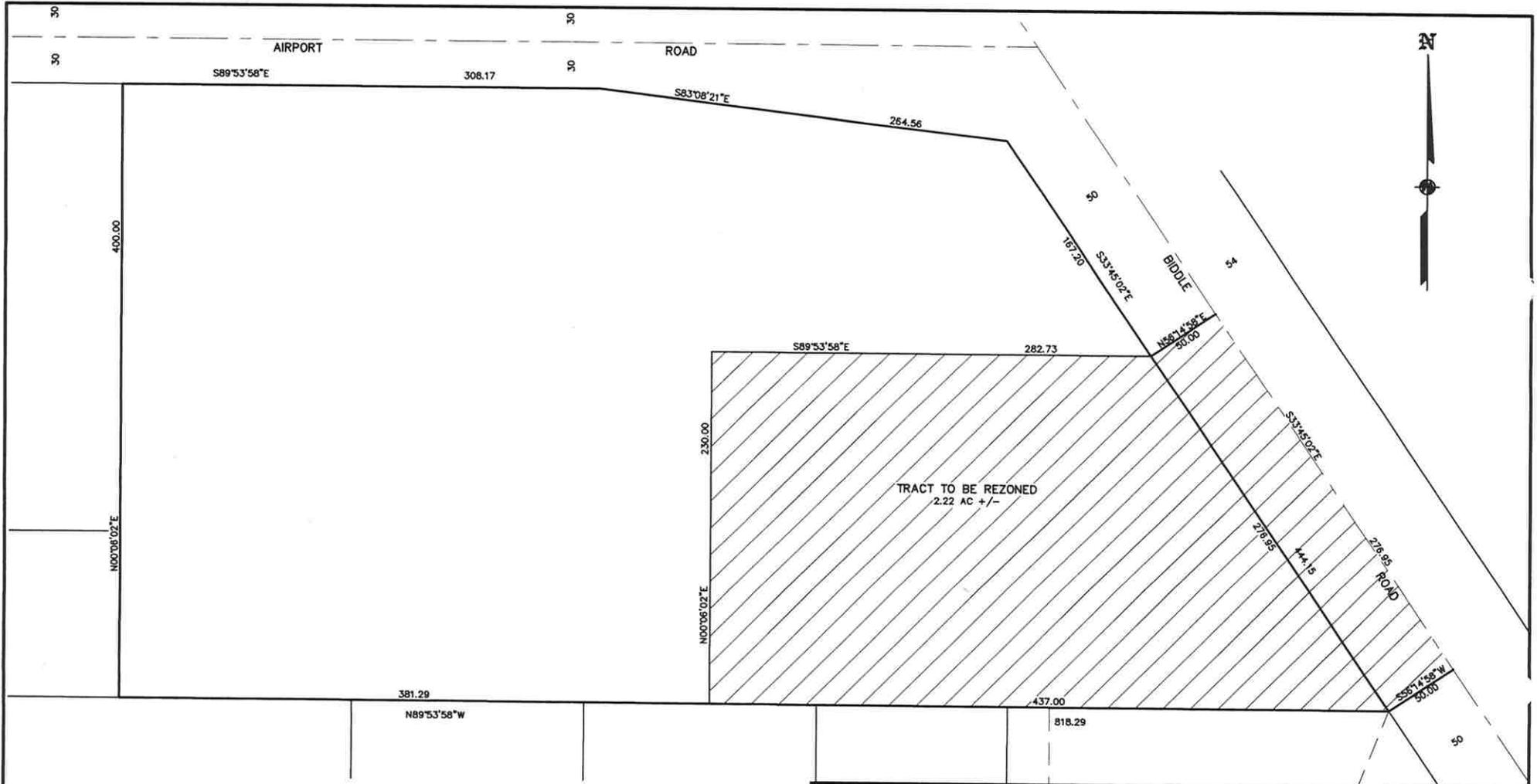
Beginning at the Southeast corner of Parcel 1 per Partition Plat No. P-108-1992, according to the official plat thereof, now of record, in Volume 3, Page 108 of "Record of Partition Plats" of Jackson County, Oregon filed as Survey No. 13185 in the Office of the Jackson County Surveyor; thence along the South line thereof, North 89°53'58" West, 437.00 feet; thence North 00°06'02" East, 230.00 feet; thence South 89°53'58" East, 282.73 feet to the East line of said Parcel 1; thence perpendicular to said East line, North 56°14'58" East, 50.00 to the centerline of Biddle Road; thence along said centerline, South 33°45'02" East, 276.95 feet to a point being perpendicular to said East line from the point of beginning; thence South 56°14'58" West, 50.00 feet to the point of beginning. Containing 2.22 acres, more or less.

TRACT TO BE REZONED
Portion of 372W12A TL1102
Sedona Properties LLC
19-122
March 13, 2019



CITY OF ASTORIA
REGISTRATION
FILE LDP-19-055/ZC-19-003

8



© L.J. FRIAR & ASSOCIATES, P.C. 2019

<p>REGISTERED PROFESSIONAL LAND SURVEYOR</p> <p><i>James E. Hibbs</i></p> <p>OREGON JULY 17, 1986 JAMES E. HIBBS 2234</p> <p>RENEWAL DATE: 6-30-19</p>	<p>TITLE: TRACT TO BE REZONED</p>	<p>DATE: 13 MAR 2019</p>
	<p>ASSESSOR'S MAP #: PORTION OF 372W12A TL1102</p>	<p>SCALE: 1 Inch = 60 feet</p>
<p>FOR: BECKER PROPERTIES 1175 E. MAIN ST., SUITE 2B MEDFORD, OR 97504</p>	<p>DRAWN BY: JEH CHK BY:</p>	<p>ORIGIN:</p>
<p>L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS P.O. Box 1947, Phoenix, OR 97535 Phone: (541) 772-2782 Email: lfriar@charter.net</p>	<p>ROTATION: 0° JOB#: 10122FM</p>	<p>Sheet 1 of 1.</p>

RECEIVED

APR 03 2019

BEFORE THE PLANNING COMMISSION

PLANNING DEPT.

FOR THE CITY OF MEDFORD

JACKSON COUNTY, OREGON

THE MATTER OF A PARTITION)
TENTATIVE PLAT AND ZONE)
CHANGE OF 1.90 ACRES FROM A 6.20)
ACRE PARCEL FROM INDUSTRIAL)
LIGHT (I-L) TO COMMERCIAL)
REGIONAL (C-R) FOR A PORTION OF)
TAX LOT 1102 IN TOWNSHIP 37)
SOUTH, RANGE 02 WEST, SECTION)
12A WITHIN THE CORPORATE LIMITS)
OF THE CITY OF MEDFORD,)
OREGON.)

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

Applicants/Owners: Sedona Properties)
LLC.)

Agent: CSA Planning, Ltd.)

I

SCOPE AND NATURE OF THE APPLICATION

The proposal is for review of concurrent Type II Partition Tentative Plat and Type III Minor Zone Change applications. Applicant proposes to partition and rezone 1.90 acres (2.22 gross acres calculated to the middle of Biddle Road right-of-way) of a 6.20 acre parcel identified as Tax Lot 1102 (372W12A) located at the southwest corner of the intersection of Airport Road and Biddle Road. Currently Tax Lot 1102 has a zoning designation of Light Industrial (I-L). The proposal is to rezone the partitioned 1.90 acre parcel to Regional Commercial (C-R). The remainder of Tax Lot 1102 will remain zoned as Light Industrial. Nothing about the proposed zone change concerns the residual portion of the property not being zone changed.

Applicants have an agreement, in principal, with a hotel developer for the resulting rezoned Parcel 2. It is expected that the trip cap to which the rezone has stipulated herein will be more than adequate to meet the trip generation requirements of the contemplated hotel for the resulting Parcel 2.

CITY OF MEDFORD

EXHIBIT # I

FILE # LDP-19-055/ZC-19-003

II

EVIDENCE SUBMITTED WITH APPLICATION

Applicants herewith submit the following evidence in support of this land use application:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed Partition and Zone Change complies with the relevant substantive approval criteria
- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 372W12A
- Exhibit 4.** Map of Current General Land Use Plan Designation
- Exhibit 5.** Map of Current Zoning over Aerial Photo
- Exhibit 6.** Map of Proposed Zoning (in related application)
- Exhibit 7.** Airport Overlay Map
- Exhibit 8.** Partition Tentative Plat
- Exhibit 9.** Legal Description of the area proposed for zone change by L.J. Friar & Associates, P.C.
- Exhibit 10.** Traffic Impact Analysis Stipulation Letter dated March 26, 2019 prepared by Southern Oregon Transportation Engineering, LLC
- Exhibit 11.** Signed and Completed Application Form and Agent Authorization

III

APPLICABLE SUBSTANTIVE CRITERIA

The criteria under which the application for Partition Tentative Plat and Zone Change may be approved are recited verbatim below.

10.170 Partition Tentative Plat

(A) Final Plat Approval Required.

The partitioning of land shall be subject to the application requirements as herein set forth and shall include both the tentative and final platting requirements. The approval of a partition tentative plat is a Type II administrative decision with notice and the Planning Director is the approving authority. Final partition plat approval is a Type I ministerial action which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in Section 10.162.

(B) Application for Partition Tentative Plat. See Section 10.202(B).

(C) Form of Tentative Plat and Accompanying Data. See Section 10.202(C).

(D) Partition Approval Criteria.

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

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

10.204 Zone Change

(B) Zone Change Approval Criteria.

The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) through (3) below:

- (1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.
- (2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.



(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

(i) The overall area of the C-N zoning district shall be three acres or less in size and within, or abutting on at least one boundary, with residential zoning. In determining the overall area, all abutting property(s) zoned C-N shall be included in the size of the district.

(ii) The overall area of the C-C zoning district shall be over three acres in size and shall front upon a collector or arterial street or state highway. In determining the overall area, all abutting property(s) zoned C-C shall be included in the size of the district.

(iii) The overall area of the C-R zoning district shall be over three acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.

(iv) The C-H zone shall front upon an arterial street or state highway. The C-H zone may abut the General Industrial (I-G), Light Industrial (I-L), and/or any commercial zone. The C-H zone is ordinarily considered to be unsuitable if abutting any residential or I-H zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.

(e) For purposes of (2)(c) and (2)(d) above, a zone change may be found to be suitable where compliance is demonstrated with one or more of the following criteria:

(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one zone;

(ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (2)(c) or (2)(d) above;

(iii) At least 50% of the subject property's boundaries abut properties that contain one or more existing use(s) which are permitted or conditional use(s) in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing use(s); or

(iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Subsection (2) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least 60 feet in width.

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

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

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs: 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 an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

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

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

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

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

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

IV

FINDINGS OF FACT

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

1. **Property Description and Location:** The subject property is identified as Tax Lot 1102 (372W12A) within the corporate limits of the City of Medford and its urban growth boundary. The property is located at the southwest intersection of Airport Road and Biddle Road.
2. **Owners:** The subject property is in the ownership of Sedona Properties LLC.
3. **Existing Land Use:** Currently the property is vacant. There are no known improvements on the property.
4. **Existing and Proposed GLUP Map Designation:** Under a previous application, File 97-215, tax lot 1102 applied for a General Land Use Plan (GLUP) Map Amendment from General Industrial (GI) to Commercial (CM). Tax lot 1102 currently has a GLUP designation of Commercial (CM).
5. **Existing and Proposed Zoning:** Under a previous application, File 98-126, Tax Lot 1102 applied for a zone change from Light Industrial (I-L) to Community Commercial (C-C) but the application was later withdrawn. Currently Tax Lot 1102 has a zoning designation of Light Industrial (I-L) which is inconsistent with the Commercial (CM) GLUP Map designation. Applicant seeks a zone change to Regional Commercial (C-R) consistent with the Commercial Plan Map designation.
6. **Commercial Development Standards:** The proposed partition will create two parcels where only one exists now. Prior to the partition Tax Lot 1102 is 6.20 acres (270,072 square feet), approximately 390 feet in width, and 680 feet in depth. If approved Tax Lot 1102, and identified on the tentative plat as parcel 1, will be 140 feet in width at its narrowest point, 370 feet in depth at its narrowest point and 4.30 acres (187,308) square feet. The 1.90 acre, as identified on the tentative plat as parcel 2, will be approximately 225 feet in width, 340 feet in depth and 1.90 acres (82,764 square feet). The following commercial development standards apply to the proposed zone change and partition:

COMMERCIAL DEVELOPMENT	
Development Standards	C-R
Minimum & Maximum Area for Zoning District (Acres)	None
Minimum Lot Area (Square Feet)	15,000
Minimum Lot Width	70 feet
Minimum Lot Depth	100 feet

7. **Adjacent Zoning:** Parcel 1 will retain its current zoning designation of Light Industrial (I-L). All immediately adjacent properties are zoned I-L. Properties north and across Airport Road are zoned Regional Commercial (C-R). Properties east across Biddle Road are zoned Regional Commercial and Community Commercial (C-C). Land to the northeast is I-L and is the site of the Rogue Valley International Airport.
8. **Zoning Overlays:** The subject Tax Lot 1102 is within the Airport Area of Concern Overlay.
9. **Surrounding Land Uses:** The Exhibit 5 aerial/zoning map accurately depicts the pattern of land partitioning and development in the surrounding area. The land uses which presently surround the property are:

South: Surrounding properties to the south are zoned I-L with light industrial and commercial uses and includes Navigators Landing PUD. Immediately adjacent and to the south of the subject property are five parcels. West Coast Paper a metal prefabricated 65,425 square foot building with covered dock is located at the southwest corner of tax lot 1102. The next three properties to the east from West Coast Paper are owned by the applicant and are vacant. The parcel adjacent to tax lot 1102 and at its southeast corner and adjacent to Biddle Road is improved with a 60 unit, 39,492 square foot Candlewood Suites hotel.

East: There are two properties to the east and east of Biddle Road. The parcel at the intersection of Airport Road and Biddle Road is zoned C-R and is improved with a 60 unit, 56,962 square foot Courtyard by Marriott hotel. The parcel south of the hotel property is zoned C-C and is vacant.

North: Airport Road fronts the subject property along its north property boundary. At the northeast corner of the intersection of Airport Road and Biddle Road is the Rogue Valley International Airport.

Under a recent conditional use application two parcels north of tax lot 1102 and north of Airport Road were approved to allow a private/parochial school (Grace Christian) and associated sports/recreational fields.

West: Immediately adjacent to the west are two parcels that have frontage on Avion Drive that are zoned Light Industrial. GoKart Indoor Raceway occupies the large 30,400 square foot commercial building at the southeast corner of the intersection of Airport Road and Avion Drive. The parcel to the south of GoKart Indoor Raceway is developed with a single 4,956 square foot office building in the ownership of Biocoastal Media.

10. **Essential (Category 'A') Public Facilities:** The comprehensive plan defines Category 'A' public facilities to include the below components. Relevant facts pertaining to these follow:

- A. **Sanitary Sewage Collection and Treatment:** The site lies within the Rogue Valley Sewer Service (RVSS) area. An 8-inch sewer main is located along the south right-of-way of airport road and terminating at the northwest corner of tax lot 1102. A 54-inch sewer main is located within the west right-of-way of Biddle Road.

- B. Municipal Water Service:** Medford Water Commission has an existing 24-inch water transmission line along the south right-of-way boundary of Airport Road and along the west right-of-way boundary of Biddle Road along the east frontage of tax lot 1102. A 6-inch water line is located on the north right-of-way boundary of Airport Road. One fire hydrant is located at the intersection of Avion Drive and Airport Road approximately 300 feet from the northwest corner of tax lot 1102 and one fire hydrant is located on the north right-of-way boundary of Airport Road approximately 700 feet west of the intersection of Airport and Biddle Roads.
- C. Storm Drainage:** This site lies within the Lone Pine Creek Drainage Basin. The City of Medford has existing storm drain facilities in the area. Any new development will be required to provide stormwater quality and detention at time of development in accordance with city standards as may be in effect.
- D. Transportation Facilities:** Applicants engaged Southern Oregon Transportation Engineering to assess the expected traffic impacts which may result from that portion of tax lot 1102 being zone changed that is identified as Parcel 2 on the tentative plat map. An analysis for the zone change dated March 26, 2019, is attached as Applicants' Exhibit 10. The following findings of fact are reached with respect to streets and traffic:
- **Access:** Tax lot 1102 currently takes its access from Airport Road. Applicant proposes a 30-foot wide access easement from Airport Road extending south through Tax Lot 1102. Future development of the remainder of Tax Lot 1102 may result in relocation of this internal access drive aisle.
 - **Street Functional Classification:** According to Figure 5.2 of the City of Medford Transportation System Plan, Biddle Road is classified as a Major Arterial Street and Airport Road is classified as a Local Street. Table Rock Road, a Minor Arterial Road, is located nearby to the west of the subject property and connects to Airport Road.
 - **Summary Traffic Impacts:** Southern Oregon Transportation Engineering, LLC (SOTE) determined that the proposed partition and zone change from I-L to C-R would result in a net increase of 2,280 average daily trips (ADT) to the transportation system. In 2016 a traffic analysis performed by Kittelson & Associates was conducted for Costco at the intersection of Airport Road and Biddle Road and found that mitigation was required at this intersection based on Costco traffic increases. At this time no improvements have been made to the intersection and a planned future traffic signal is only partially funded. Since an unconditional approval is not possible without some form of mitigation to maintain an adequate level of service, a trip cap stipulation is proposed as per SOTE's recommendation and in accordance with MLDC Section 10.461(1) to restrict traffic generation to the level that would be generated by the existing I-L zoning plus up to 249 ADT which results in no significant impact to the transportation system. That level of increase is not considered to be a significant change and accordingly, a trip cap stipulation of 819 ADT or an equivalent 82 p.m. peak hour trips, is proposed.

V

CONCLUSIONS OF LAW

The following conclusions of law and ultimate conclusions are reached with respect to the proposed Partition Tentative Plat and Zone Change. The following discussion and conclusions of law are preceded by the criteria to which they relate:

***City of Medford Partition Tentative Plat Approval Criteria
Medford Land Development Code (MLDC) 10.170***

10.170 Partition Tentative Plat

(D) Partition Approval Criteria.

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

Partition Tentative Plat 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;

Discussion; Conclusions of Law: As to consistency with the Comprehensive Plan, the Planning Commission concludes the Comprehensive Plan contains no specific goals, policies, and/or implementation strategies that by their language and context operate as approval criterion that is applicable to this land use decision. The Commission also concludes that compliance with the requirements of the adopted and acknowledged development standards for the I-L zoning district and other applicable sections of the MLDC establish consistency with the Comprehensive Plan. As to consistency with specific plans, the project site is not within the Bear Creek Master Planning area or the Southeast Plan overlay zoning district and is not within the area governed by the southeast area neighborhood circulation plan. The Planning Commission finds there are no specific plans that are applicable to this site.

With respect to the design standards of the MLDC, based upon the findings of fact in Section IV and evidence enumerated in Section II, the Planning Commission concludes that with approval of the proposed tentative plat, the subsequent final plat and ultimate development can feasibly and will comply with applicable requirements of MLDC Articles IV and V. Based upon the foregoing findings of fact and conclusions of law, the application is found to be consistent with the requirements of Tentative Plat Criterion 1.

Partition Tentative Plat 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: The proposed 1.90 acre partition is located at the southeast corner of Tax Lot 1102. The remainder of the property, 4.30 acres, will be sufficient in size and configuration as required by MLDC 10.721 to allow further development. After partitioning,



the remaining acreage will continue to have frontage and access from Airport Road to the north and Biddle Road to the east. Adjacent parcels to the south and west of Tax Lot 1102 are within Navigators Landing Subdivision. Three parcels are owned by the applicant, Sedona Properties, LLC, and are not developed. Three other parcels are in different ownerships and are developed. All adjacent parcels have access either from Avion Drive or Heathrow Way and the proposed partition will not change or hinder access for adjacent properties. Based upon the foregoing findings of fact and conclusions of law, the application is found to be consistent with the requirements of Criterion 2.

Partition Tentative Plat Criterion 3

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

Conclusions of Law: No new streets or alleys are proposed at this time. Adjacent properties are already developed and internal access through Tax Lot 1102 (parcel 1) will not require connection to any adjacent streets or alleys. A 30 foot wide easement will provide access from Airport Road through Tax Lot 1102 (parcel 1) to the proposed 1.90 acre parcel (parcel 2). Future development of the remainder of Tax Lot 1102 (parcel 1) may result in the relocation of the temporary access. This criterion is met.

Partition Tentative Plat Criterion 4

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

Conclusions of Law: An easement for access is proposed through Tax Lot 1102 (parcel 1) to the proposed 1.90 acre parcel (parcel 2) as shown on the tentative partition plat. Reservations or restrictions relating to the access easement will be set forth. This criterion is met.

Partition Tentative Plat Criterion 5

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

Conclusions of Law: There are no adjoining lands zoned Exclusive Farm Use. This Criterion is not applicable.



**City of Medford Zone Change Approval Criteria
Medford Land Development Code (MLDC) 10.204**

MLDC 10.204 ZONE CHANGE

(B) Zone Change Approval Criteria.

The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) through (3) below:

Zone Change 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.

Conclusions of Law: Regarding Medford's Transportation System Plan, the primary issues of compliance concern future access from Biddle Road and transportation facility adequacy. The Applicant is not proposing direct access to Biddle Road, and therefore, no access management issues on Biddle Road are anticipated to result from this zone change or associated future development. With respect to transportation facility adequacy, the Planning Commission concludes that the Exhibit 10 Traffic Stipulation Letter demonstrates that the site will be restricted to no more traffic generation than could be generated by the existing zone plus an amount of 24 peak hour trips which the City's adopted and acknowledged code considers to not be a significant impact on the transportation system.

With respect to the Transportation Planning Rule (TPR), the TPR 660-012-0060(2)(a) provides that cities may adopt measures to assure planned land uses are consistent with the planned function, capacity and performance standards of a transportation facility. By stipulating to a trip cap that is no greater than what could be generated under the existing zone, the City will be adopting a measure that assures planned land uses are consistent with the function, capacity and performance standards for the transportation system in a manner that complies in all ways with the TPR.

Therefore and based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that this application is consistent with the requirements of Zone Change Criterion 1.

Zone Change Criterion 2
(Inapplicable provisions omitted)

(2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.



(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

(iii) The overall area of the C-R zoning district shall be over three acres in size, shall front upon an arterial street or state highway, and shall be in a centralized location that does not otherwise constitute a neighborhood shopping center or portion thereof. In determining the overall area, all abutting property(s) zoned C-R shall be included in the size of the district. The C-R zone is ordinarily considered to be unsuitable if abutting any residential zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.

Conclusions of Law: The overall area with a C-R zoning designation, consists of the subject Parcel 2 and 4 additional adjacent parcels. Three parcels are located adjacent to the north of the subject tax lot 1102 and north of Airport Road and have an aggregate acreage of 13.21 acres. One adjacent parcel is located to the east and east of Biddle Road having 2.71 acres and the subject parcel 2 is 1.90 acres excluding the right-of-way area within Biddle Road. The cumulative acreage of the 5 parcels is 17.82 acres and exceeds the three acre requirement.

The 1.90 acre parcel 2 proposed for zone change to C-R is located at the southeast corner of tax lot 1102 with frontage on Biddle Road, a Major Arterial Road. The parcel is located across the intersection of Airport Road and Biddle Road from Rogue Valley International Airport and is centrally located between the Cities of Medford and Central Point. The surrounding area is developed with commercial and light industrial uses and does not include any neighborhood shopping center. The subject zone change is found to be consistent with Zone Change Criterion 2. Therefore, this criterion has been met.

Zone Change Criterion 3

(e) For purposes of (2)(c) and (2)(d) above, a zone change may be found to be suitable where compliance is demonstrated with one or more of the following criteria:

(i) The subject property has been sited on the General Land Use Plan Map with a GLUP Map designation that allows only one zone;

(ii) At least 50% of the subject property's boundaries abut zones that are expressly allowed under the criteria in (2)(c) or (2)(d) above;

(iii) At least 50% of the subject property's boundaries abut properties that contain one or more existing use(s) which are permitted or conditional use(s) in the zone sought by the applicant, regardless of whether the abutting properties are actually zoned for such existing use(s); or

(iv) Notwithstanding the definition of "abutting" in Section 10.012 and for purposes of determining suitability under Subsection (2) (e), the subject property is separated from the "unsuitable" zone by a public right-of-way of at least 60 feet in width.

Conclusions of Law: The area proposed to be rezoned to C-R abuts other C-R, C-C and I-L zoned properties along all of its boundaries and could therefore utilize this criterion if it were reached. This Criterion is met.



Zone Change Criterion 4

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

(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.

Conclusions of Law: Representatives of Rogue Valley Sewer Services and Medford Water Commission have verified that the Category A urban services and facilities for sewer and water are sufficient in capacity and adequacy for the proposed zone change and partition. New development will be required to provide stormwater quality and detention at the time of development in accordance with city standards as may be in effect at the time. This Criterion can and will be met.

* * * * *

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs: 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 an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(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.

Conclusions of Law: The Planning Commission herewith incorporates and adopts the Traffic Impact Stipulation letter prepared by Southern Oregon Transportation Engineering, and based upon the same, concludes that the intersection of Airport Road and Biddle Road has been shown to not have adequate capacity for additional trips without mitigation. The Applicant has proposed a trip cap stipulation that will limit the number of trips that could be generated under the Regional Commercial zone to no more than could be generated, presently, under the existing Light Industrial zone. The Planning Commission can impose special development conditions on zone changes as a means of demonstrating facility adequacy. Accordingly, the Planning Commission concludes no



significant impact will occur to the transportation system from the rezoning or proposed Parcel 2 provided parcel 2 shall not generate more than 82 PM peak hour trips or 819 average daily trips.

* * * * *

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

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

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

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

Conclusions of Law: The Planning Commission concludes that the proposed trip cap stipulation will not preclude future development of the subject property or adjacent properties. The Planning Commission further understands that applicant contemplates an intensive urban use (hotel) will fully occupy the rezoned acreage and that preliminary trip generation analysis indicates the hotel is projected to be consistent with restricted zoning trip generation requirements. Nothing about a hotel in this location is expected to preclude or limit urban intensity development on the rest of the site in any manner.

Discussion; Conclusions of Law: The Planning Commission concludes that the requirements of Zone Change Criterion 4 consist of several facets and subparts. These deal with public sanitary sewer, water, storm drainage and streets/transportation and their respective ability to accommodate the zone change in ways further set out in the criterion.

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission concludes that the application is consistent with the requirements of Zone Change Criterion 4 with respect to public sanitary sewer, water, and storm drainage and that the named public facilities are adequate to serve the subject zone change to C-R. In regards to streets/transportation applicant has stipulated to generating no more than 82PM peak hour trips and no more than 819 average daily trips for the future use of the site.



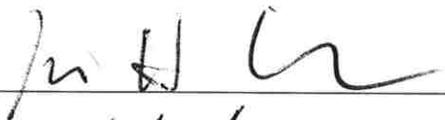
VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, the Planning Commission ultimately concludes that the criteria prerequisite to a Partition of 1.90 acres of land from a 6.20 acre parcel identified as Map 372W12A Tax Lot 1102 has been substantiated for each of the relevant criteria enumerated herein above as Partition Tentative Plat Criterion 1 through 5. Additionally the Planning Commission ultimately concludes that the criteria prerequisite to changing the zone of the subject 2.22 acre parcel, including adjacent right-of-way area within Biddle Road, from *I-L (Light Industrial)* to *C-R (Commercial Regional)* has been substantiated for each of the relevant criteria enumerated herein above as Zone Change Criterion 1 through 4. As such, the application has been determined to conform to all of the relevant substantive approval criteria of the City of Medford. Therefore, the Planning Commission orders that the application be and the same hereby is approved, and that the official City of Medford Zoning Map shall be changed for a 2.22 acre portion of Tax Lot 1102 (372W12A) and adjacent right-of-way area within Biddle Road to *C-R* consistent with the current GLUP map designation of Commercial.

Respectfully submitted on behalf of Applicant Sedona Properties, LLC:

CSA PLANNING, LTD.



Dated: 4/11/19



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 5/22/2019
File Number: LDP-19-055

PUBLIC WORKS DEPARTMENT STAFF REPORT 590 Airport Road (TL 1102) 2-Lot Partition

- Project:** Consideration of a request for tentative plat approval of a proposed two-lot partition of a 6.20-acre parcel, along with a request for a change of zone from Light-Industrial (I-L) to Regional Commercial (C-R) of a 1.90-acre portion of the total 6.20-acre parcel
- Location:** Located at 590 Airport Road (372W12A1102).
- Applicant:** Applicant, Sedona Properties, LLC; Agent, CSA Planning Ltd; Planner, Dustin Severs.

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

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

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

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

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

A. STREETS

1. Dedications

Biddle Road is classified as a Major Arterial street within the Medford Land Development Code (MLDC) Section 10.428. **No additional right-of-way is required.**

Airport Road is classified as a Minor Collector street, and in accordance with MLDC Section 10.48, it requires a total right-of-way width of 72-feet. Prior to issuance of any permit for construction, the developer shall dedicate for public right-of-way, sufficient width of land along the entire frontage of this development to comply with the half width of right-of-way, which is 36-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

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

In accordance with MLDC 10.471, **the property owner shall dedicate a 10-foot wide public utility easement (PUE)** adjacent to the proposed right-of-way line along this Developments entire frontage.

The right-of-way and PUE dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: right-of-way and PUE dedications, 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, all for review and signature acceptance by the City Engineer prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the areas dedicated.

2. Public Improvements

a. Public Streets

Biddle Road – All street section improvements, with the exception of a planter strip and sidewalk, have been completed in close conformance with current standards, including pavement, curb and gutter. With future development of TL 1102, a 5-foot wide sidewalk with a 10-foot planter strip is required along this developments frontage in accordance with MLDC 10.428.

Airport Road is classified as a Minor Collector street within the MLDC (10.428). **No additional improvements are required with this partition.**

b. Street Lights and Signing

No additional street lights are required with this partition. With future development of TL 1102, street lights will be required along these developments' respective frontages in accordance with MLDC 10.495.

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

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along these respective frontages.

3. Access to Public Street System

Driveway access to the site shall be in accordance with MLDC 10.550. Neither parcel shall be allowed driveway access to Biddle Road, all access shall be from Airport Road.

The applicant shall submit cross-access easements or restrictive covenants, in a form acceptable to the City, granting Parcel 2 perpetual access rights across Parcel 1.

4. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford

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

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

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

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

Airport Road:

The additional right-of-way on Airport Road will provide the needed width for a future planter strip and sidewalk. Airport Road is a 40 mile per hour facility, which currently carries approximately 3,100 vehicles per day. The 8-foot planter strip moves pedestrians a safe distance from the edge of the roadway. Airport Road will be a primary route for pedestrians traveling to and from this development.

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector Street capacity required as a result of new development. Because a mechanism exists in the form of SDC credit for right-of-way dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

Dedication of the Public Utility Easements (PUEs) will benefit development by providing public utility services, which are out of the roadway and more readily available to each lot or building being served. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated for this development is necessary and roughly proportional to that required in similar developments to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

This site lies within the Rogue Valley Sewer Service (RVSS) area. The Developer shall contact RVSS for conditions of connection to the sanitary sewer collection system.

C. STORM DRAINAGE

1. Drainage Plan

Future development shall provide a comprehensive drainage plan showing the entire project site with sufficient spot elevations to determine direction of runoff to the proposed drainage system, and also showing elevations on the proposed drainage system, shall be submitted with the first building permit application for approval.

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

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

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

2. Grading

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

3. Mains and Laterals

With future development, all roof drains and foundation drains shall be connected directly to a storm drain system.

4. Detention and Water Quality

Stormwater quality and detention facilities shall be required in accordance with MLDC Section 10.481, 10.486 and 10.729, with future development.

It appears that this development is on soils classified as belonging to the Type B hydrologic soil group as mapped by the Soil Survey of Jackson County, and on a slope of 5% or less. As such, the project will need to implement Low Impact Development techniques as listed in the Rogue

Valley Stormwater Quality Design Manual. The Applicant may elect to test the soil to determine classification, and if so, testing must be conducted by a licensed Geotechnical Engineer in the state of Oregon.

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

5. Erosion Prevention and Sediment Control

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

6. Easements

Developer needs to provide 10-foot easement for the existing storm drain along the south property line.

Developer needs to provide access easement to the two storm drain manholes along the south property line.

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. 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.

2. System Development Charges (SDC)

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

3. Construction and Inspection

Contractors proposing to do work on public streets (including street lights), sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work.

Prepared by: Jodi K Cope

Revised by: Alex Georgevitch

SUMMARY CONDITIONS OF APPROVAL

590 Airport Road (TL 1102)

2-Lot Partition

LDP-19-055

A. Streets:

1. Street Dedications to the Public:

- Biddle Road – No additional right-of-way required.
- Airport Road – Dedicate additional right-of-way.
- Dedicate 10-foot Public Utility Easement (PUE) along the frontage.

2. Improvements:

Public Streets

- Biddle Road – No improvements are required at this time.
- Airport Road – No improvements are required at this time.

Lighting and Signing

- No additional street lights are required with this partition.

Access to Public Street System

- Driveway access to the site shall be in accordance with MLDC 10.550. Neither parcel shall be allowed driveway access to Biddle Road, all access shall be from Airport Road.
- The applicant shall submit cross-access easements or restrictive covenants, in a form acceptable to the City, granting Parcel 2 perpetual access rights across Parcel 1.

Other

- No pavement moratorium currently in effect along this frontage to Biddle Road or Airport Road.

B. Sanitary Sewer:

- The site is situated within the RVSS area.

C. Storm Drainage:

- Provide an investigative drainage report, with future development.
- Provide a comprehensive grading plan, with future development.
- Provide storm drain laterals to each tax lot, with future development.
- Provide water quality and detention facilities, calculations and O&M Manual, with future development.
- Implement Low Impact Development techniques or conduct testing.
- Developer needs to provide 10-foot easement for the existing storm drain along the south property line.
- Developer needs to provide access easement to the two storm drain manholes along the south property line.

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Building permits will not be issued until after final plat approval.
 - = City Code Requirement
 - = Discretionary recommendations/comments

The above report is based on the information provided with the Land Partition Application 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 as applicable.



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CITY OF MEDFORD

LD Date: 5/22/2019
Revised Date: 6/04/2019
Number: ZC-19-003

**PUBLIC WORKS DEPARTMENT STAFF REPORT
590 Airport Road (TL 1102)
Zone Change**

- Project:** Consideration of a request for a change of zone from Light-Industrial (I-L) to Regional Commercial (C-R) of a 1.90-acre portion of the total 6.20-acre parcel.
- Location:** Located at 590 Airport Road (372W12A1102).
- Applicant:** Applicant, Sedona Properties, LLC; Agent, CSA Planning Ltd; Planner, Dustin Severs.

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 Bear Creek Drainage Basin. The subject property currently drains to the northwest. The proposed zone change has the potential to increase storm drainage flows down gradient where the system has capacity limitations. Based on this information, the Public Works Department recommends this zone change be denied, or the applicant stipulate to only develop so the total storm drainage flows do not exceed current zoning limitations, or the Developer make improvements to the down gradient storm drain system to alleviate capacity constraints, or the Developer provide an engineering study of the down gradient storm drain

system to show capacity exists to allow the proposed zone change. This site will be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486

III. Transportation System

Public Works received a Transportation Impact Analysis from Southern Oregon Transportation Engineering, dated March 26, 2019 and titled, "Zone Change Stipulation Request – I-L to C-R" for the property. The report studies the impact of a Zone Change from I-L Light Industrial to Regional Commercial on 1.9 acres of the 6.2 acre parcel.

The report shows that the intersection of Airport Road and Biddle Road is currently exceeding City of Medford operational performance standards and that 25 or more peak hour trips would reach this intersection from the property. This would constitute significant impact to the intersection per Medford Municipal Code section 10.461.

The developer proposes a trip cap consisting of the allowable trips under the existing I-L Zoning; 570 ADT (average daily trips), plus the maximum allowable trips per code prior to onset of significant impact to a failing intersection; 249 ADT. The trip cap would be for a maximum of 819 ADT.

Public Works recommends that the following condition be imposed on the Zone Change:

Trip generation on the property shall not exceed 819 ADT. The developer shall submit a trip accounting with any subsequent development applications showing that trip generation from the proposal will not cause the total trip generation of the subject 1.90 acres to exceed 819 ADT.

Prepared by: Jodi K Cope
Reviewed by: Alex Georgevitch
Revised by: Jodi K Cope



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDP-19-055 & ZC-19-003

PARCEL ID: 372W12A TL 1102

PROJECT: Consideration of a request for tentative plat approval of a proposed two-lot partition of a 6.20-acre parcel, along with a request for a change of zone from Light-Industrial (I-L) to Regional Commercial (C-R) of a 1.90-acre portion of the total 6.20-acre parcel, located at 590 Airport Road (372W12A1102); Applicant, Sedona Properties, LLC; Agent, CSA Planning Ltd; Planner, Dustin Severs.

DATE: May 22, 2019

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

CONDITIONS

1. No conditions at this time. MWC will provide comments and conditions at time of proposed development review.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required at this time.
3. MWC-metered water service does not exist to this property. (See Condition 2 above)
4. Access to MWC water lines is available. There is an existing 24-inch transmission main located along the south side of Airport Drive, and also in the middle of Biddle Road.



0 37.5 75 150 Feet
 Scale: 1" = 100'

**Water Facility Map
 for
 LDP-19-055 & ZC-19-003**

May 22, 2019

Legend

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

Water Meters:

- ⊙ Active Meter
- On Well
- ⊕ Unknown
- Vacant

Water Valves:

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

Water Mains:

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

Boundaries:

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

MWC Facilities:

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



This map is based on a city lot address provided by Medford Water Commission from a utility records. Medford Water Commission does not accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.
 Date: 5/22/2019
 File: C:\MWC\GIS\Map\Map\MWC_001 - Letter 18 - May 2 2019.mxd





Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 3/7/2019
Meeting Date: 3/13/2019

LD File #: LDS19018

Planner: Dustin Severs

Applicant: Glen Clark

Site Name: Declan landing Subdivision

Project Location: 738 N Ross Lane in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district

Project Description: Consideration of tentative plat approval for the Declan landing Subdivision – a proposed 2-phased, 7-lot residential subdivision to be developed as townhouse lots, on a 1.12-acre parcel

Specific Development Requirements for Access & Water Supply

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

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in affect at the time of development submittal. Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (fire hydrants) is required to be installed prior to construction when combustible material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

www.medfordfirerescue.org

**CITY OF MEDFORD
EXHIBIT # N
FILE # LDP-19-055/ZC-19-003**



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 97502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

February 28, 2019

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

Re: LDS-19-018 DeLans Landing Subdivision (Map 372W23DD, TL1300)

ATTN: Dustin,

The subject property is within the RVSS service area. There is an 8 inch sewer main along Maple Park Drive to the north and a 30 inch sewer main along N Ross Lane to the west. There is an existing 4 inch service extended from Maple Park Drive which serves the existing house on tax lot 1300. This service will not be affected if the home is to remain in place.

There are two existing unused services tapped into the 30 inch main along N Ross Lane near proposed Lot 6. However, it is unclear if these services are extended completely to the right-of-way. That said, these services may be utilized if found to be in good working condition. In general, sewer service for proposed lots 2 - 7 can be had by a sewer main extension along the proposed minimum access, tapping the existing main along N Ross Lane, or connecting to the existing services as previously described.

Tap permits are issued by RVSS and connection permits will be issued by the City of Medford.

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

1. All sewer design and construction must be performed in accordance with RVSS standards.
2. The applicant must pay sewer system development charges to Rogue Valley Sewer Service prior to construction.

Feel free to call with any questions.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNING\LAND SUB\2019\LDS-19-018_DECLANS LANDING SUBDIVISION.DOC

CITY OF MEDFORD
EXHIBIT #
FILE # LDP-19-055/ZC-19-003



JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

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

www.jacksoncounty.org

March 1, 2019

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

RE: Tentative plat approval for proposed 2-phased 7-lot subdivision on
Ross Lane North - a City maintained road at this location
and Maple Park Drive - a County maintained road at this location
Planning File: LDS-19-018

Dear Dustin:

Thank you for the opportunity to comment on this consideration of a tentative plat approval for the Declan Landing Subdivision - a proposed 2-phased 7-lot residential subdivision to be developed as townhouse lots, on a 1.12 acre parcel located on the southeast corner of Maple Park Drive and Ross Lane North (738 N. Ross Lane) in the Single Family Residential, ten dwelling units per gross acre (SFR-10) zoning district (37-2W-23DD tax lots 1300). Jackson County Roads has the following comments:

1. Ross Lane North at this location is a city road and the County does not comment on City roads.
2. If frontage improvements are required off Maple Park Drive, they shall be permitted and inspected by the City of Medford.
3. Any new or improved road approaches off Maple Park Drive shall be permitted and inspected by the City of Medford.
4. Roads recommend the removal of any existing driveways not being used on Maple Park Drive and replacing them with new curb, gutter and sidewalk
5. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
6. We would like to be notified of future development proposals, as county permits may be required.

7. Maple Park Drive is a County Local Road and is county-maintained. The Average Daily Traffic Count on the City of Medford 2016 Traffic Volume Map is 1,400.
8. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Maple Park Drive. Jackson County Roads recommends that the city request jurisdiction of this road.
9. Please note that there are drainage problems in this area and the City of Medford now maintains the storm water system.
10. Storm water should meet City of Medford requirements that also include water quality.
11. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.
12. Roads and Parks concur with any right-of-way dedication required by the City of Medford.

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

Sincerely,



Chuck DeJanvier, PE
Construction Engineer

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

319 Eastwood Drive - Medford, Or. 97504 - Phone (541) 941-4148 - Email: Kim.parducci@gmail.com

March 26, 2019

Karl MacNair, Transportation Manager
City of Medford Public Works/Engineering
200 South Ivy Street, Lausmann Annex
Medford, Oregon 97501

RECEIVED
APR 03 2019
PLANNING DEPT.

RE: Zone Change Stipulation Request - I-L to C-R

Dear Karl,

Southern Oregon Transportation Engineering, LLC evaluated trip generations for a proposed lot partition and concurrent zone change from Light Industrial (I-L) to Regional Commercial (C-R) on approximately 1.9 acres of Township 37S Range 2W Section 12A tax lot 1102. The subject parcel is located along the south side of Airport Road west of Biddle Road (southwest corner of Biddle Road / Airport Road). The lot partition is attached.

Background

The subject parcel is estimated to generate 570 average daily trips (ADT) under I-L (Light Industrial) zoning (using the City of Medford I-L trip generation of 300 ADT/net acre) with 57 trips occurring during the p.m. peak hour. Regional Commercial (C-R) is estimated (using the City of Medford C-R trip generation of 1,500 ADT/net acre) to generate 2,850 ADT, with approximately 285 trips occurring during the p.m. peak hour. This results in a net increase of 2,280 ADT to the transportation system. The City's land development code requires a traffic impact analysis for any proposed land use action which generates a net increase of 250 ADT or more to the transportation system. Based on this, a traffic analysis is shown to be required.

Analysis and Recommendations

For the analysis, 10% of the City's 1,500 ADT/net acre trip generation rate for C-R was used to determine an equivalent volume of p.m. peak hour trips. This produced 285 p.m. peak hour trips with 143 inbound and 142 outbound. Existing traffic patterns and volumes along Airport Road, Table Rock Road and Biddle Road were used to determine trip distributions to and from the subject parcel. This resulted in approximately 28% to/from the northwest on Biddle Road, 46% to/from the southeast on Biddle Road, 5% to/from the north on Table Rock (at Airport Road), 18% to/from the south on Table Rock Road (at Airport Road), and 2% to/from the east on Airport Road. This also resulted in approximately 76% to/from the east on Airport Road or an equivalent 217 p.m. peak hour trips reaching the intersection of Airport Road / Biddle Road. This intersection was shown in 2016, in a Costco traffic analysis prepared by Kittelson & Associates, to require mitigation based on Costco traffic increases degrading the level of service below an acceptable standard and creating a higher potential for collisions. It is our understanding that since that time no improvements have been made to the intersection and a planned, future traffic signal is only partially funded. Based on this, the applicant is requesting a zone change stipulation based on the intersection of Airport Road / Biddle Road requiring mitigation if an unconditional zone change were pursued.

CITY OF MEDFORD
EXHIBIT # Q
FILE # LDP-19-055/ZC-19-003

The City of Medford Municipal Land Development Code (MLDC) 10.461(1) allows trip stipulations to reduce traffic if a case is made that unconditional approval is not possible without some form of mitigation. We propose a trip cap on the subject property of 819 average daily trips (ADT) or an equivalent 82 p.m. peak hour trips when determining compliance within a traffic analysis. This number of proposed trips is the equivalent of I-L base zoning (300 ADT per acre x 1.9 acres) plus 249 ADT, which results in no significant impact to the transportation system.

We hope this adequately addresses Public Works' concerns. Please feel free to contact me if you have any questions or need additional information.

Sincerely,



Kimberly Parducci PE, PTOE
SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC



Attachments: Parcel Tax Lot
Lot Partition
Count data
Figures 1-5
Medford Land Development Code
Scoping Letter

Cc: Peter Mackprang, Planning Department,
Jay Harland, CSA Planning, LTD.
Client

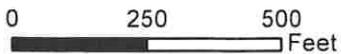


Project Name:

Sedona Properties LLC
Zone Change/Land Division

Map/Taxlot:

372W12A TL 1102



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

05/08/2019

