

# PLANNING COMMISSION AGENDA JUNE 14, 2018



## Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Alex Poythress

Jared Pulver

Regular Planning Commission meetings

are held on the second and fourth

Thursdays of every month

Meetings begin at 5:30 PM

## City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380



## Planning Commission

# Agenda

**Public Hearing**

**June 14, 2018**

**5:30 PM**

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

- 
10. **Roll Call**
20. **Consent Calendar/Written Communications (voice vote)**
- 20.1 **LDS-16-025** Consideration of request for an extension of time for the approval of Cascade Terrace at Cedar Landing Phases 1 through 5, a 93-lot residential subdivision located on the north side of Cedar Links Drive at the northerly terminus of Wilkshire Drive within the SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre/Planned Development) zoning district. Applicant: CA Galpin; Planner: Kelly Akin
- 20.2 **LDS-16-027** Consideration of request for an extension of time for the approval of Sky Lakes Village at Cedar Landing Phases 1 through 4, a tentative plat to create 23 standard residential lots, 22 cottage unit residential lots and an open space tract for the development of cottage units located on the north side of Cedar Links Drive at the northerly terminus of Wilkshire Drive within the SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre/Planned Development) zoning district. Applicant: CA Galpin; Planner: Kelly Akin
30. **Minutes**
- 30.1 Consideration for approval of minutes from the May 24, 2018, hearing.
40. **Oral and Written Requests and Communications**  
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**
50. **Public Hearings**  
Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**
- Continuance Request**
- 50.1 **CUP-17-116** Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 15 Geneva Street in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district, and within the Historic Preservation Overlay District (371W30AB TL 16400). Applicants: Gloria Thomas & Cecil de Hass; Agent: Julie Krason; Planner:

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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](mailto:ada@cityofmedford.org) at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

Dustin Severs. The applicants have requested to continue this item to the Thursday, July 26, 2018, Planning Commission meeting.

**Old Business**

- 50.2 **PUD-18-031/  
ZC-18-036/  
LDS-18-044** Consideration of a Preliminary PUD Plan for Springbrook Park Planned Unit Development, including a request for tentative plat approval for a 51-lot residential subdivision, and a request for a change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 9.51-acre portion of the property; on a 19.66-acre tract of land located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 zoning district (371W08BD500). Applicant: Springbrook Park, LLC; Agent: Steven Swartsley; Planner: Dustin Severs.

**New Business**

- 50.3 **DCA-17-062** Consideration of a land development code amendment to portions of Chapter 10 to allow for the new land use, cooling and warming shelters. Cooling and warming shelters provide homeless individuals temporary relief from the elements and are intended to be temporary and accessory in land use. Applicant: City of Medford; Planner: Kyle Kearns.
- 50.4 **LDS-18-037** Consideration of a tentative plat for a replat of Lot 4 & Tract "A" for Stowe Industrial Park on approximately 2.25 acres located 175 feet south of the intersection of Stowe Avenue and Parsons Drive within the Light Industrial (I-L) zoning district. (372W23DA 127 & 170) Applicant: Kevin Miles & Jeremy Richmond; Agent: Richard Stevens & Associates, Inc., Planner: Steffen Roennfeldt.

**60. Reports**

60.1 Site Plan and Architectural Commission

60.2 Joint Transportation Subcommittee

60.3 Planning Department

**70. Messages and Papers from the Chair**

**80. Remarks from the City Attorney**

**90. Propositions and Remarks from the Commission**

**100. Adjournment**



City of Medford

# Planning Department

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

## STAFF REPORT – EXTENSION OF TIME

PROJECT Cascade Terrace at Cedar Landing, Phases 1 – 5  
Applicant: CA Galpin

FILE NO. LDS-16-025

To Planning Commission *for meeting of June 14, 2018*

From Kelly Akin, Assistant Planning Director *ka*

Date June 7, 2018

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### Request

Consideration of request for an extension of time for the approval of Cascade Terrace at Cedar Landing Phases 1 through 5, a 93-lot residential subdivision located on the north side of Cedar Links Drive at the northerly terminus of Wilkshire Drive within the SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre/Planned Development) zoning district.

### Background

The Planning Commission adopted the Final Order granting approval of the project on July 28, 2016. The applicant is requesting an extension of time as allowed under Medford Land Development Code (MLDC) Section 10.269.

### Project Review

This project is part of the larger Cedar Landing PUD originally approved by the Planning Commission in 2006. The PUD has had a number of revisions including the termination of a five-acre portion for the use as a City park on the north side of Cedar Links Drive. The termination action resulted in the requirement to reconfigure the portion of Cedar Landing north of Cedar Links Drive, which includes Cascade Terrace. The Commission's 2016 decision on the subject tentative plat fulfilled that requirement.

At the time of the 2016 decision, neither the applicant nor staff requested the maximum five year approval period allowed for phased projects allowed under MLDC 10.269(2). The applicant is now requesting an extension of time. Because of the scale of the overall Cedar Landing project, staff is recommending that the Commission authorize the maximum five year approval period.

Per MLDC Section 10.269, extensions shall be based on findings that the facts upon which the application was first approved have not changed to an extent sufficient to warrant refiling of the application. It can be found that neither the circumstances of approval nor applicable site

development standards have changed to a degree that warrants refiling of the application. No further extensions of time are allowed under the Medford Land Development Code.

Per MLDC Section 10.269, extensions shall be based on findings that the facts upon which the application was first approved have not changed to an extent sufficient to warrant refiling of the application. It can be found that neither the circumstances of approval nor applicable site development standards have changed to a degree that warrants refiling of the application. This is the only extension allowed under the Medford Land Development Code.

**Recommended Action**

Approve the one-year time extension to July 28, 2021, for LDS-16-025 per the Staff Report dated June 7, 2018.

**Exhibits**

- A E-mail requesting extension received May 8, 2018
- B Approved Tentative Plat  
Vicinity Map

From: Jack Galpin [mailto:jack@galpinllc.com]  
Sent: Tuesday, May 08, 2018 8:51 AM  
To: Kelly A. Akin <Kelly.Akin@cityofmedford.org>  
Subject: Cedar Landing Extensions

Kelly,

I hope things are going well.

Last time we spoke, you were looking into the timelines for Cedar Landing.

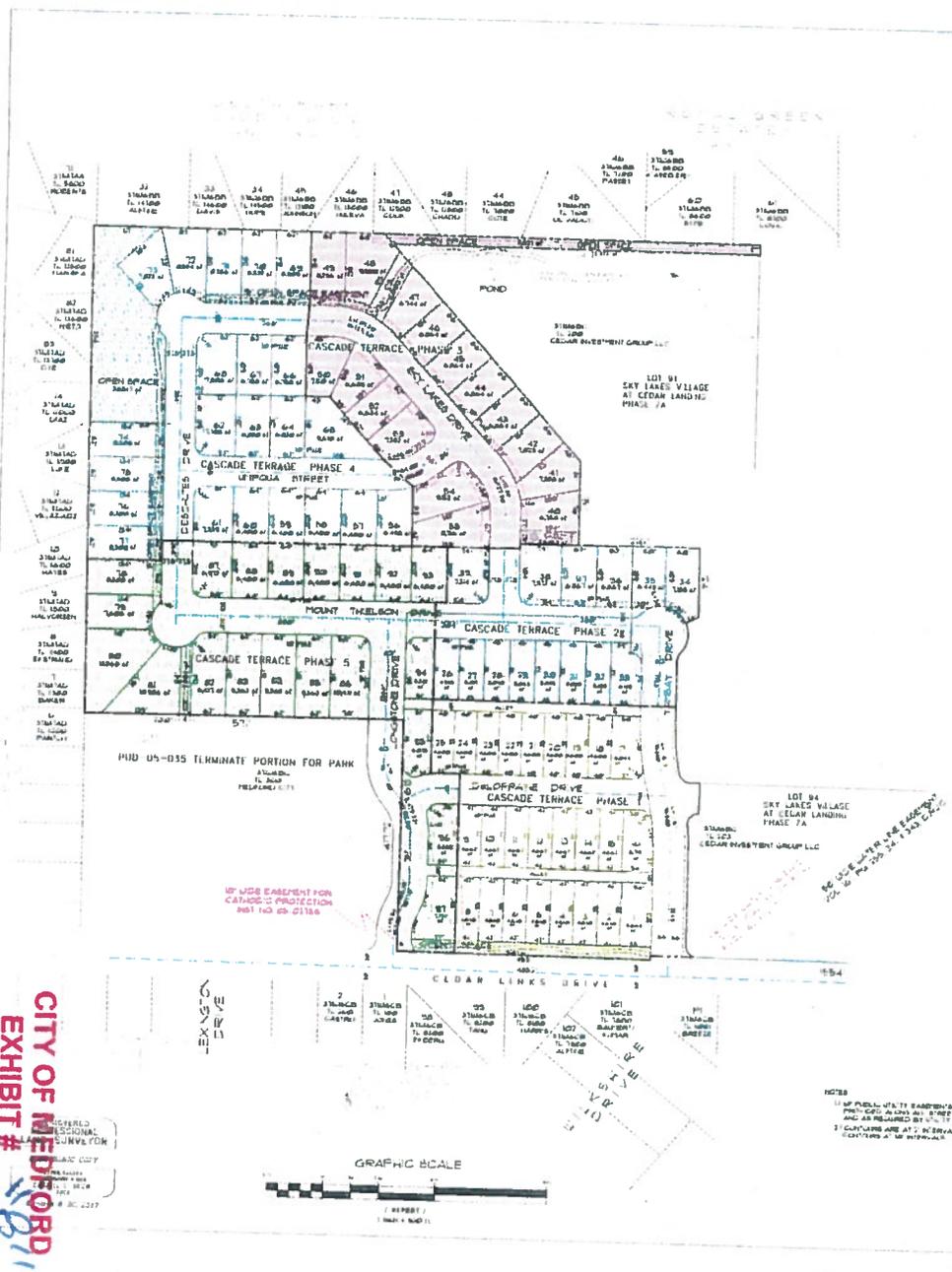
Please take this as a blanket request for extension for all the properties at Cedar Landing owned by C.A. Galpin and 1 Peter 5:7.

Thank you,

Jack

CITY OF MEDFORD  
EXHIBIT # A  
File # CS-16-025  
EXTENSION OF TIME

CITY OF MEDFORD  
 EXHIBIT #  
 FILE # LDS-16-025



TENTATIVE PLAT  
 FOR  
 CASCADE TERRACE AT CEDAR LANDING PHASE 1  
 CASCADE TERRACE AT CEDAR LANDING PHASE 2  
 CASCADE TERRACE AT CEDAR LANDING PHASE 3  
 CASCADE TERRACE AT CEDAR LANDING PHASE 4  
 CASCADE TERRACE AT CEDAR LANDING PHASE 5

(A PLANNED COMMUNITY)  
 SITUATED IN  
 THE NW 1/4 OF SECTION 10  
 TOWNSHIP 37 SOUTH, RANGE 1 WEST, WM  
 IN THE CITY OF MEDFORD,  
 JACKSON COUNTY, OREGON

APPLICANT  
 CEDAR INVESTMENT GROUP LLC  
 2728 WEST MAIN STREET  
 MEDFORD OR 97501

OWNER  
 C A GALPIN  
 744 CAROLEY AVE 100  
 MEDFORD, OR 97504

SURVEYOR  
 HOFFBUHR & ASSOCIATES, INC  
 880 GOLF VIEW DRIVE SUITE 201  
 MEDFORD, OR 97504  
 (541) 778-4641

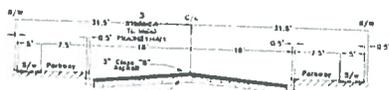
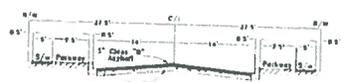
NOTE:

THE PHASES 1 THROUGH 5 OF CASCADE TERRACE WAS PREVIOUSLY SUBMITTED AND RECEIVED TENTATIVE APPROVAL AS SKY LAKES PHASE 1 (FILE NO. LDS-14-137) AND THE VILLAGE PHASE 1 (FILE NO. LDS-14-138). THIS SUBMITTAL FOR TENTATIVE APPROVAL DOES NOT CHANGE THE NUMBER OF LOTS NOR LOT CONFIGURATIONS AS WERE APPROVED BY LDS-14-137 AND LDS 14-138. THIS SUBMITTAL ONLY CHANGES THE NAME TO CASCADE TERRACE AND ESTABLISHES A REVISED PHASING PLAN FOR THE LOTS THAT WERE ORIGINALLY APPROVED BY PLANNING COMMISSION ACTION.



SCHOOL DISTRICT: 6446  
 JURISDICTION: CITY OF MEDFORD  
 ZONING DISTRICT: CITY OF MEDFORD  
 ZONING: UN-K  
 JURIS: UN-K  
 PLANNED USE: COMMERCIAL  
 PLANNED USE: RESIDENTIAL/COMMERCIAL

FILE NO.	DATE	EXHIBIT
2014/07/14/025	11/20/14	1
2014/07/14/025	11/20/14	2
2014/07/14/025	11/20/14	3
2014/07/14/025	11/20/14	4
2014/07/14/025	11/20/14	5
2014/07/14/025	11/20/14	6
2014/07/14/025	11/20/14	7
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2014/07/14/025	11/20/14	100



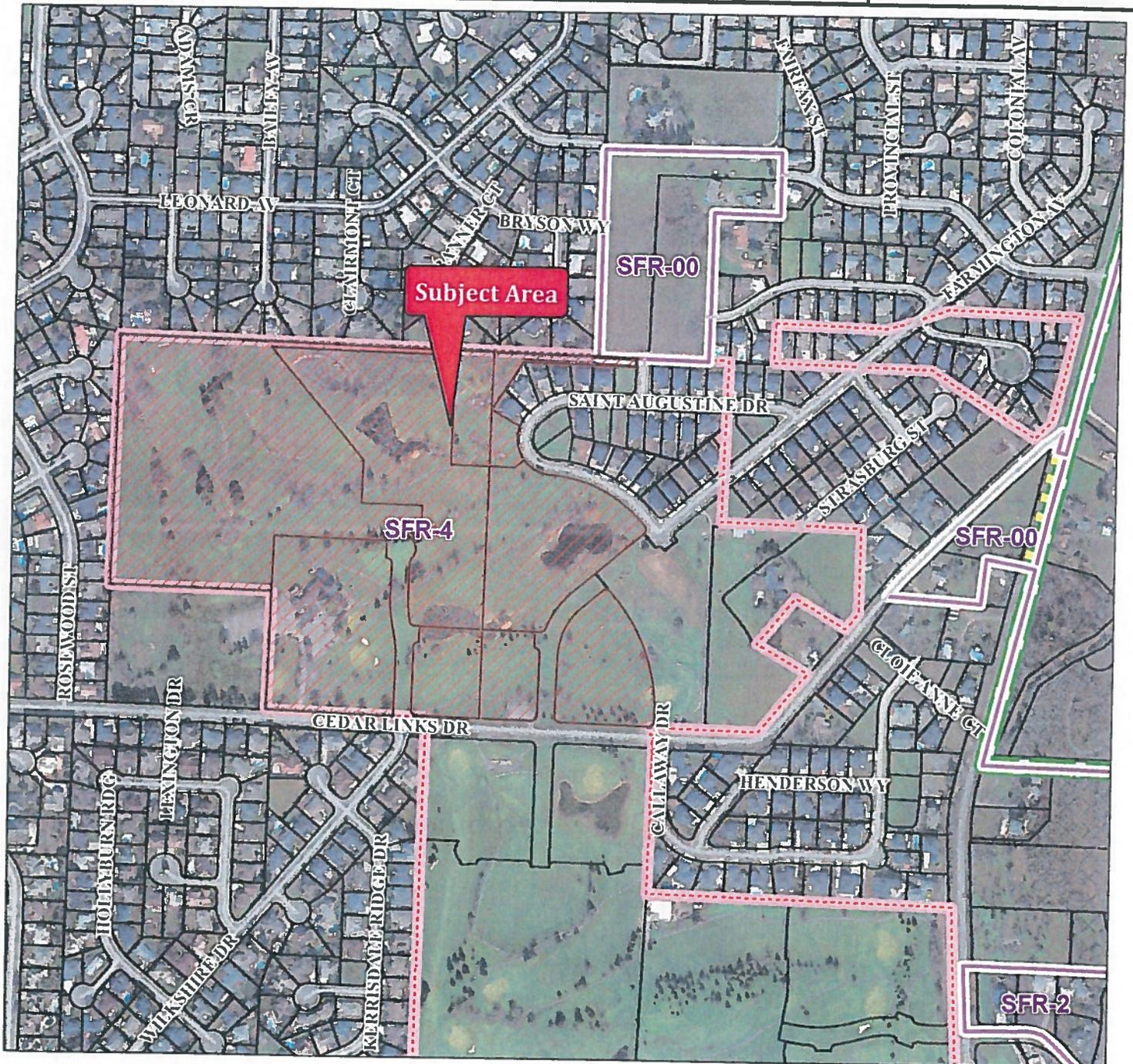
RECEIVED  
 MARCH 4 2016  
 PLANNING DEPARTMENT

HOFFBUHR & ASSOCIATES, INC  
 PROJECT NO. 16025  
 DRAWING FILE NO. 16025  
 SCALE: 1" = 40'

REVISED ON DATE  
 SHEET OF  
 BAG & OF BEARING  
 ELEVATION DATUM  
 DRAIN BY  
 REVISED BY

NOTES  
 1. IF PAVED UTILITY EASEMENTS SHALL BE PROVIDED AS SHOWN - 6" METRIC PAVED AND AS REQUIRED BY THE CITY ENGINEER  
 2. CURBS ARE AT 2" BY 6" BY 6" WITH 6" CURBS AT 1" BY 6" BY 6"





Project Name:

### Cascade Terrace

Map/Taxlot:

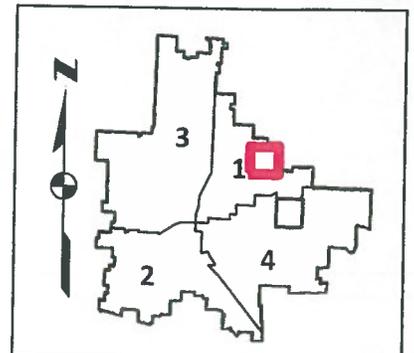
371W16BD TL 200, 211, 214, 238  
371W16BC TL 100, 200, 201, 202, 203



03/10/2016

### Legend

-  Subject Area
-  Medford Zoning
-  Tax Lots
-  Streets
-  PUD





**STAFF REPORT – EXTENSION OF TIME**

PROJECT Sky Lakes Village at Cedar Landing, Phases 1 – 4  
Applicant: CA Galpin

FILE NO. LDS-16-027

To Planning Commission *for meeting of June 14, 2018*

From Kelly Akin, Assistant Planning Director *K.A.*

Date June 7, 2018

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**Request**

Consideration of request for an extension of time for the approval of Sky Lakes Village at Cedar Landing Phases 1 through 4, a tentative plat to create 23 standard residential lots, 22 cottage unit residential lots and an open space tract for the development of cottage units located on the north side of Cedar Links Drive at the northerly terminus of Wilkshire Drive within the SFR-4/PD (Single-Family Residential – 4 dwelling units per gross acre/Planned Development) zoning district.

**Background**

The Planning Commission adopted the Final Order granting approval of the project on July 28, 2016. The applicant is requesting an extension of time as allowed under Medford Land Development Code (MLDC) Section 10.269.

**Project Review**

This project is part of the larger Cedar Landing PUD originally approved by the Planning Commission in 2006. The PUD has had a number of revisions including the termination of a five-acre portion for the use as a City park on the north side of Cedar Links Drive. The termination action resulted in the requirement to reconfigure the portion of Cedar Landing north of Cedar Links Drive, which includes Sky Lakes Village. The Commission's 2016 decision on the subject tentative plat fulfilled that requirement.

At the time of the 2016 decision, neither the applicant nor staff requested the maximum five year approval period allowed for phased projects allowed under MLDC 10.269(2). The applicant is now requesting an extension of time. Because of the scale of the overall Cedar Landing project, staff is recommending that the Commission authorize the maximum five year approval period.

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#### **Recommended Action**

Approve the one-year time extension to July 28, 2021, for LDS-16-027 per the Staff Report dated June 7, 2018.

#### **Exhibits**

- A E-mail requesting extension received May 8, 2018
- B Approved Tentative Plat  
Vicinity Map

**From:** Jack Galpin [mailto:jack@galpinllc.com]  
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**Subject:** Cedar Landing Extensions

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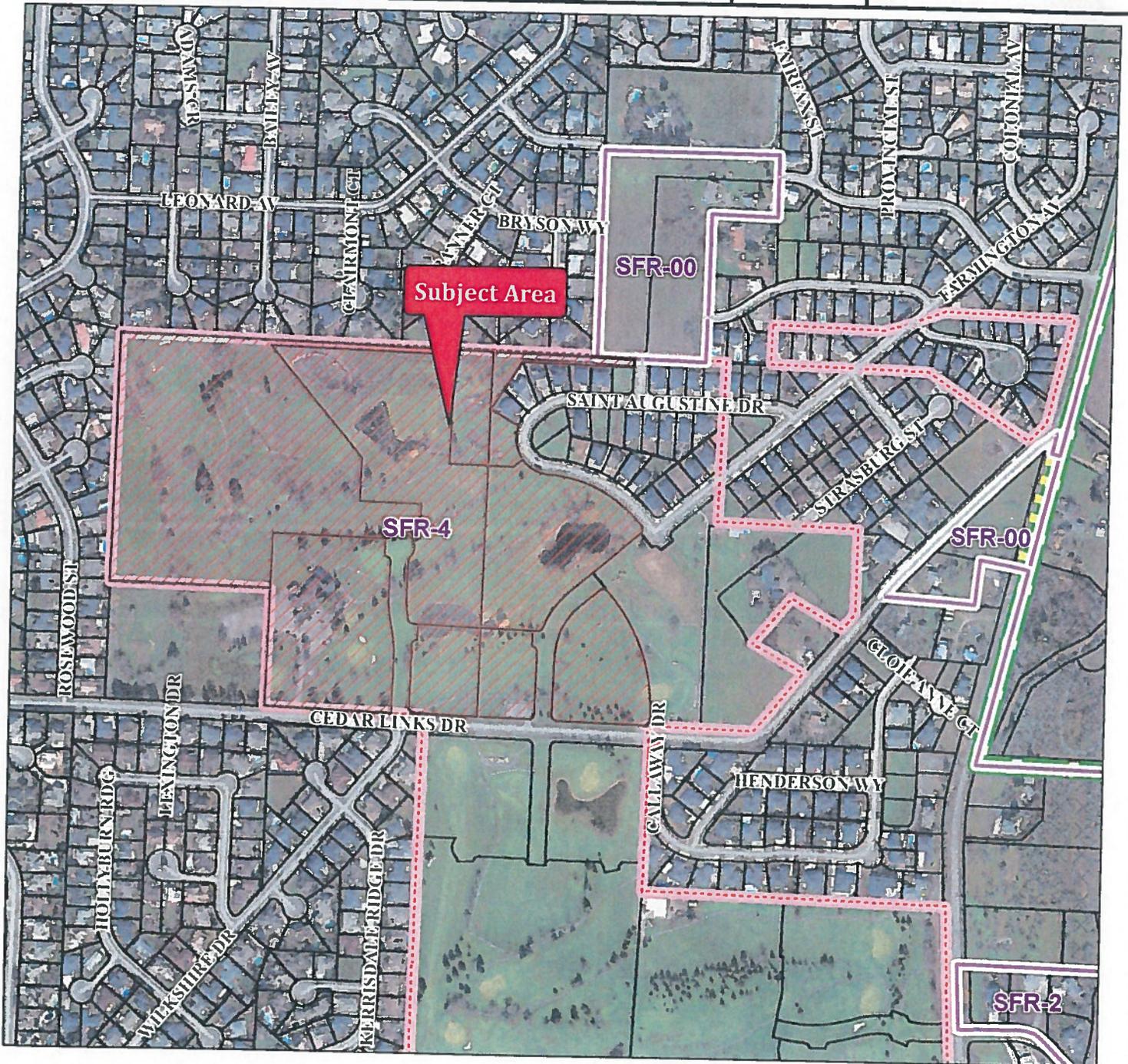
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Thank you,

Jack

CITY OF MEDFORD  
EXHIBIT # A  
File # LS-16-027  
EXTENSION OF TIME





Project Name:

**Sky Lakes Village  
at  
Cedar Landing**

Map/Taxlot:

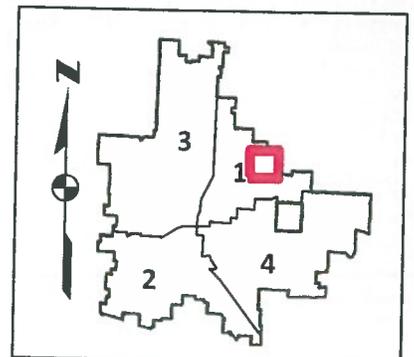
371W16BD TL 200, 211, 214, 238  
371W16BC TL 100, 200, 201, 202, 203



03/10/2016

**Legend**

- Subject Area
- Medford Zoning
- Tax Lots
- Streets
- PUD





## Planning Commission

# Minutes

From Public Hearing on **May 24, 2018**

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

David McFadden, Vice Chair  
David Culbertson  
Joe Foley  
Bill Mansfield  
E.J. McManus  
Alex Poythress

### Staff Present

Kelly Akin, Assistant Planning Director  
Eric Mitton, Deputy City Attorney  
Alex Georgevitch, City Engineer  
Greg Kleinberg, Fire Marshal  
Terri Rozzana, Recording Secretary

### Commissioners Absent

Patrick Miranda, Chair, Unexcused Absence  
Mark McKechnie, Excused Absence  
Jared Pulver, Unexcused Absence

#### 10. Roll Call

#### 20. Consent Calendar/Written Communications.

**20.1 LDP-18-028** Final Order of a request for tentative plat approval of a proposed two-lot partition on a 0.44-acre parcel located at 2815 Lone Pine Road within the SFR-4 (Single-Family Residential, four dwelling units per gross acre)) zoning district (371W17DD1400); Applicant: Tom Gaffey; Agent: Hoffbuhr & Associates Inc.; Planner: Dustin Severs.

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

Moved by: Commissioner Foley

Seconded by: Commissioner Culbertson

Voice Vote: Motion passed, 6-0.

#### 30. Minutes

**30.1.** The minutes for May 10, 2018, 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 PUD-18-031 / ZC-18-036 / LDS-18-044** Consideration of a Preliminary PUD Plan for Springbrook Park Planned Unit Development, including a request for tentative plat approval for a 51-lot residential subdivision, and a request for a change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 9.51-acre portion of the property; on a 19.66-acre tract of land located at the corner of Springbrook Road and Hondeleau Lane within the SFR-6 zoning district (371W08BD500); Applicant, Springbrook Park, LLC.; Agent, Steven Swartsley; Planner, Dustin Severs. **The applicant requests to continue this time to the Thursday, June 14, 2018, Planning Commission meeting.**

Vice Chair McFadden inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Culbertson disclosed that he had an interest in the property and recused himself.

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

The Public Hearing was opened.

a. Donald Chambers, 1665 Hondeleau Lane, Medford, Oregon, 97504. Mr. Chambers stated that the neighborhood has high density dwellings already. Changing it to a higher density is causing more problems. There are over 35 houses that drive down a small street, Hondeleau Lane, to come or go. His house is on the corner and all day he has semi-trucks, soccer moms and school buses. His house is where the children get on and off the buses. There are no parks in the area. No place for the children to play in a park. They are cramming more and more houses in the area. He is opposed to this application.

Motion: The Planning Commission continued PUD-18-031, ZC-18-036 and LDS-18-044, per the applicant's request to the Thursday, June 14, 2018, Planning Commission meeting.

Moved by: Commissioner Foley

Seconded by: Commissioner Poythress

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

**60. Reports****60.1 Site Plan and Architectural Commission.**

Commissioner Culbertson reported that the Site Plan and Architectural Commission met Friday, May 18, 2018 but they did not have a quorum. Immediately after the regular meeting they had a study session. The topic of discussion was Senate Bill 1051 and Interim Design Guidelines.

**60.2** Report of the Joint Transportation Subcommittee. None.

**60.3** Planning Department

Kelly Akin, Assistant Planning Director, reported that the director of Land Conservation and Development approved the Urban Growth Boundary amendment last Friday. The appeal period ends June 8, 2018.

The Planning Commission's regular study session scheduled for Monday, May 28, 2018, is cancelled due to Memorial Day.

There is a Planning Commission study session scheduled for Monday, June 11, 2018. Discussions will be on Temporary Cooling/Warming shelters, Senate Bill 1051 – Interim Design Guidelines and Outdoor Marijuana Grows.

The Planning Commission has business scheduled for Thursday June 14, 2018, Thursday, June 28, 2018 and Thursday, July 12, 2018.

Last week the City Council did another Neighborhood Stabilization Program grant for a house on Timothy.

At the next City Council meeting they will hear the Parks text amendment and also chickens.

Tonight the City Council is having a study session reviewing the first draft of the Transportation System Plan. It will be back before them scheduled for mid-June, wrapping up in August.

Related to the Urban Growth Boundary amendment these items have to be done before annexing property can take place. The Transportation System Plan is a component, Urbanization Plans, Wetlands and Housing standards that Site Plan and Architectural Commission is starting to work on.

Coming soon to a Planning Commission study session is marijuana outdoor grows.

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 5:46 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Rozzana  
Recording Secretary

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David McFadden  
Planning Commission Vice Chair

Approved: June 14, 2018



City of Medford

# Planning Department

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

## STAFF REPORT – CONTINUANCE REQUEST

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

PROJECT Lady Geneva Bed & Breakfast  
Applicant: Gloria Thomas & Cecil Thomas de Haas  
Agent: Julie Krason

FILE NO. CUP-17-116

TO Planning Commission

*for June 14, 2018 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Akin, Assistant Director

DATE June 7, 2018

### BACKGROUND

#### Proposal

Consideration of a request for a Conditional Use Permit (CUP) for a proposed Bed & Breakfast to be located at 15 Geneva Street in the SFR-6 (Single-Family Residential – 6 dwelling units per gross acre) zoning district, and within the Historic Preservation Overlay District (371W30AB TL 16400).

#### Request

The applicant has requested that the item be continued to July 26, 2018, in order to provide additional time to have a survey performed on the property. The July 26<sup>th</sup> hearing is the last available hearing date prior to the application expiring.

### EXHIBITS

- A Continuanace request, received June 5, 2018.
- Vicinity Map

### PLANNING COMMISSION AGENDA:

DECEMBER 14, 2017  
 JANUARY 11, 2018  
 FEBRUARY 8, 2018  
 MARCH 22, 2018  
 JUNE 14, 2018

**Dustin J. Severs**

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**From:** Gloria Thomas <gthomas0516@gmail.com>  
**Sent:** Tuesday, June 05, 2018 1:47 PM  
**To:** Dustin J. Severs  
**Subject:** Amended Public Hearing Date

Good Afternoon Dustin,  
Per our previous conversation, please amend the hearing date to July 26th.

Regards,  
Gloria Thomas

CITY OF MEDFORD  
EXHIBIT # A  
File # CUP-17-116

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City of Medford  
**Planning Department**

Vicinity  
 Map

File Number:  
**CUP-17-116**



Project Name:

**Lady Geneva  
 Bed & Breakfast**

Map/Taxlot:

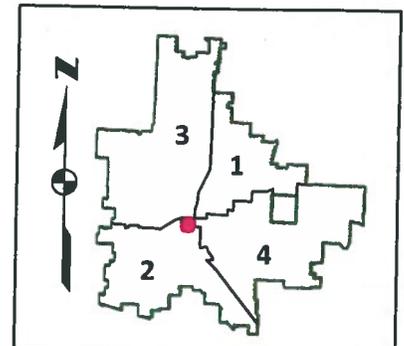
**371W30AB TL 16400**



09/26/2017

**Legend**

-  Subject Area
-  Medford Zoning
-  Tax Lots





City of Medford

# Planning Department

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

## STAFF REPORT

for a Type-C quasi-judicial decision: Preliminary PUD, Land Division and Zone Change

PROJECT Springbrook Park - PUD/Zone Change/Land Division  
Applicant: Springbrook Park, LLC.  
Agent: Steven Swartsley

FILE NO. PUD-18-031/ZC-18-036/LDS-18-044

TO Planning Commission

*for June 14, 2018 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Akin, Assistant Planning Director

DATE June 7, 2018

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## BACKGROUND

### Proposal

Consideration of a Preliminary PUD Plan for Springbrook Park Planned Unit Development, including a request for tentative plat approval for a 51-lot residential subdivision, and a request for a change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 6.76-acre portion of the property; on a 19.66-acre tract of land located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 zoning district (371W08BD500).



Subject Site Characteristics

Zoning	SFR-6	Single Family Residential – 6 dwelling units per gross acre
GLUP	UR	Urban Residential
	UM	Urban Medium Density Residential
Overlay	AC	Airport Area of Concern
Use(s)	Vacant land	

Surrounding Site Characteristics

North	Zone:	SFR-6
	Uses:	Single-Family Residential
South	Zone:	SFR-6
	Use:	Single-Family Residential
East	Zone:	Jackson County Exclusive Farm Use (EFU)
	Uses:	Vacant (former orchard)
West	Zone:	SFR-6
	Uses:	Single-Family Residential

Applicable Criteria

**Planned Unit Development, §10.235(D)**

*The Planning Commission shall approve a Preliminary PUD if it concludes that compliance exists with each of the following criteria:*

1. *The proposed PUD:*
  - a. *preserves an important natural feature of the land, or*
  - b. *includes a mixture of residential and commercial land uses, or*
  - c. *includes a mixture of housing types in residential areas, or*
  - d. *includes open space, common areas, or other elements intended for common use or ownership, or*
  - e. *is otherwise required by the Medford Land Development Code.*
2. *The proposed PUD complies with the applicable requirements of this Code, or*
  - a. *the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and*
  - b. *the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and*
  - c. *the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.*

3. *The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria there under:*
    - a. *Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.*
    - b. *Public Facilities Strategy pursuant to ORS 197.768 as amended.*
    - c. *Limited Service Area adopted as part of the Medford Comprehensive Plan.*
  4. *The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.*
  5. *If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:*
    - 1) *demands for the Category "A" public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or*
    - 2) *the property can be supplied by the time of development with the following Category "A" public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:*
      - a. *Public sanitary sewerage collection and treatment facilities.*
      - b. *Public domestic water distribution and treatment facilities.*
      - c. *Storm drainage facilities.*
      - d. *Public streets.*
- Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the Comprehensive Plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.*
6. *If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.*
  7. *If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.*

#### **Zone Change Approval Criteria, §10.227**

The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation and noted by \*\*\*.

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

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

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*(2) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."*

*(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 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 of the following occurs:*

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

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

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

(c) *In determining the adequacy of Category A facilities, the approving authority (Planning Commission) may evaluate potential impacts based upon the imposition of special development conditions attached to the zone change request. Special development conditions shall be established by deed restriction of covenant, which must be recorded with proof of recordation returned to the Planning Department, and may include, but are not limited to the following:*

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

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

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

#### **MLDC 10.270: Land Division Criteria**

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

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

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

Corporate Names

Springbrook Park, LLC is the owner of the subject property. The Oregon Secretary of State Business registry lists Springbrook Park, LLC as a registered business addressed at 1175 E Main Street in the City of Medford, and lists Tom Becker as the registered agent.

**ISSUES AND ANALYSIS**

Background

*History*

FILE #	DATE	DESCRIPTION
CP-13-032	January, 2014	General Land Use Plan (GLUP) amendment (UR to UM)
PA-18-002	February, 2018	Pre-application to discuss subject request

In January of 2014, the subject property was part of a larger Internal Study Area (ISA) within the City’s urban growth boundary for the purpose of maximizing the capacity of land within the boundary, which resulted in a General Land Use Plan Amendment of an approximate 6.76-acre portion of the subject site being changed from UR to UM.

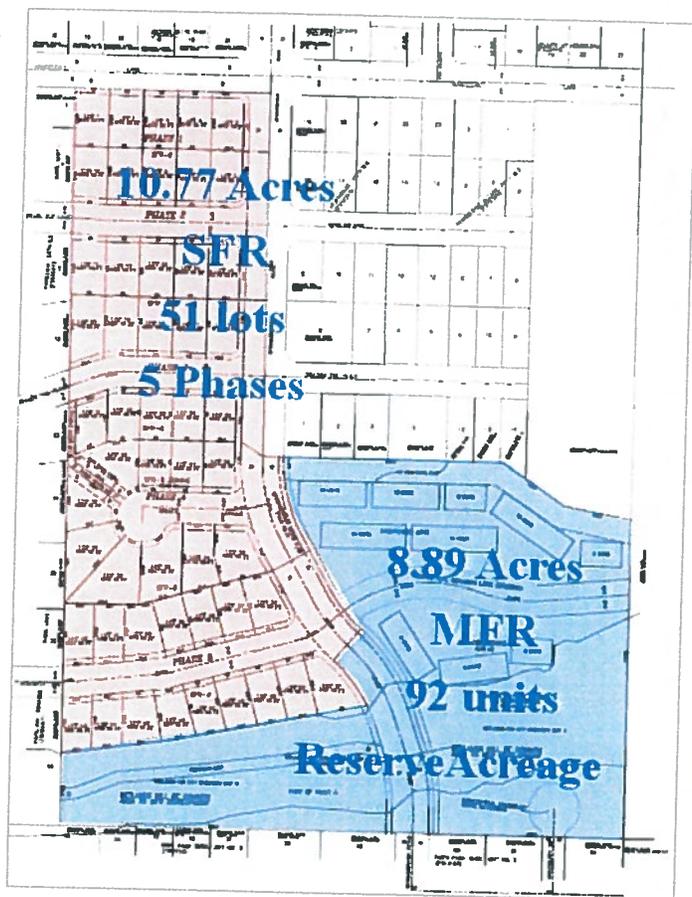
In February of 2018, the applicant applied for a pre-application conference to discuss a proposal for the creation of a 55-lot residential subdivision – with a portion of the site proposed for MFR – on the subject property. At the pre-application conference, staff explained that while the entire property was zoned SFR-6, the site – due to the ISA approval from 2014 - contained two separate General Land Use Plan (GLUP) designations: UR, which permits SFR zones; and UM, which permits the MFR-15 zone. As the



applicant's conceptual plan showed single-family lots overlapped into the UM GLUP areas and multi-family units overlapped into the UR GLUP areas of the site, it was further explained that development could not occur on the property until land use actions were approved to bring the site's GLUP designations and underlying zoning into compatibility. So in order to rezone the site to accommodate the future development of MFR and to allow the conceptual layout of the proposed SFR development, the applicant would first be required to apply for a Comprehensive Plan amendment in order to change/adjust the GLUP areas on the site: a major legislative act approved by City Council. Staff explained that another option would be to develop the property as a Planned Unit Development (PUD), which allows developments to mix and match GLUP and zoning classifications within the boundaries of the project, precluding the applicant from having to apply for a Comprehensive Plan amendment.

### *Current Proposal*

With the subject request, the applicant is now proposing to develop the site as a Planned Unit Development (PUD), with the proposed Springbrook Park PUD split between two tracts of land: a 10.77-acre tract proposed as a 51-lot SFR subdivision to be developed in five phases; and a 8.89-acre tract proposed – split-zoned with MFR-15 zoning to the east of Springbrook Road and SFR-6 to the west of Springbrook Road – as a future (conceptual) 92-unit MFR development (MFR proposed exclusively within the easterly MFR-15 zoned portion of the 8.89-acre tract), and designated as Reserve Acreage. As suggested by staff, the applicant is proposing to mix and match the areas of the site's two GLUP designations in order to accommodate the PUD's proposed plat layout. The result is a parallel, three-part request: an application for the approval of the Springbrook Park PUD, a mixed use residential development containing a common area and a pedestrian walkway; an application for approval of a 51-lot SFR subdivision within the PUD, which includes the designation of 8.89-acres of the site as Reserve Acreage to be partially developed as a future MFR development; and an application for a change of zone (SFR-6 to MFR-15) in order to bring the site's underlying zoning classifications into compliance with the site's two GLUP designations. The approval of the Springbrook PUD is contingent on the approval of all three concurrent requests.



Residential Density

**Residential Density**

<b>Zone</b>	<b>Gross Acreage</b>	<b>Minimum/Maximum Dwelling Units per Acre</b>	<b>Minimum Dwelling Units</b>	<b>Maximum Dwelling Units</b>	<b>Proposed Dwelling Units</b>
SFR-6	12.88	4/6	52	77	51
MFR-15	6.76	10/15	68	101	92
<b>Totals</b>	19.6	NA	119	178	143

The applicant is proposing 51 dwellings units as part of the single-family subdivision on the 12.88-acre portion of the site located within the SFR-6 zoning district, and 92 multi-family dwelling units within the 6.76-acre portion of the site located within the MFR-15 zoning district identified as a future phase on the submitted tentative plat: a total 143 units. As shown on the Residential Density Table above, the total number of dwelling units proposed for the PUD meets the density requirements as prescribed per the Code.

Reserve Acreage

The submitted tentative plat (Exhibit C) identifies the 8.89-acre tract of land, set aside as a future multi-family development, as reserve acreage. MLDC 10.708(A)(3)(a) defines reserve acreage as the portion of a lot which is not intended to be part of the development and can be separately developed at a later time, and allows areas designated as reserve acreage to be removed from the density calculation, at the discretion of the developer. As the applicant did not submit design plans for the multi-family units, identified as a future development on the submitted plans and contained within the reserve acreage portion of the site, approval from the Site Plan & Architectural Commission (SPAC) will be required for this future multi-family phase of the PUD. The construction of public improvements identified within the area designated as reserve acreage on the plans, including the street extensions of Monarch Lane and Kingsbury Drive – identified as conceptual on the submitted plans – and the construction of the 20-foot wide pedestrian walkway, will also be required as part of the SPAC review for the future multi-family development.

Common Elements

Per MLDC 10.23(E), a multi-family PUD must include a minimum of 20% of the land area as common area for the purpose of providing protection for natural features, common recreational space, landscaped area, or commonly enjoyed amenities other than parking areas or private streets. The submitted PUD plan identifies the 3.96-acre wetland located along the site's southerly boundary, which includes a future 20-foot pedestrian easement, as common area. The 3.96-acre wetland identified on the plat – totaling 20.1% of the site's land area – will

provide protection for the site's natural features, and will include a landscaped area along the corridor of the future pedestrian easement located within the wetland area..

Proposed Modifications of Standards

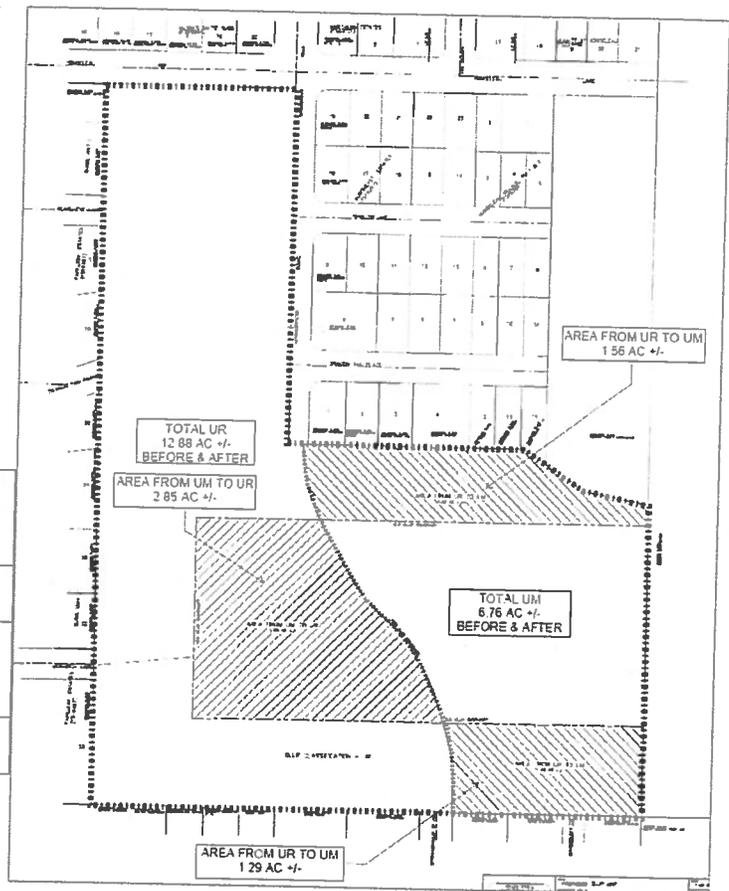
Per MLDC 10.230(D), the approval of PUDs may include modifications which vary from the strict standards of the Code, which are limited to specific categories. In their submitted findings, the applicant has requested the following modification from the strict standards of the code:

*Mixed Land Use Designation*

MLDC 10.230(D)(8) allows PUDs that have more than one General Land Use Plan (GLUP) designation the flexibility to mix and relocate the GLUP designations within the boundaries of the PUD in any manner and/or location as may be approved by the Planning Commission. The subject site currently contains two separate GLUP designations, as shown in the table below.

General Land Use (GLUP) Designation	Acreage
Urban Residential (UR)	12.88 AC
Urban Medium Density Residential (UM)	6.76 AC
Total	19.6 AC

Exhibit G



The proposed relocation of the existing GLUP designations are illustrated in Exhibit G above, and demonstrate that the proposed relocations of the GLUP areas on the subject site will result in the GLUP designations maintaining the same area as what currently exist on the property, consistent with the provisions per MLDC 10.230(D)(8).

### Agricultural Buffering

The subject site shares a common boundary of approximately 555 feet along its easterly property line with property located outside of city limits and within the Exclusive Farm Use (EFU) zoning district of Jackson County (This land is also located within the MD-3 urban reserve, which is scheduled to be incorporated into the City's Urban Growth Boundary as part of the recent approval of the UGB expansion). Per MLDC 10.801, land proposed for urban development which abuts and has a common lot line with other land which is zoned EFU requires agricultural buffering.

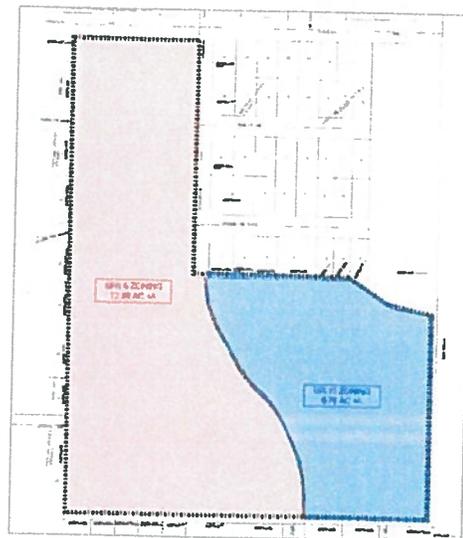


Pursuant to MLDC 10.801(C), the applicant has included an Agricultural Impact Assessment (AIA) Report (Exhibit L) consistent with requirements of MLDC 10.801(A-E). The submitted AIA found that the abutting EFU land is not under intensive day-to-day management and therefore is classified as Passive Agriculture. New developments abutting EFU land classified as Passive Agriculture require that measures be undertaken by the applicant in order to minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses. These measures include the following: the construction of a fence or masonry wall to serve as a buffer between the uses, a Deed Declaration identifying the maintenance and care responsibilities for the agricultural buffer consistent with the requirements outlined in MLDC 10.801(D)(2)(c), and irrigation runoff mitigation. Said mitigation measures will be required prior to the issuance of building permits for the future MFR phase of the PUD identified as reserve acreage on the submitted tentative plat.

### Zone Change

Consolidated with the Preliminary PUD Plan for the Springbrook Park PUD is an application requesting a change of zone of the subject PUD of an approximate 6.76-acre area of land from SFR-6 to MFR-15.

MLDC 10.230(D)(8) allows PUD's that have more than one General Land Use Plan (GLUP) designation the flexibility to mix and relocate the GLUP designations within the boundaries of the PUD; however, the resultant modifications must maintain the same GLUP designations, and at the same coverage area, as what existed prior to the changes. As the result of mixing and relocating the boundary lines of the GLUP designations within a PUD, changes to the underlying zoning classifications must follow in order to maintain



consistency between the site's GLUP designations and zoning classifications. As such, the proposed zone change simply follows the proposed mix and relocation of the PUD's GLUP designations in order to maintain consistency between the site's GLUP and zoning classifications, and to coincide with the PUDs uses as proposed in the Preliminary PUD Plan.

### Block Length

MLDC 10.426, titled *Street Circulation Design and Connectivity*, establishes maximum block and perimeter length. In order to assure that developments will ultimately result in complete blocks bound by a network of public streets, and/or private streets constructed to City standards, new developments contained within City blocks may be required to dedicate/construct public streets within the development in order to comply with block length standards.

The subject 19.66-acre site exceeds the block perimeter as required for developments within residential zones; however, MLDC 10.426(2), shown below, provides built-in relief for developments that exceed the maximum block and/or perimeter standards, contingent on the applicant effectively demonstrating in their submitted findings that certain constraints and/or conditions exist in which the approving authority may find acceptable.

### MLDC 10.426(2)

2. The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:
- a. Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10.426 C.1..
  - b. Environmental constraints including the presence of a wetland or other body of water.
  - c. The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1.150 feet, or a maximum perimeter block length of 4.600 feet.
  - d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical.
  - e. The subject site is in SFR-2 zoning district.
  - f. Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards.
  - g. The proposed use is a public or private school, college or other large institution.
  - h. The proposed use is a public or private convention center, community center or arena.
  - i. The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.
  - j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.

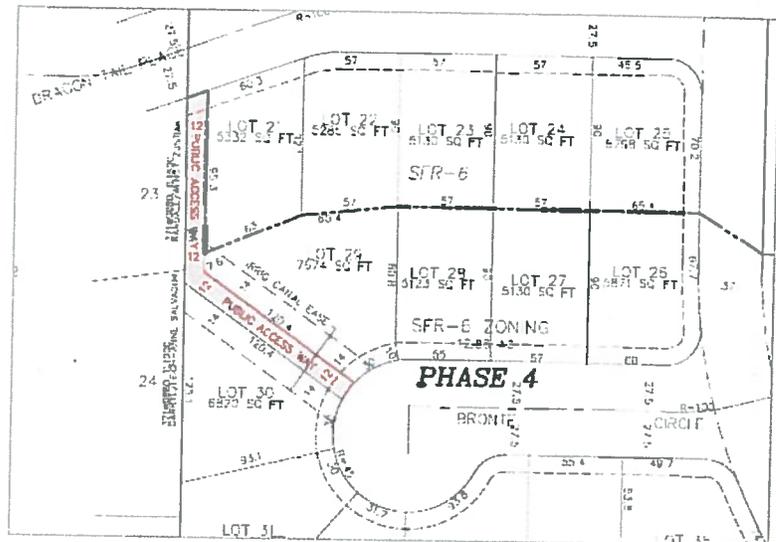
The applicant's submitted findings cite the presence of the approximate 3.96-acre wetland area located along the southern portion of the site as grounds for the granting of relief from complying with the strict standards of the code for block length, citing MLDC 10.426(2)(c) above. The applicant's findings further cites MLDC 10.426(2)(f) above as grounds for exceeding block length standards, as the future multi-family phase of the site is identified as a reserve acreage; however, the applicant does identify a conceptual extension of Monarch Lane running from the proposed Phase 5 of the SFR portion of the development and stubbed at the site's

easterly boundary, as well as a conceptual extension (cul-de-sac) of Kingsbury Drive, consistent with the block length standards of the Code.

### Accessways

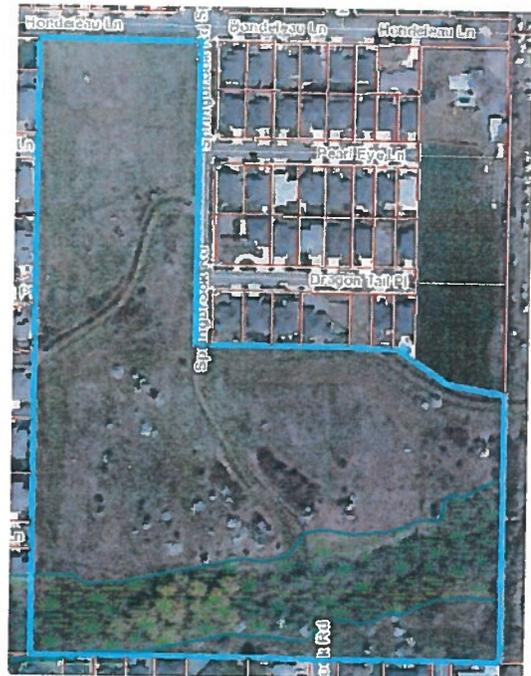
An accessway is required to be constructed in lieu of a public street, and are reserved for situations where street connections are infeasible or inappropriate, pursuant to the granting of relief as per MLDC 10.426(2). Per MLDC 10.464, the purpose of an accessway is to provide safe and convenient pedestrian and bicycle access within developments, and requires a 12-foot wide right-of-way and an 8-foot wide paved surface.

The submitted tentative plat identifies a 12-foot accessway connecting Bronte Circle to Dragon Tail Place to the north, providing a reasonably direct walkway/bikeway connection between pedestrian destinations, consistent with the requirements per MLDC 10.464-465.



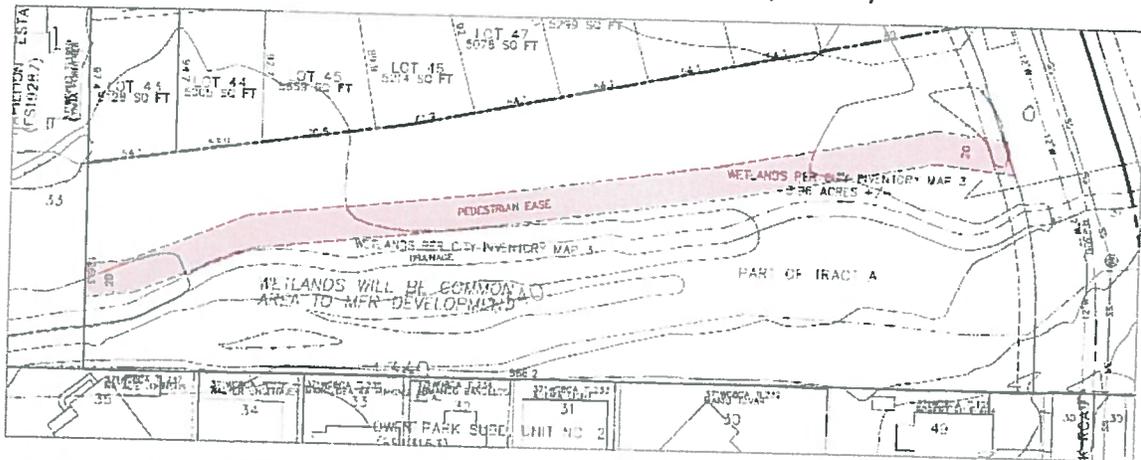
### Wetlands

There is a designated wetland identified on the Local Wetland Inventory map which shows the subject site partially impacted by the presence of an approximate 3.96-acre wetland located along the southern portion of the parcel. As required by ORS 227.350, staff forwarded the application to the Oregon Department of State lands (DSL) as a reviewing agency. At the time of this writing, staff has yet to receive a response from DSL.



### Pedestrian Walkway

At the request of the City's Parks Department – citing the property as part of the Citywide Path and Trail Network found in the City's Leisure Services Plan – the submitted tentative plat identifies a 20-foot wide pedestrian easement running from the future segment of Springbrook Road and terminating at the westerly boundary of the subject site. As per the report submitted by the Parks Department (Exhibit Q), a public access easement, public right-of-way dedication, or fee ownership land dedication to the City of Medford for the proposed pathway location will be required. The pathway will be no less than 20-feet in width to allow for a 10-foot paved pathway and 5-foot buffer on each side, and if the applicant opts for the pathway as a public easement, it will be the owner's responsibility to maintain the pathway.



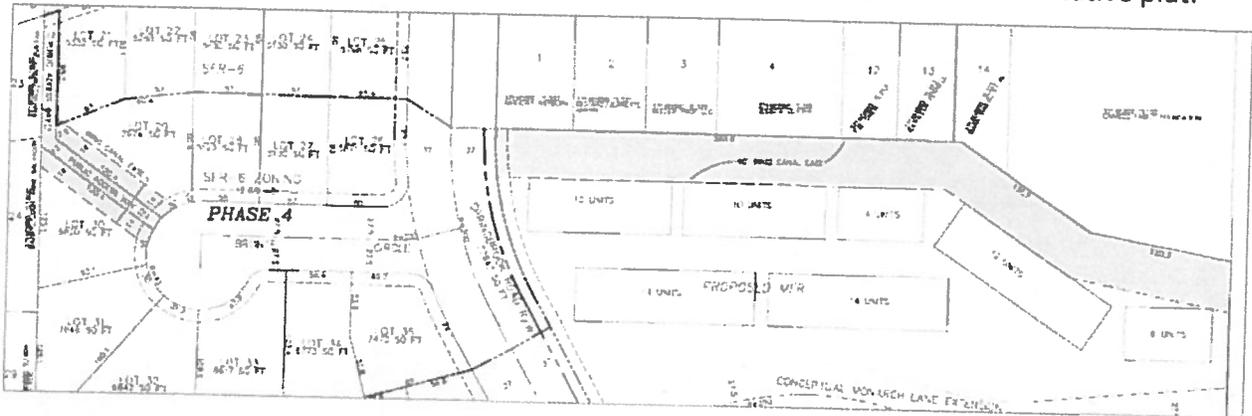
As the pedestrian walkway easement is shown as part of the future phase of the PUD identified as reserve acreage, the construction of the pedestrian walkway, along with the associated landscaping, will be required during the development of that future phase.

### Hopkins Irrigation Canal

The subject site is encumbered by the Hopkins irrigation canal, which enters onto the subject property from the west via a stormwater culvert pipe running underneath a paved easement within the abutting Papillon Estates Subdivision. From there the canal runs north through the subject site (open/uncovered) and then dips south through six residential lots within the abutting Northeast Estates subdivision located to the northeast of the site (closed/covered), and finally runs southeast through the subject property (open/uncovered) to where the canal flows onto the abutting EFU land to the east of the site. In the interest of avoiding the construction of lots over the irrigation canal (similar to the layout of Northeast Estates), the applicant is proposing to realign the canal, showing two proposed 40-foot irrigation canal easements on their submitted



plans: the first proposed easement is shown running between lots 29 and 30, as identified on the tentative plat below, connecting the proposed realigned pipe to the existing underground stormwater pipe at the site's westerly boundary, and then running underneath Bronte Circle – identified as a public street to be constructed in Phase 4 of the SFR tract – and finally running east through a second easement shown along the northerly boundary of the proposed future MFR area (the developer will remove and fill the existing canal running through Northeast Estates) and terminating at the site's easterly boundary. The westerly irrigation easement is proposed to double as the paved pedestrian/bike accessway as shown on the tentative plat.



Hopkins Canal is under the jurisdiction of the Rogue River Valley Irrigation District (RRVID), and the applicant has been working with the RRVID in its proposal to realign the canal. As a condition of approval, the applicant will be required to comply with all requirements of the Rogue River Valley Irrigation District (RRVID) (Exhibit U), prior to final plat approval.

### Traffic Analysis

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

A scoping letter was submitted on behalf of the applicant to the Traffic Engineering Division of Public Works on April 6, 2018. In the letter submitted by Southern Oregon Transportation Engineering, it was determined that the resulting increase in trips is less than that stated in MLDC 10.461, therefore no additional traffic impact analysis was required (Exhibit U).

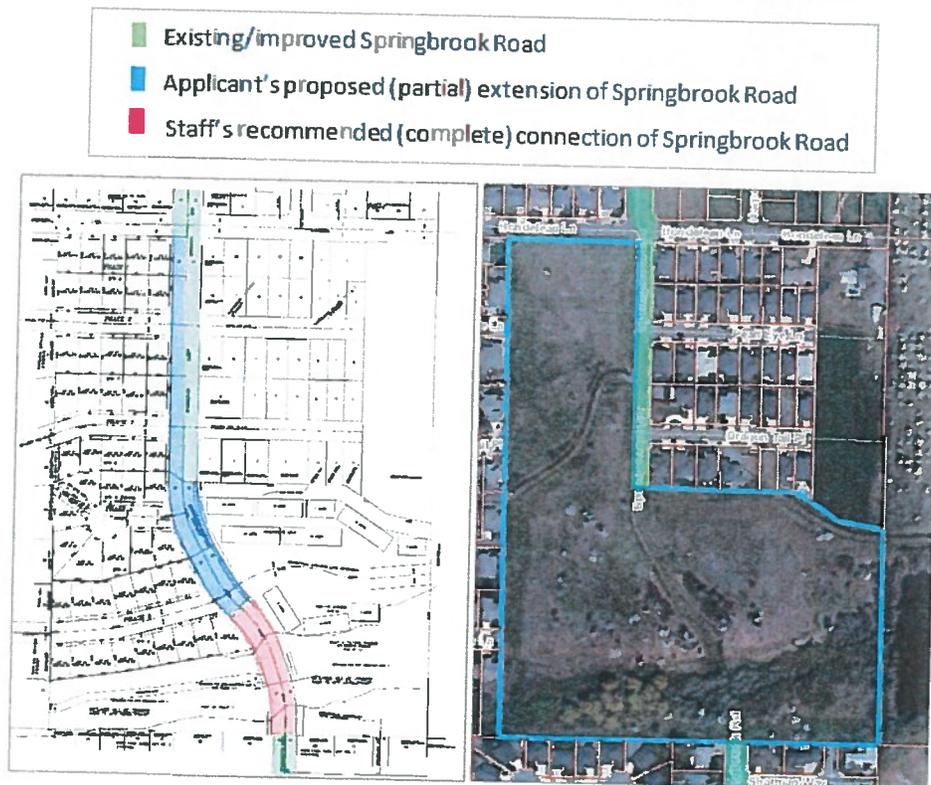
### Sewer Capacity

Per Public Work's staff report (Exhibit N), the proposed MFR-15 zoning has the potential to increase flows to the sanitary sewer system due to a number of capacity constraints with the downstream sanitary sewer system. Based on the current zoning, Public Works has calculated that only 74 multi-family units or 89 townhouse units can currently be built on the site without improvements being made to the downstream sanitary sewer system to alleviate the capacity constraints. As stated in their submitted findings, it is the applicant's intent to stipulate to develop only to the maximum amount of MFR units within the 6.76-acre MFR-15 portion of the

PUD dictated by the existing sewer constraints, so that the total sewer flows do not exceed current zoning limitations. However, it was the applicants understanding, based on conversations with the Public Works staff, that 92 units would be permitted. Accordingly, their findings state – and their plans show – 92 units within the MFR-15 portion of the site, unintentionally exceeded the 74 unit cap placed on the MFR portion of the site. As a condition of approval, the applicant will be required to submit revised plans showing a maximum of 72 MFR units or 89 townhouse units within the MFR-15 portion of the site consistent with the requirements of Public Work, prior to final plat approval of the applicable phase.

### Springbrook Road Connectivity

The applicant's submitted tentative plat and PUD Plan shows Springbrook Road extended from its north terminus – serving the PUD's proposed 5-phase SFR development – and stubbed just south of the proposed Monarch lane extension, leaving a gap (area of the site containing wetlands) of approximately 300 feet from the section of Springbrook road currently stubbed at the site's southerly boundary. The applicant's PUD findings (Exhibit I) state that the applicant is prepared to construct the the full connection of Springbrook Road, which will include the construction of a bridge crossing over the wetland portion of the site; however, the applicant desires that said construction be deferred until the development of the multi-family portion of the PUD, which is identified as reserve acreage on the tentative plat. The applicant's findings go on to read, "It is applicant's position that until the construction of the multi-family portion of the PUD, traffic impact on existing streets and intersections is insignificant. The proposed multi-family portion of the PUD is a substantial part of the whole parcel, and the deferment of the construction is not in any way an attempt to avoid said bridge construction."



As per the staff report submitted by Public Works (Exhibit M), staff is not supportive of the applicant's request to partially extend Springbrook Road from its current north terminus, only to stub the road short of a complete street connection with Springbrook's current south terminus – currently stubbed and improved at the subject site's southerly boundary. Despite the applicant's designation of the 8.89-acre portion of the site as reserve acreage – the portion of the site which will contain the future segment of the Springbrook Road extension completing the connection between its two existing termini – within which the applicant proposes to delay the construction of the Springbrook Road connection until the time at which the MFR phase of the PUD is developed, it is nevertheless staff's position that the completion of the Springbrook connection be required as part of the development of the first phase of the SFR portion of the PUD. It is staff's view that the Springbrook connection will serve the development as a whole, including the SFR portion of the PUD, and is not related solely or even primarily to the development of the future MFR development. Therefore, the Springbrook Road connection is proportional with the SFR phase and not just the future MFR phase, as it is likely that all of the PUD will predominately use the southern Springbrook connection, not just the residents of the future MFR development. Furthermore, the increase traffic load on Springbrook Road with the approval of 51 additional dwelling units, without a connection with the Springbrook Road terminus to the south, will place a disproportional reliance on Arrowhead Drive for all traffic having an origin or destination to the south. Finally, constructing Springbrook Road as part of the initial SFR phase of the PUD will minimize impacts on the surrounding neighborhood residential streets, provide a more direct route for emergency services, and result in a general reduction of vehicle miles traveled (VMT) for the public network as a whole.

In sum, it is staff's view that the addition of 51 dwelling units on the subject site with only a partial extension of Springbrook Road, as requested by the applicant, without a complete connection between the street's two existing termini, would adversely impact the public street network. As such, staff recommends as a condition of approval that the applicant be required to construct and improve the full connection of Springbrook Road between its two existing termini with the first phase of the development, prior to final plat approval.

#### Public Improvements

Per the agency comments submitted to staff (Exhibits M-P), it can be found that there are adequate facilities to serve the PUD.

#### Committee Comments

No comments were received from committees such as BPAC.

#### Neighbor Comments

At the time of this writing, staff has received written comments from two neighbors of the proposed development, which have been added into the record for the Commission's review (Exhibits W & X).

Other Agency Comments

*Address Technician*

The memo received by staff from the City's Address Technician (Exhibit S) explained that one of the names proposed as a street within the PUD, Hayden Circle, shares a similar name to another street within the City, and requested that the applicant select an alternative name. The applicant has since revised the plat, and has changed the name of the street formerly identified as Hayden Place to Bronte Circle – an approved street name.

**FINDINGS AND CONCLUSIONS**

*Planned Unit Development*

Staff finds that the proposed PUD preserves an important natural feature of the land (wetland), and includes a mixture of housing types in residential areas; the proposed modifications enhance the development as a whole resulting in a more creative and desirable project; the property is not subject to a moratorium on construction or land development, Public Facilities Strategy, or a Limited Service Area; the location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function; the proposed PUD does not include uses not allowed in the underlying zone; nor does it include proposed uses subject to compliance with the conditional use permit criteria; and the proposed 51-lot residential land division meets all the substantive approval criteria in Article II for each of the additional development applications.

*Zone Change*

Staff finds that, in regards to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with both the UR and UM General Land Use Plan Map designations and the Transportation System Plan, and that there are no locational criteria for a change of zone to MFR-15; in regards Criterion 2, the agency comments included as Exhibits M through Q demonstrate that there are adequate Category A facilities available to serve the subject site.

*Land Division*

Staff finds the partition plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V; will not prevent development of the remainder of the property under the same ownership or of adjoining land; all proposed street names have been reviewed and approved by the City's Address Technician; all proposed streets are laid out to be consistent with existing and planned streets with the plats of land divisions already approved for adjoining property; criteria 5 is inapplicable to the subject development; and the applicant has submitted an Agricultural Impact Assessment identifying future measures to be undertaken by the applicant in order to minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses.

Staff recommends that the Commission adopt staff's Findings of Fact.

### RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of PUD-18-031, ZC-18-036, and LDS-18-044 per the staff report dated June 7, 2018, including Exhibits A through X.

### EXHIBITS

- A Conditions of Approval, drafted June 7, 2018.
  - B Preliminary PUD Plan, received June 1, 2018
  - C Tentative Plat, received June 1, 2018.
  - D Conceptual Grading and Drainage Plan, received March 30, 2018.
  - E Conceptual Utility Plan, received March 30, 2018.
  - F Accessor's Map, received March 30, 2018.
  - G GLUP Map, received May 9, 2018.
  - H Zoning Map, received May 25, 2018.
  - I Applicant's Findings of Fact and Conclusions of Law (PUD), received May 24, 2018.
  - J Applicant's Findings of Fact and Conclusions of Law (Zone Change), received May 24, 2018.
  - K Applicant's Findings of Fact and Conclusions of Law (Land Division), received May 24, 2018.
  - L Agricultural Impact Assessment, received May 16, 2018.
  - M Public Works Department staff report (PUD & Land Division), received June 7, 2018.
  - N Public Works Department staff report (Zone Change), received June 7, 2018.
  - O Medford Water Commission memo and associated map, received May 2, 2018.
  - P Fire Department memo, received May 2, 2018.
  - Q Parks Department memo, received May 7, 2018.
  - R Medford Airport email, received April 27, 2018.
  - S Address Technician memo, received May 1, 2018.
  - T Rogue River Valley Irrigation District email, received May 14, 2018.
  - U Traffic Engineering letter to applicant, drafted April 16, 2018.
  - V Applicant's supplemental findings addressing pedestrian accessway, received May 25, 2018.
  - W Neighbor letter (Randy and Wendy Zustiak) (2 of 2), received May 2 & May 7, 2018.
  - X Neighbor letter (Kathleen Fennel), received May 18, 2018.
- Vicinity Map

**PLANNING COMMISSION AGENDA:**

**JUNE 14, 2018**

## EXHIBIT A

Springbrook Park - PUD  
PUD-18-031/ZC-18-036/LDS-18-044  
Conditions of Approval  
June 7, 2018

### CODE REQUIRED CONDITIONS

Prior to final plat approval for each applicable phase, the applicant shall:

1. Construct and improve the full extension of Springbrook Road, connecting its two existing termini, with the first phase of the development.
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit O).
3. Comply with all conditions stipulated by the Public Works Department (Exhibit M-N).
4. Comply with all requirements of the Medford Fire Department (Exhibit P).
5. Comply with all requirements of the Rogue River Valley Irrigation District (Exhibit T).
6. Comply with all requirements of the Department of State Lands (DSL) to insure the protection of any wetlands identified on the site.
7. Submit a revised tentative plat and PUD Plan showing a maximum of 72 MFR units or 89 townhouse units within the multi-family portion of the site, as per the requirements of the Public Works Department (Exhibit N).

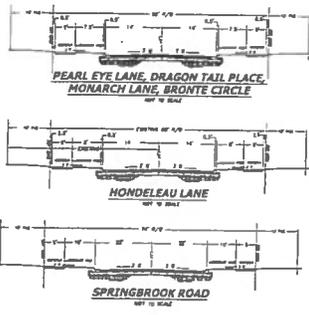
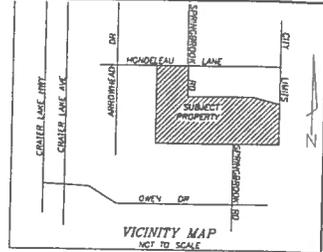
Prior to final PUD Plan approval for each applicable phase, the applicant shall:

8. Obtain approval from the Site Plan & Architectural Commission (SPAC) for the site design and architecture for the proposed MFR development, as per MLDC 10.285-292.
9. Provide staff with documentation, recorded in the official records of Jackson County and consistent with the requirements outlined in MLDC 10.230(E)(1-6), regarding the future maintenance and responsibilities of the common elements area identified on the PUD Plan.
10. Comply with all requirements of the Parks Department regarding the installation of the 20-foot pedestrian easement identified on the PUD Plan (Exhibit Q).

### DISCRETIONARY CONDITIONS

11. The approved tentative plat shall be authorized the maximum time period of five (5) years before its expiration, as permitted for phased developed pursuant to MLDC 10.269(2).

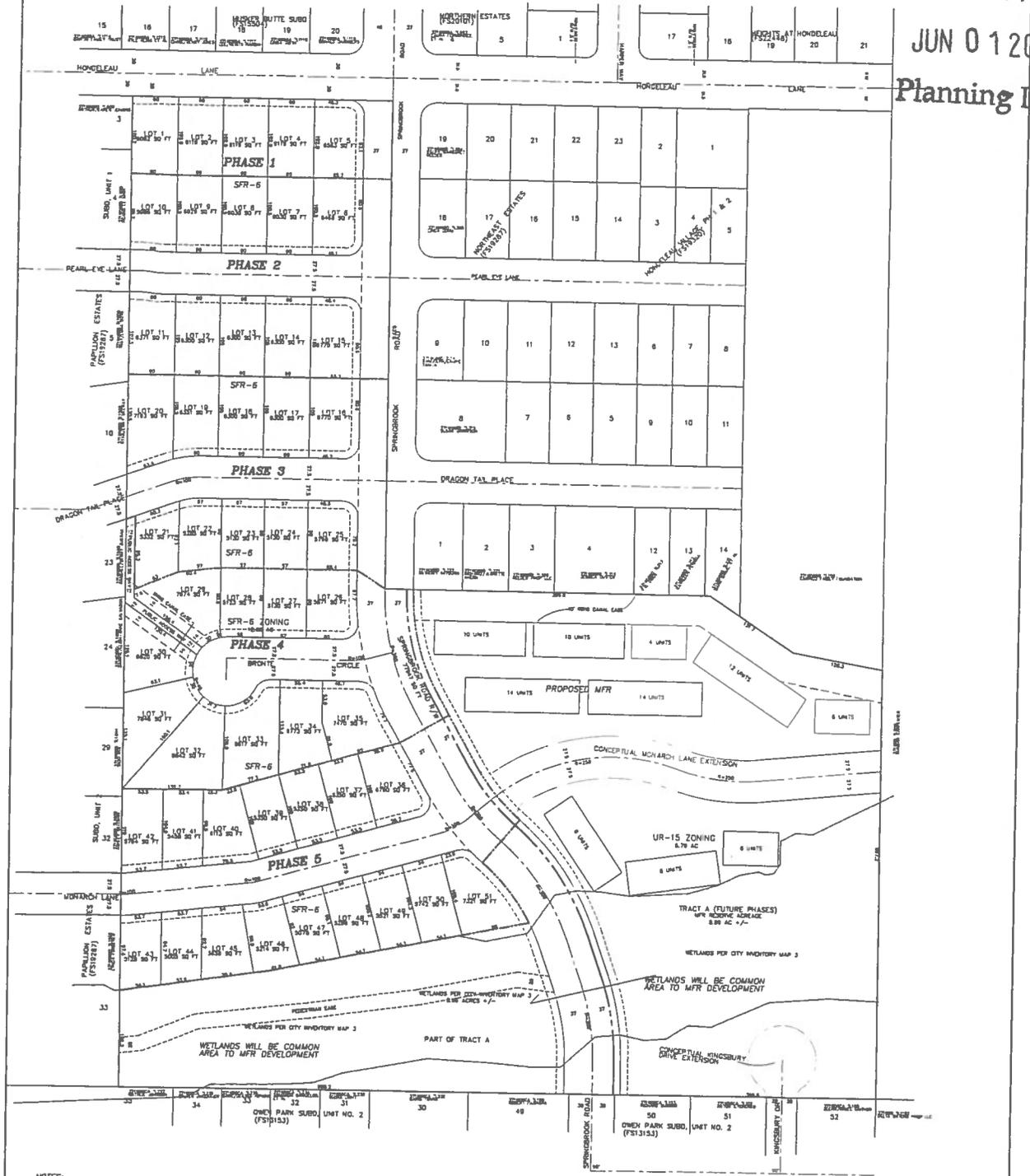
PRELIMINARY P.U.D. PLAN  
**SPRINGBROOK PARK**  
 A PLANNED COMMUNITY SUBDIVISION  
 In the N.W. 1/4 of Sec. 8, T.37S., R.1W., W.M. &  
 in the City of Medford Jackson County, Oregon



Sheet "A"

PLAT NO.	
RECORD NO.	
DATE	
PREPARED BY	
CHECKED BY	
DATE	

RECEIVED  
 JUN 01 2018  
 Planning Dept.



NOTES:  
 1. SHOWS PROPOSED MONARCH DRIVE EXTENSION PER CITY MAP NO. 3  
 2. SHOWS PROPOSED SINGSBURY DRIVE EXTENSION PER CITY MAP NO. 3  
 3. WETLANDS WILL BE COMMON AREA TO MFR DEVELOPMENT  
 4. WETLANDS PER CITY MAP NO. 3  
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OWNER OF RECORD:  
 40 OWEN PROPERTY, LLC  
 1100 17TH ST. SW  
 WASHINGTON, DC 20036

REGISTERED PROFESSIONAL LAND SURVEYOR  
 L. J. FRANK & ASSOCIATES, P.C.  
 1000 N. 10TH ST. SUITE 100  
 MEDFORD, OR 97504  
 541.754.1100  
 L.J. FRANK & ASSOCIATES, P.C.  
 1000 N. 10TH ST. SUITE 100  
 MEDFORD, OR 97504  
 541.754.1100

PRELIMINARY P.U.D. PLAN  
 371 HONDELEAU LANE  
 MEDFORD, OR 97504  
 PREPARED BY: STEVE SHAW  
 CHECKED BY: STEVE SHAW  
 DATE: 05/17/18  
 CITY OF MEDFORD  
 EXHIBIT # 8



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MAR 30 2018

PLANNING DEPT.

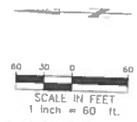
PEARL EYE LANE, DRAGON TAIL PLACE,  
MONARH LANE, HAYDEN CIRCLE

HONDELEAU LANE

SPRINGBROOK ROAD

PROPOSED MFR  
FUTURE PHASE

TYPICAL SECTION  
SHARED USE PATH



PREPARED BY  
**Civil West**  
Engineering Services, Inc.  
10580 HWY. 82, SUITE B-1  
EAGLE POINT, OREGON 97524  
P-541-240-8601

03/29/2018  
SPRINGBROOK PARK  
A PLANNED COMMUNITY SUBDIVISION

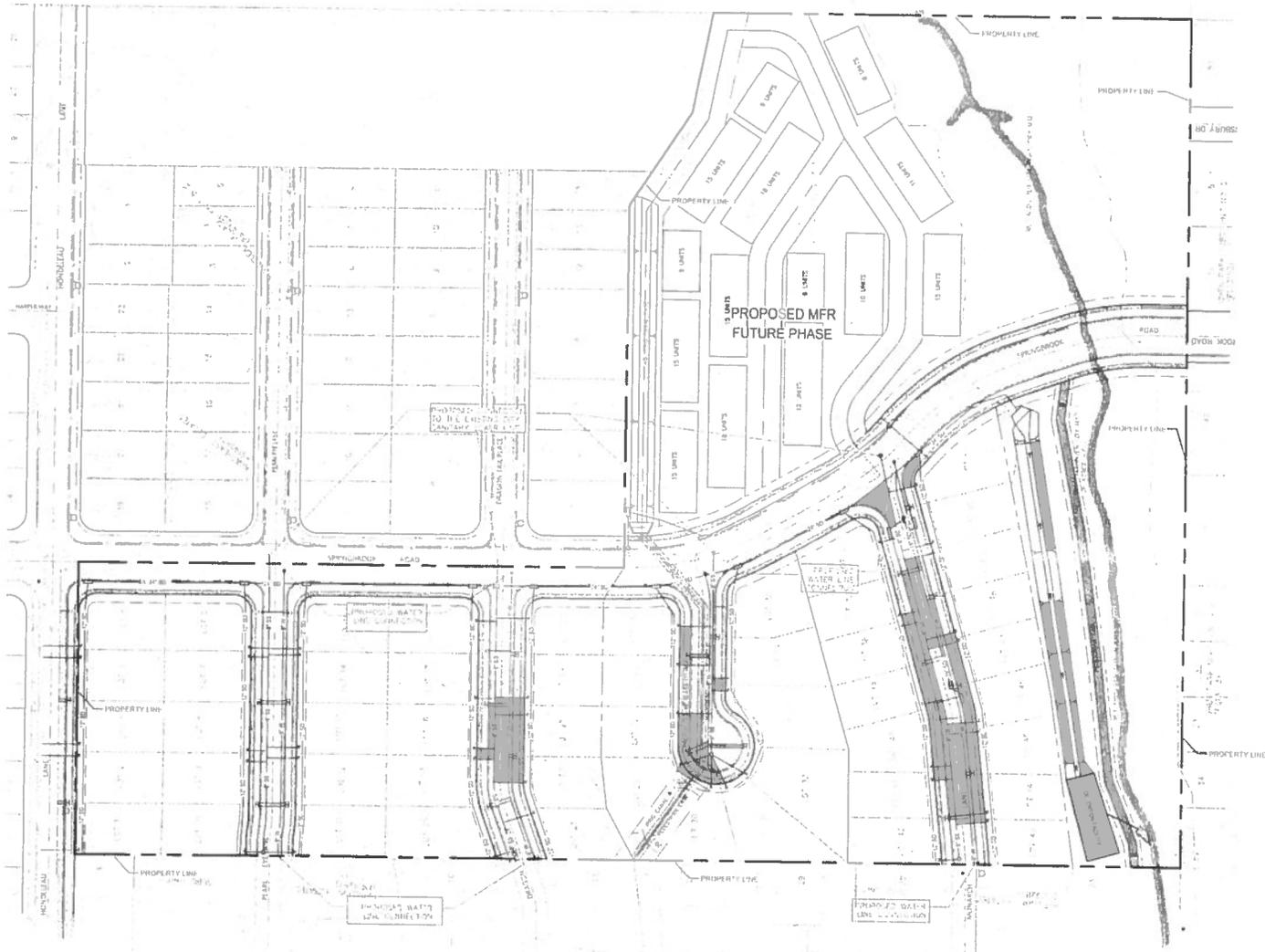
CONCEPTUAL GRADING AND  
DRAINAGE PLAN

NOT FOR CONSTRUCTION

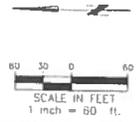
RECEIVED

MAR 30 2018

PLANNING DEPT.



- LEGEND**
- PROPOSED SEWER LINE
  - PROPOSED STORM DRAIN
  - PROPOSED WATER LINE
  - PROPOSED GAS LINE
  - PROPOSED ELECTRIC LINE
  - PROPOSED WATER VALVE
  - PROPOSED STORM DRAIN VALVE
  - PROPOSED SEWER VALVE
  - PROPOSED WATER VALVE
  - EXISTING STORM DRAIN
  - EXISTING SEWER MAIN
  - EXISTING GAS MAIN
  - EXISTING ELECTRIC MAIN
  - EXISTING WATER MAIN



PREPARED BY  
**Civil West**  
 CIVIL ENGINEERS, INC.  
 10258 HWY. 63, SUITE B-1  
 EAGLE POINT, OREGON 97524  
 P. 541-260-8601

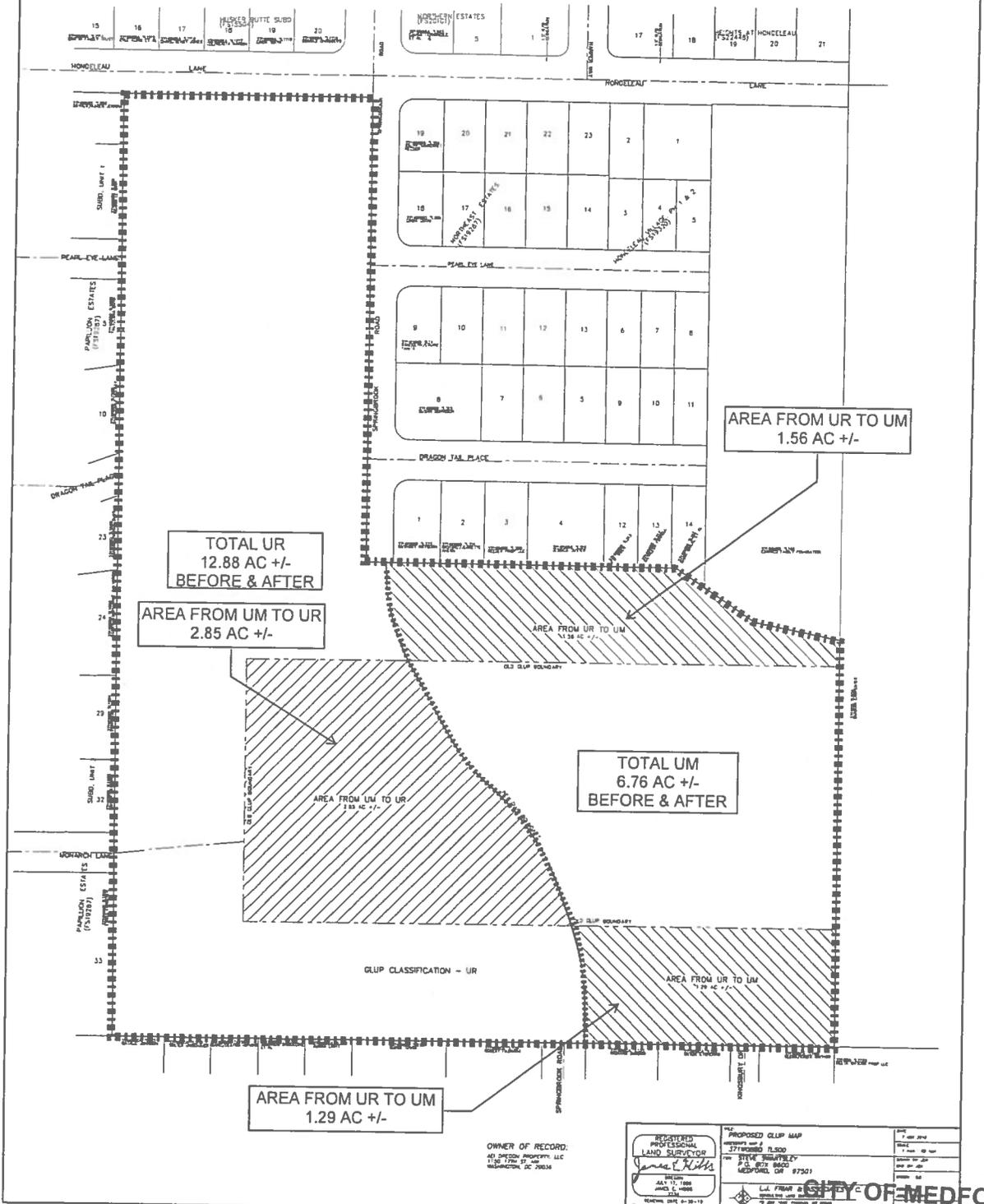
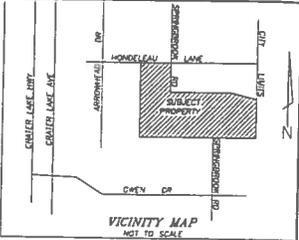
03/29/2018  
 SPRINGBROOK PARK  
 A PLANNED COMMUNITY SUBDIVISION  
 CONCEPTUAL UTILITY PLAN  
 NOT FOR CONSTRUCTION

CITY OF MEDFORD  
 EXHIBIT # E

File # PUD-18-0317ZC-18-036/  
 LDS-18-044



PROPOSED GLUP MAP FOR  
**SPRINGBROOK PARK**  
 A PLANNED COMMUNITY SUBDIVISION  
 In the N.W. 1/4 of Sec. 8, T.37S, R.1W, W.M. &  
 in the City of Medford Jackson County, Oregon

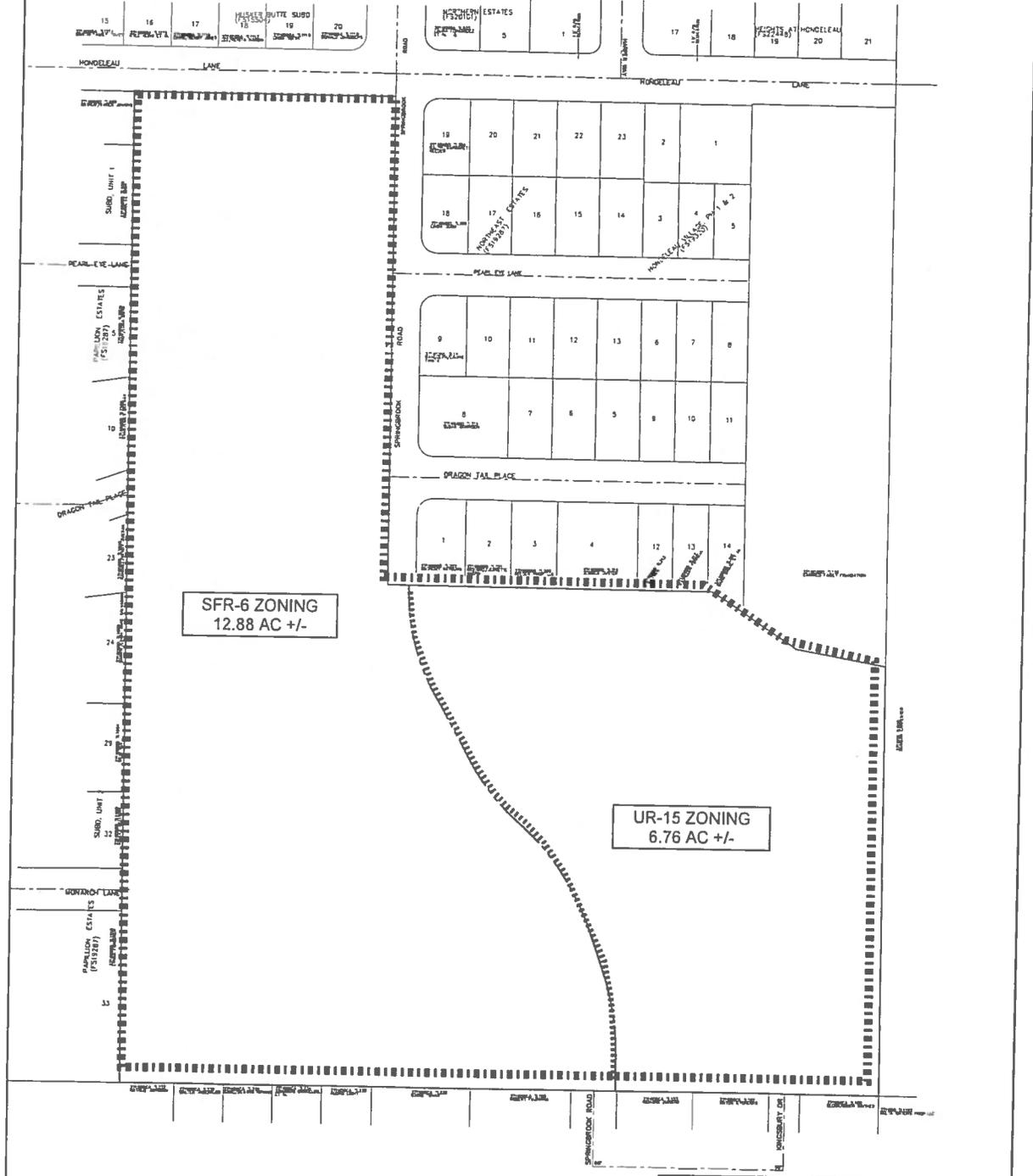
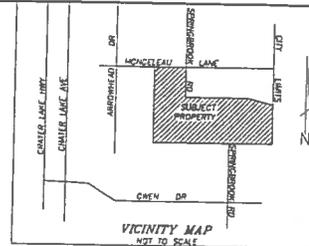


OWNER OF RECORD:  
 401 CHEVON AVENUE, LLC  
 1107 17TH ST. SW  
 WASHINGTON, DC 20036

REGISTERED PROFESSIONAL LAND SURVEYOR <i>James C. Hill</i> JULY 11, 1988 JANES C. HILL MEDFORD, OREGON 97504	PROPOSED GLUP MAP RECORDS MAP # 37700880 FL500 BY STEVE HORNBEY P.O. BOX 8620 MEDFORD, OR 97501	DATE 7/28/2014
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CITY OF MEDFORD  
 EXHIBIT # **G**  
 File # PUD-18-031/ZC-18-036/  
 LDS-18-044

PROPOSED ZONING MAP FOR  
**SPRINGBROOK PARK**  
 A PLANNED COMMUNITY SUBDIVISION  
 In the N.W. 1/4 of Sec. 8, T.37S, R.1W, W.M. &  
 in the City of Medford, Jackson County, Oregon



OWNER OF RECORD:  
 A1 GREEN PROPERTY, LLC  
 1156 17TH ST NW  
 WASHINGTON, DC 20036

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
*Janet K. Hill*  
 JKH  
 JULY 17, 1988  
 EXPIRES JULY 17, 2018  
 CREATED DATE 01-20-11  
 BY L. J. FRANK & ASSOCIATES, P.C.

PROPOSED ZONING MAP  
 PREPARED BY  
 L. J. FRANK & ASSOCIATES, P.C.  
 2000  
 1156 17TH ST NW  
 WASHINGTON, DC 20036  
 PREPARED DATE 01-20-11  
 BY L. J. FRANK & ASSOCIATES, P.C.

**CITY OF MEDFORD**  
**EXHIBIT # 84**

File # PUD-18-031/ZC-18-036/  
 LDS-18-044

**BEFORE THE PLANNING COMMISSION**

**FOR THE CITY OF MEDFORD, JACKSON COUNTY, OREGON**

**IN THE MATTER OF AN APPLICATION FOR THE ) LDS  
CONSTRUCTION OF A 51 LOT PLANNED UNIT )  
SUBDIVISION ON APPROXIMATELY 19.66 ACRES ) 18-44  
OF LAND AT THE CORNER OF HONDELEAU LANE )  
AND SPRINGBROOK ROAD IN THE CITY OF MEDFORD )  
SPRINGBROOK PARK, LLC, APPLICANT; STEVEN L. )  
SWARTSLEY, AGENT )**

**3rdd AMENDED NARRATIVE AND FINDINGS OF FACT**

**SCOPE AND NATURE OF THE PLANNING ACTION**

Under City of Medford Development Code, Chapter 10, Applicant has submitted a tentative plan for the development of 51 lots on 12.88 acres together with a UM 15 designation on 6.76 acres on what is currently 1 lot consisting of approximately 19.66 acres, currently zoned SFR 6 per the City of Medford Land Development Code. The City of Medford General Land Use Plan designates the property as “urban residential”.

**EVIDENCE OF RECORD**

Submitted herewith are the requisite proposed tentative plat together with the conceptual drainage and grading plans as well as the other required documentation for a Planned Unit Development Application.

**SUBSTANTIVE CRITERIA**

The narrative, findings of fact and conclusions of law, which follow form the basis upon which the City can act favorably on the Planned Unit Development Application.

**SUBSTANTIVE CRITERIA**

The Planning Commission can utilize the following facts and information with respect to this matter regarding the Application for a Planned Unit Development for Springbrook Park Subdivision.

**APPLICATION:** An application for a Planned Unit Development for construction of a 51 lot subdivision and 6.76 acres of UM 15 on approximately 19.66 acres located in northeast Medford at the intersection of Hondeleau Lane and Springbrook Road.

**PROPERTY APPLICANT:** Springbrook Park, LLC

**AGENT:** Steven L. Swartsley  
P.O. Box 8600  
Medford, OR 97501  
Phone: 541-944-1881  
e-mail: [swartsley@charter.net](mailto:swartsley@charter.net)

**LEGAL DESCRIPTION:** The property is described as T.371W 08BD TL 500

**OWNERSHIP:** The owner is AEI Oregon Property, LLC, 1789 Massachusetts Ave., NW, Washington, DC 20036.

**PURPOSE:** The purpose of this project is to promote creative and imaginative development that is compatible with the natural topography, as well as preserve the natural features and scenic qualities of the site. This type of development will not compromise public health, safety or welfare and it promotes the efficient use of the subject parcel. It further promotes a mixture of land uses and housing types that are thoughtfully planned and integrated. It further promotes the development and maintenance of open space areas and other elements for common uses by residents. The Planned Unit Development proposed is and infill development on a parcel that is somewhat difficult to development.

#### NARRATIVE

**APPROVAL CRITERIA:** The proposed PUD preserves the important natural features of the land, includes a mixture of housing types in residential areas and includes open space and common areas that benefit surrounding property owners. It is also required by the Medford Land Development Code because the property was up-glupped as part of the UGB expansion project. The UM designation under that resulted in an UM designation crossing streets and making the property impossible to develop. By the allowance of the submitted Planned Unit Development application the property can be developed in an orderly manner.

The proposed PUD complies with the applicable requirements of the Code in that it:  
Preserves important natural features of the land

Includes a mixture of housing types in residential areas  
Includes open spaces, common areas and pedestrian pathways.

The proposed PUD complies with the applicable requirements of this Code in that it:  
The rationale for the development of a PUD is to preserve and improve the natural features and enhance the livability of the project as a whole as specifically set forth in Section 10.235(B(3)(a).

Further the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and the proposed

modifications to the limitations, restrictions, and design standards of this code will not materially impair the function, safety or efficiency of the circulation system or the development as a whole.

The property is not subject to any of the following measures:

Moratorium on Construction or Land Development  
Public Facilities Strategy  
Limited Service Area

The location, size, shape and character of all common elements in the PUD are appropriate for their intended use and function.

The property is currently supplied with public sanitary sewerage and treatment facilities, public domestic water distribution, storm drain facilities and public streets. There is sufficient public facility capacity to support the development as proposed.

### CONDITIONS

If the Planning Commission approves a Preliminary PUD Plan, in addition to conditions authorized under Section 10.291, it may attach conditions to the approval which are determined to be reasonably necessary to ensure:

The Final PUD Plan will be substantially consistent with the approved Preliminary PUD Plan and specifications related thereto.

Development of the PUD will be consistent with the approved Final PUD Plan and specifications related thereto. To ensure satisfactory completion of a PUD in compliance with the approved plans, the Planning Commission may require the developer to enter into an agreement with the city as specified under Section 10.296.

The PUD will comply with the Comprehensive Plan, the Medford Municipal Code and all provisions of this Code except the specific provisions for which there are approved modifications.

There are appropriate safeguards to protect the public health, safety and general welfare.

There will be ongoing compliance with the standards and criteria in this Section.

To guarantee streets, public facilities and utilities can be appropriately extended from one PUD phase to each successive future phase in accordance with the approved Preliminary PUD Plan, the City may require the conveyance of easements or other assurances.

**NARRATIVE:** The subject property contains approximately 19.66 acres of bare land that historically has been used as farm land until the 1950s. Since that time the land has been dormant with no known industrial or farm uses. To the best of applicant's knowledge there has never been any structures on the site. The subject is surrounded by

developed properties on three sides, with a large wet land on the southerly side of the parcel. Surrounding properties are all SFR 6 zonings and have been developed with in the last 12 years. The area has adequate water, sewer and other utilities to service the requested subdivision. It will be applicant's responsibility to extend current utilities into the proposed site as well as construct roads within the areas. The proposed plan by Applicant provides for connectivity of three street that currently dead end in applicant's property (Dragon Tail Place, Pearl Eye Lane and Monarch Lane) creating connectivity with Springbrook Road. Applicant proposes extending Springbrook Road approximately 250' south, but not connecting it to the present terminus of Springbrook Road at Sharman Way. That connectivity would be done when the Applicant's property east of Springbrook Road is developed (currently designated as Proposed MFR).

**Proposed Lot Dimensions:** All lots within the proposed subdivision together with all street improvements meet current city of Medford code requirements for SFR 6 residential land. There are no requested exceptions to this pre-application. (See Exhibit A, attached hereto and made a part hereof).

The following standards are part of the proposed submitted tentative plat:

- \*Lot Size: Minimum Lot Size: 5,005 square feet
- \*Lot Frontage: All lots meet requirements per MLDC 10.710
- \*Lot Width: Minimum Lot Width; 50 feet
- \*Lot Depth: Minimum Lot Depth: 90 feet
- \*Lot Density Calculations: The Residential density criteria for SFR 6 zoning district have been met.
- \*Lot Coverage: Up to 40%
- \*Building Setbacks:
  - Adjoining rear alley yard set back: For garages: 20 feet from the face of the curb of the alley where no sidewalk; 24 feet from the face of curb where sidewalk is present. For other portions of the structure: 10 feet.
  - Rear yard, not adjoining alley: 4 feet, plus an additional 0.25 feet added to the minimum 4 foot setback for each foot in building height over 15 feet.
  - Side yard: 4 feet, plus an additional 0.25 feet added to the minimum 4 foot setback for each foot in building height.
  - Front yard abutting all streets: For garages, 20 feet from back of sidewalk. For other portions of the structure 20 feet.

Vision triangles and areas shall be maintained on corner lots.

As illustrated on the attached Exhibit A and the tentative plat submitted with this application, the approximate minimum lot dimensions (rounded to the nearest foot) for the 51 single family detached dwelling lots are summarized therein.

Attached Exhibit A and the Tentative Plat the minimum for lot development within Springbrook Park are as follows:

Lot Size: Minimum Lot Size: 5,005 square feet

Lot Frontage: All 51 lots meet the minimum per MLDC 10.710

Lot Width: Minimum Lot Width; 50 feet

Lot Depth: Minimum Lot Depth 90 feet

Lot Density Calculations: The residential density criteria for a SFR 6 zoning district have been met

Lot Coverage: Up to 40%

Building Setbacks: As per code

Minimum/Maximum Building Envelopes: 1200 square feet

**Streets:** **Springbrook Road** is classified a Major Collector. Dedication of a public right of way, sufficient width of land along the frontage to comply with the half width (37') of right of way, from Hondeleau Lane south approximately 635'. Further dedication for public right of way, sufficient width of land along the frontage to comply with the full width of right of way which is 74' south of Hondeleau Lane to the project terminus.

**Hondeleau Lane:** A standard Residential street which the developer shall dedicate for public right of way, sufficient width of land along the frontage of this proposed subdivision to comply with the half width of right of way, which is 31.5'.

**Pearl Eye Lane and Dragon Tail Place and Monarch Lane** are proposed as Minor Residential streets with a right of way width of 55', consistent with the standard prescribed by MLDC 10.430

**Hayden Circle:** A Residential Lane with a right of way width of 33' consistent with the standard prescribed by MLDC 10.430. This street will be built and right of way dedicated to Minor Residential standards in accordance with MLDC 10.430.

**Signs:** As required by staff

**Vehicular Access and frontage:** Lots 1 – 5 from Hondeleau Lane; Lots 6 – 15 from Pearl Eye Lane; Lots 16 – 25 from Dragon Tail Place; Lots 26 – 35 from

Hayden Circle; Lots 36 – 51 from Monarch Lane. No access or frontage from/on Springbrook Road.

**Pedestrian/Bicycle Access:** Pedestrian/Bicycle access will continue to be afforded through the existing roads and sidewalks as shown on the Tentative Plat as well as at the end of the cul-de-sac atop an easement for Rogue Valley Irrigation District (there is an alternative pedestrian pathway from the cul-de-sac to Dragon Tail Place).

**Common Area:** MLDC 10.230 (E) requires 20% of land in a PUD be designated as Common Area. The Wetland portion of the plat exceeds that 20% requirement and said area will be enhanced and improved as allowed to create an asset for the entire property. In addition there is a planned pedestrian walkway in the Wetland Area that is for future connectivity to other pedestrian walkways thru out the east side of the City.

**Utility Easements:** Appropriate easements have been created to provide domestic water, sanitary sewer, storm drainage, and other utility services.

**Agricultural Impact Assessment Report:** Attached hereto and made a part hereof is an Agricultural Impact Assessment Report prepared under the provision of Section 10.801.

**Hillside Ordinance:** Not applicable

**Wet Lands:** As set forth on the designated maps.

**Block Length:** Under the provisions of MLDC 10.426 C 2 the approving authority may find proposed blocks that exceed the maximum and/or perimeter standards are acceptable when it is demonstrated by the findings one or more of the constraints, conditions or uses listed below exists on the site. The length of the block from the intersection of Monarch Lane and Sharman Way does not exceed the 660' length between intersections. City staff claims the correct intersection to measure from is Dragons Tail Place to Sharman Way. Staff is misinterpreting the MLDC code in that measurement is from centerline to centerline of through intersecting streets which Monarch Lane is a through intersecting street. It is moot in that MLDC 10.426 C 2 provides that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed exist on the site. Subsections a and b provide topographic constraints and environmental constraints including the presence of a wetland are grounds for block length exceptions.. The southern portion of the site is designated wetlands and therefore the constraint applies in this application.

The block length as it relates to the MFR portion of the project (east side of Springbrook Road) is designated as reserve acreage and does not need to be

addressed until future development of that parcel. The Medford Development Code provides: "Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards." (10.426 C 2)

However, the submitted plat attached hereto demonstrates a conceptual road connectivity to lands to the east which are currently outside the Urban Growth Boundary of the City. That conceptual plan negates any block length concerns.

**Springbrook Road Connectivity:** Staff desires connecting the existing Springbrook Road terminus south of the proposed development via a bridge crossing the wetlands with the northerly portion of Springbrook Road. Applicant is prepared to construct said bridge, but desires the construction of the same resulting in the connecting of the two sections of Springbrook Road be deferred until development of the reserve acreage in the proposed plat east of Springbrook Road. It is applicant's position that until the construction of the multi-family portion of the PUD, traffic impact on existing streets and intersections is insignificant. The proposed multi family portion of the PUD is a substantial part of the whole parcel, and the deferment of the construction is not in any way an attempt to avoid said bridge construction.

#### **DENSITY**

Residential Densities in the proposed PUD shall be calculated pursuant to Section 10.708 and in the present case the proposed PUD is the beneficiary of a Residential Density Bonus as the site is larger than 5 acres allowing density to be increased up to twenty percent (20%) more than the maximum permitted. The present site is 19.66 acres, currently zoned SFR 6 with an up GLUP Map designation of UM 15 for 6.76 acres currently. The proposed PUD would keep 6.76 acres of UM 15 with an additional 3 + acres of that being open space-wet land with a pedestrian walk way. With the residential bonus there is proposed 176 units to be built on the UM 15 portion. The remaining 12.88 acres will remain SFR 6 and will have 51 single family residential lots, the maximum that can be constructed on the parcel with the necessary street right of ways and still meet the requirements for the SFR-6 residential zoning district (see Exhibit B).

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Planning Commission can reach the following conclusions of law which are based upon the findings of fact and information contained above and the findings response to each criterion enumerated below:

Planned Unit Development Application for Springbrook Park complies with the existing MLDC and the requirements for SFR 6 lots. It 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 of the Land Division Criteria.

It will not prevent development of the remainder of the property under the same ownership, if any of adjoining land or of access thereto, in accordance with chapter 10 of the Land Division Criteria.

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

The streets are laid out to be consistent with existing and planned streets and 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.

It will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU zoning district.

Urban services and facilities are available to adequately serve the property, and cumulative impacts from the development of the site, consistent with the zoning, will not affect the capability of the City to provide the site with water, sanitary sewer, storm drainage, streets and public safety. The capacity of the water system and sanitary sewer facilities indicates the proposal will not tax the capacity of the plants. Currently the Engineering Department has in place a regulation that restricts the number of units that can be built on a parcel when it is subject to a zone change (in the present case the GLUP map designates the 6.76 acres as UM 15 but this division results in a request for a zone change). Under the current zoning and formula used by the Engineering Department only 92 multi-family units can be currently built with an expansion to 126 units in the future when the down stream sewer pipe line is increased in size. Therefore, the requested zone change will result in 92 units constructed in the immediate future with a reserve of 34 units.

The Common Area as designated exceeds the 20% requirement and will be an enhancement to the project as a whole.

The applicant is aware it is subject to, with any change of use, the systems development charges adopted by the City of Medford to insure developers pay their fair share of extending public facilities such as water, sanitary sewer and streets if necessary.

The proposed plat will not adversely impact any surrounding streets, intersections or any other state facility. This complies with the Transportation Planning Rules as outlined in the OARs.

The applicant respectfully requests the Planning Commission approves the Planned Unit Development Application as submitted as well as the proposed tentative plat.

Respectfully submitted,



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Steven L. Swartsley, Agent/Member

TELEPHONE  
541-772-2782

JAMES E. HIBBS, PLS



**L.J. FRIAR & ASSOCIATES P.C.**

CONSULTING LAND SURVEYORS

P.O. BOX 1947  
PHOENIX, OR 97535

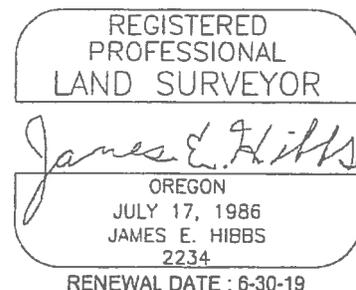
FAX  
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION

Beginning at the Northeast corner of Lot 3 of PAPIILLION ESTATES SUBDIVISION, UNIT 1, according to the official plat thereof, now of record, in Jackson County, Oregon; thence along the South line of Hondeleau Lane, South 89°40'05" East, 342.18 feet to the North-Northeast corner of Parcel 1 described in Document No. 2014-005838, Official Records of Jackson County, Oregon; thence along the East line thereof, South 00°06'35" East, 635.87 feet to the interior ell corner thereof; thence along the North line thereof, South 89°40'05" East, 27.93 feet; thence leaving said North line, South 00°06'35" East, 6.83 feet; thence along the arc of a 272.07 foot radius curve to the left having a central angle of 29°34'08", a distance of 140.41 feet (the long chord of which bears South 14°53'39" East, 138.86 feet); thence South 29°40'43" East, 105.64 feet; thence along the arc of a 272.07 foot radius curve to the left having a central angle of 19°53'36", a distance of 94.46 feet (the long chord of which bears South 39°37'32" East, 93.99 feet); thence along the arc of a 327.93 foot radius curve to the right having a central angle of 30°25'39", a distance of 174.15 feet (the long chord of which bears South 34°21'30" East, 172.11 feet); thence South 19°08'41" East, 57.45 feet; thence along the arc of a 327.93 foot radius curve to the right having a central angle of 19°13'25", a distance of 110.025 feet (the long chord of which bears South 09°31'58" East, 109.51 feet); thence South 00°04'44" West, 45.07 feet to the East-West centerline of Section 8, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along said East-West centerline, North 89°54'45" West, 651.285 feet to the Southeast corner of Lot 33 of PAPIILLION ESTATES SUBDIVISION, UNIT 2, according to the official plat thereof, now of record, in Jackson County, Oregon; thence along the East lines of said UNITS 1 & 2, North 00°05'26" West (record North 00°05'29" West), 1291.64 feet to the point of beginning. Containing 12.88 acres, more or less.

EXTERIOR OF TOTAL UR  
371W08BD TL500  
Steve Swartsley  
17-197  
May 16, 2018



TELEPHONE  
541-772-2782

JAMES E. HIBBS, PLS



**L.J. FRIAR & ASSOCIATES P.C.**

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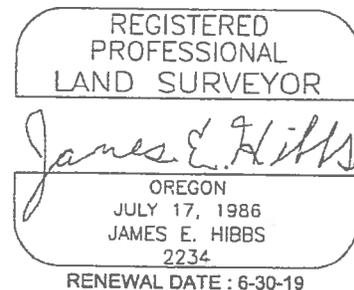
FAX  
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION

Commencing at the Northeast corner of Lot 3 of PAPILLION ESTATES SUBDIVISION, UNIT 1, according to the official plat thereof, now of record, in Jackson County, Oregon; thence along the South line of Hondeleau Lane, South 89°40'05" East, 342.18 feet to the North-Northeast corner of Parcel 1 described in Document No. 2014-005838, Official Records of Jackson County, Oregon; thence along the East line thereof, South 00°06'35" East, 635.87 feet to the interior ell corner thereof; thence along the North line thereof, South 89°40'05" East, 27.93 feet to the true point of beginning; thence leaving said North line, South 00°06'35" East, 6.83 feet; thence along the arc of a 272.07 foot radius curve to the left having a central angle of 29°34'08", a distance of 140.41 feet (the long chord of which bears South 14°53'39" East, 138.86 feet); thence South 29°40'43" East, 105.64 feet; thence along the arc of a 272.07 foot radius curve to the left having a central angle of 19°53'36", a distance of 94.46 feet (the long chord of which bears South 39°37'32" East, 93.99 feet); thence along the arc of a 327.93 foot radius curve to the right having a central angle of 30°25'39", a distance of 174.15 feet (the long chord of which bears South 34°21'30" East, 172.11 feet); thence South 19°08'41" East, 57.45 feet; thence along the arc of a 327.93 foot radius curve to the right having a central angle of 19°13'25", a distance of 110.025 feet (the long chord of which bears South 09°31'58" East, 109.51 feet); thence South 00°04'44" West, 45.07 feet to the East-West centerline of Section 8, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along said East-West centerline, South 89°54'45" East, 345.43 feet to the center one-quarter corner of said Section 8; thence along the North-South centerline of said Section 8, North 00°06'26" West, 559.22 feet to the East-Northeast corner of said Parcel 1; thence along the North line thereof the following three courses: North 79°58'05" West, 119.82 feet (record 119.16 feet); thence North 56°28'05" West, 131.68 feet; thence North 89°40'05" West, 398.64 feet to the true point of beginning. Containing 6.76 acres, more or less.

EXTERIOR OF TOTAL UM  
371W08BD TL500  
Steve Swartsley  
17-197  
May 16, 2018



BEFORE THE PLANNING COMMISSION

FOR THE CITY OF MEDFORD, JACKSON COUNTY, OREGON:

IN THE MATTER OF AN APPLICATION FOR )  
 )  
A CHANGE IN ZONING DESIGNATION FOR )  
 ) AMENDED  
APPROXIMATELY 6.76 ACRES OF LAND, )  
 ) FINDINGS OF FACT  
LOCATED ON THE EAST SIDE OF SPRING- )  
 ) &  
BROOK ROAD, NORTH OF THE PRESENT )  
 ) NARRATIVE  
TERMINUS OF SPRINGBROOK ROAD; )  
 ) LDS 18-44  
 )  
SPRINGBROOK PARK, LLC APPLICANT; )  
 )  
STEVEN L. SWARTSLEY, AGENT. )  
\_\_\_\_\_ )

**I. RECITALS PERTAINING TO THE PROPERTY:**

APPLICATION: A request for change of zoning designation from City of Medford SFR 6, 6 lots to the acre, to UM 15, 15 units to the acre for approximately 6.76 acres, located on the east side of Springbrook Road at the north end of the present terminus of Springbrook Road In the city of Medford, Oregon.

PROPERTY OWNER & APPLICANTS:	AEI Oregon Properties, LLC 1789 Massachusetts Ave, NW Washington, D.C. 20036	Springbrook Park, LLC P.O. Box 8600 Medford, OR 97501
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AGENT: Steven L. Swartsley  
P.O. Box 8600  
Medford, OR 97504  
Phone: 541-779-6000  
e-mail: swartsley@charter.net

A. Legal Description and Ownership: The property is described as T.37 1W-Section 08DB, Tax Lot 500. Owner of the property is AEI Oregon Properties, LLC. A copy of the legal description for this site, as well as the appropriate plat maps, locating the property, are attached as exhibits to these findings.

- B. Purpose: The purpose of the application is to change the zoning designation from City of Medford zoning (SFR-6) to UM 15, 15 units to the acre, allow the applicant the ability to file a development plan in the future on the property, consistent with the Comprehensive Plan and the General Land Use Plan Map that designate for the site SFR and Multi Family development. Properties in the vicinity are zoned SFR-6 (please refer to attached plat map).
- C. Land Use: The subject property consists of approximately 6.76 acres; the property is virtually flat land and has been fallow farm land for the last 40 years. The property abuts urban zoning district (SFR-6). The area to be rezoned is adjacent to properties that have been developed to the extent that water, sewer, street improvements and other public facilities have been extended into the area, and are generally in place. The applicants are aware that they bear the responsibility to extend services from the adjacent lands to the subject site.

## **II. APPLICABLE CRITERIA:**

In order to approve a zoning amendment and change the Zoning Map, the applicants must submit findings addressing Sections 10.225 through 10.227 of the Land Development Code. A review of Section 10.226 indicates that an application for a Zone Change must contain the following:

1. A vicinity map, identifying the proposed area to be changed on the General Land Use Map;
2. Assessor's map with the proposed Zone Change area identified;
3. Legal description of the area to be changed, prepared by a licensed surveyor or title company;
4. Property owner's names, addresses and map and tax lot numbers within 200 feet of the subject property, typed on mailing labels;
5. Findings prepared by the applicants or his representative demonstrating conformance with Section 10.227 of the Medford Land Development Code, Zone Change Criteria.

**FINDING:** The Planning Commission finds that this application for a change in zoning designation from SFR 6 to UM 15, with the information presented in support of the application, is consistent with the criteria for submission as required above, accompanied with the applicable maps, the legal description of the area to be changed, and the names and addresses of all adjacent properties within 200 feet typed on mailing labels, and findings consistent with the requirements of Section 10.227.

## **FINDINGS IN COMPLIANCE WITH SECTION 10.227 OF THE MEDFORD LAND DEVELOPMENT CODE:**

Section 10.227 provides that the approving authority (Planning Commission) shall approve a quasi-judicial zone change if it finds the zone change complies with all of the following:

1. The change is consistent with the Oregon Transportation Planning Rule (OAR 660), the General Land Use Plan Map and UM 15 standards as set forth in Section 1(b) of Section 10.227 of the Medford City Code.
2. Category A urban services and facilities are available to adequately serve the property, or will be made available at the time of development.
3. The area to be rezoned is 5 acres or larger.

Consideration of the above criteria shall be based upon the eventual development potential for the area, and the specific zoning district being considered.

## **1. CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

### **A. Compliance with the General Land Use Plan Map:**

A review of the general Land Use Plan Map of the City of Medford indicates this area of the City is designated on the General Land Use Plan Map as "Urban Residential". The map designations contained in the General Land Use Plan Element of the Comprehensive Plan indicates that permitted zoning districts within the Urban Residential designation are: SFR-2, SFR-4, SFR-6 and SFR-10, UM 15, consistent with the provisions of Section 10.306 of the Medford Land Development Code. The preferred zoning district for the subject property is UM 15. This district is consistent with the Urban Residential Designation as identified on the GLUP map.

**FINDING:** As the subject property lies within the Urban Growth Boundary and City Limits of the City of Medford, and found to be committed to Urban use, and specifically, delineated on the General Land Use Plan Map as Urban Residential, the UM 15 zoning requested is found to be consistent with the mapping criteria, and with the General Land use Plan Map as well it complies with 10.227 (1) (b) (ii) in that the subject property is at least 5 acres or larger.

### **B. Consistency with the Applicable Goals and Policies:**

In general, applications for zone changes are reviewed against the policies and goals of the Medford Comprehensive Plan to determine compliance with the Statewide Planning Goals and Guidelines. This is done to assure that changes made in the acknowledged Zoning Map are also acknowledgeable.

Section 10.227 requires compliance with applicable Goals and Policies of the Medford Comprehensive Plan. These are noted below:

## **ENVIRONMENTAL ELEMENT:**

The Environmental Element of the Medford Comprehensive Plan is simply a delineation of the various physical attributes that make up the greater Medford urbanizable area including such topics as climate, air and water quality, topography, natural hazards, historic areas and related features.

The Goals and Policies of this element are oriented to insure that urban land uses are planned, located, and developed in such a manner as to minimize conflicts with the various environmental issues and potential hazards, such as flood, landslides, agricultural impacts, etc. The Goals and Policies were prepared to guide the Staff and decision makers for the City to insure that physical issues that require special recognition are recognized and dealt with in a development proposal.

**CONCLUSION:** The City of Medford concludes that there are no adverse environmental impacts contemplated with the future development of this site. This application is consistent with the Environmental Element of the Comprehensive Plan.

### **HOUSING ELEMENT:**

Discussion:

The purpose of the Housing Element is to identify housing needs for the present and future residents of the City of Medford and to develop policies to meet the need.

The provisions of Goal 1 are to:

“Enhance the quality of life of all resident of the City of Medford by promoting a distinctive community character and superior residential environment, emphasizing the unique natural setting of the community”.

Policy 1(A)(1) provides the City is to promote community design guidelines which will be adopted to guide the development and architectural review processes.

The standards listed in the Medford Land Development Code and the Comprehensive Plan ensures that this Goal will be achieved during the development phase of this property.

Goal 2:

“Ensure that residential development in Medford is designed to minimize the consumption and degradation of natural resources, promote energy conservation, and reduce the potential effects of natural hazards.”

Policy 2A provides the City shall strive to prevent sprawl and provide a compact urban form that preserves livability and adjacent resource lands.

The development of this site will help prevent the need to expand the UGB to prevent sprawl, by providing for a planned compact urban form within the City of Medford. There are standards listed in the MLDC to ensure this Goal and Policies will be accomplished during the development phase of this site.

Goal 3:

“Ensure a coordinated balance among the provision of public services, the location of employment centers, and the production of appropriate housing within the City of Medford.”

The development of this site will provide for additional detached single family housing within the Southwest Medford area.

**CONCLUSION:** The Goals and Policies of the Housing Element ensure any development within the City of Medford will be consistent with the standards listed in the MLDC. The development of this site will help prevent sprawl by providing for compact urban form of development within the City of Medford. The development of this site will also provide for additional appropriate housing opportunities for the City. The City of Medford finds the request SFR-6 zoning on the subject property is consistent with the applicable Goals and Policies of the Housing Element.

#### **PUBLIC FACILITIES ELEMENT:**

This element is designed to assure there has been adequate planning for public facilities and services.

Discussion:

Goals #1, Policy #3 notes in order to provide for maximum consistency and coordination of individual Public Facility lands, the Land Use Element MATS sectors shall be the basic geographic planning unit whenever possible.

Further, Goal #2 notes the City shall make every reasonable effort to assure a continuing and consistent process for the development, coordination and prioritization of city public facilities Capital Improvement Program.

Goal #3, Policy #1 delineates the essential urban facilities and services necessary for “minimum adequate service levels”. These are basically Sanitary sewer, Domestic Water, Storm Drainage and Streets.

In reviewing the element, the policies and goals for the Waste Water/ Drainage, Water Systems are in fact statements of public policy, delineating how the City of Medford will realistically provide the various levels of service within the City Limits and UGB. The traffic and street issues have generally been subordinated to comply with the Statewide Transportation Planning Rule, OAR 660-012-0060.

The subject property is not located within a limited services area.

**CONCLUSION:** The City of Medford concludes the applicable Goals and Policies of the Comprehensive Plan have been addressed and this application is consistent with them. The City of Medford concludes the area requested to be rezoned has already generally been developed with public facilities including streets, sewer, storm drainage and water that have been or can be extended to the site.

**FINDING:** Based upon the fact the City of Medford has implemented the Goals and Policies of the Comprehensive Plan, the City finds the application is consistent with those applicable Goals and Policies, and this application is in compliance with the Medford Comprehensive Plan. This application is in compliance with Section 10.227(1) MLDC.

## **2. COMPLIANCE WITH URBAN SERVICES AND FACILITIES**

The second criteria for a zone change is:

“Urban services and facilities are available to adequately serve the property, or will be made available upon development”.

The Medford Comprehensive Plan, Public Facilities Element provides the list of Category “A” public Facilities to be considered. These are:

Sanitary Sewer  
Water  
Storm Drainage  
Streets

**Sanitary Sewer:** Sanitary Sewer service is provided by City of Medford. There is currently an 12 inch line existing along Springbrook Road. In addition there are lines in adjacent properties that will be extended and looped to adequately serve the subject property. These collection lines will serve the subject site. The Sanitary Sewer collection system is adequate to accommodate the proposed change in land use, as set forth herein. Sewer service will be extended to the proposed project by the owner/developer consistent with existing regulations.

The Engineering Department currently has in place a regulation that restricts the number of units that can be built on a parcel when it is subject to a zone change. In the present case, the GLUP map designates 6.76 acres to be rezoned UM 15, which is the request herein. Under the current zoning and formula used by the Engineering Department only 92 multi-family units can be currently built with an expansion to 126 units in the future when the down stream sewer pipe line is increased in size. Therefore, the requested zone change will result in 92 units constructed in the immediate future with a reserve of 34 units in the future.

Sewage treatment is provided by the City of Medford Regional Waste Water Treatment Plant. The plant presently serves approximately 125,000 persons. The treatment capacity of the plant is approximately 190,000 persons. The treatment plant has capacity to serve the expected population in the region for the foreseeable future. The issue is not the sewage treatment plant, but the size of approximately ½ mile of main sewer line located near the airport and which will be increased in size in the near future.

The development of the property requires a system development charge which is dedicated to the expansion of the regional plant. This assures the future sewage treatment of the plant remains available.

**Water Service:** Water service by the Medford Water Commission is currently serving the site. There is an existing 12 inch line located in Springbrook Road that abuts the subject property that serves adjoining property. Extension and development of the water system within the property is the responsibility of the property owner/developer.

Water capacity of the Medford Water Commission system is currently serving a population of approximately 123,000 persons, with a present day average daily consumption of 28,000,000 gallons. The present sources and distribution system have a capacity of 56.5 million gallons per day (Medford Water Commission, 1-96). Adequate water capacity exists to serve the subject site.

Water for fire protection will be a requirement of the design considerations. The placement of fire hydrants and other fire safety features will be accomplished during the development review process.

**Storm Drainage:** At the time of development storm sewer will be collected in an underground collection system and will be designed in accordance with the City of Medford Master Storm sewer Program.

The development of the site will require an integrated storm sewer system, with a maximum of 0.25 CFS discharge. The construction drawings prepared for the development of this property will provide the engineering to provide the storm sewer system in accordance with the City of Medford.

**Streets:** Springbrook Road terminates at the south side of the subject property. It will be extended through the property connecting with Hondeleau Lane and other side streets. Construction of the extension of Springbrook Road from its present terminus on the south side of the subject property to Hondeleau Lane will complete an important part of the neighborhood circulation plan for the area. Access to the site will be from Springbrook Road. The maximum potential development of 126 additional dwelling units will generate an estimated 1,071 vehicle trips per day based on the Institute of Traffic Engineers manual.

Springbrook Road will be developed to City of Medford standards for Collector Streets.

The streets have and will have ample capacity in their present form to accommodate the projected vehicle trips from the development of the site and certainly will have sufficient capacity at the time of construction to Collector Street standards.

**CONCLUSION:** Based upon the information contained herein, the City of Medford concludes there are adequate public facilities to supply potable water to the property, as water distribution system improvements have already been in place on the property; sanitary sewer service is available to the site and capacity at the Regional Treatment Plant is adequate to accommodate the area; there is sufficient capacity on the existing local street system to accommodate the proposed use, and the storm drainage facilities will be in compliance with the Medford Master Storm Drain Plan.

**FINDING:** The City of Medford finds there are adequate Category "A" public facilities available and sufficient capacity exists to extend these facilities to serve the proposed zoning and use of the site as SFR-6.

### **3. COMPLIANCE WITH OAR 660, DIVISION 12: TRANSPORTATION**

Chapter 660, Division 12 of the Oregon Administrative Rules provides for implementation of the Statewide Transportation Goal (Goal 12). It is also designed to explain how local governments and state agencies responsible for transportation planning can demonstrate compliance with other statewide planning goals, and to identify how transportation facilities are provided on rural lands consistent with the goals.

The Transportation Planning Rules direct local governments to incorporate transportation planning processes that will:

- A. Consider all modes of transportation including rapid transit, air, water, rail, highway, bicycle and pedestrian.
- B. Inventory local, regional, and state transportation needs.
- C. Consider the social consequences that would result from using different combinations of transportation modes.
- D. Avoid total reliance upon any one mode of transportation.
- E. Minimize adverse social, economic, and environmental impacts and costs.
- F. Conserve energy.
- G. Meet the needs of the transportation disadvantaged by improving service.
- H. Facilitate the flow of goods and services so as to strengthen the local and regional economy.
- I. Conform with local and regional comprehensive plans.

More specifically, there are provisions within the chapter that apply specifically to Comprehensive Plan and Land Use Regulation Amendments.

These provisions are contained in OAR 660-012-0060, and state:

1. Amendments to functional plans, known as comprehensive plans, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity and level of service of the facility. This shall be accomplished by either:
  - a. Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;
  - b. Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or,
  - c. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
  
2. A plan or land use regulation amendment significantly affects a transportation facility if it:
  - a. Changes the functional classification of an existing or planned transportation facility;
  - b. Changes standards implementing a functional classification system;
  - c. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility;
  - d. Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.
  
3. Determinations under sections 1 and 2 of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

**Discussion:**

Existing Transportation Facilities: An overview of existing transportation facilities that would provide service to the subject property indicates that ground transportation via existing City designated residential and collector streets is the sole transportation facility affected by this amendment.

The site does not have access to rail, light rail, water or other alternative transportation facilities or services. Pedestrian and bicycle access is or will be made available via the sidewalks and bicycle lanes in the immediate vicinity; the future improvement of Springbrook Road.

**Transportation Planning Issues:** An evaluation of the subject property and the orientation, location and size of the existing structural development, as well as the existing and historic uses of the properties, indicate there are basically two transportation issues that should be addressed:

1. The first planning issue is access management, involving the size, location, orientation and control of the access onto Springbrook Road; and
2. Trip generation potential, and if that generation will result in a significant effect on the function, capacity, or level of service on Springbrook Road or any new residential streets.

**Access Management:** The subject property is located on Springbrook Road. The development plan for the site will conform with all access management and location requirements of the City of Medford and Jackson County to insure adequate and effective Access Management.

This issue will be addressed during the Tentative Plat/development review process. The applicant submits this requested zone change will not have a significant effect on the access management for the transportation facility serving the site.

**Trip Generation Potential:** Existing and potential uses on this property is in essence already documented, and Springbrook Road is such the current capacity of the roadway will not be compromised by the addition of 126 dwelling units, or 1,071 ADT generated from this site. The extension of Springbrook Road will assist the current neighborhood plan and help bring to completion an integral part of the street improvements in the area.

A comparison of the traffic capacity and the traffic counts of this immediate area, provided by the City of Medford, indicates there is adequate capacity available to serve the subject site. This capacity of the existing road system will not be adversely affected by this application, due to the fact the capacity exists in excess of the anticipated cumulative generation in the area. In fact the opposite is true in the present case, as the proposed development will result in extending Arlington Drive to intersect with Thomas Road resulting in completing that portion of the street circulation plan for the area.

This issue, as part of the overall traffic management plan for this area, can be found to be consistent with the existing traffic facilities for the City of Medford, Jackson County and ODOT.

**CONCLUSION:** The City of Medford concludes based on the information contained herein this application is consistent with the intent of the statewide Transportation Planning Rule, in that:

1. The site is within an incorporated city with an adopted and acknowledged Comprehensive Plan.
2. The property totals approximately 6.68 acres, located on the east side of Springbrook Road. Uses proposed are consistent with the Comprehensive Plan and the requested zoning designation as UM 15.
3. The zone change does not significantly affect the overall transportation capacity, including the North Medford Interchange, or service levels of the existing

transportation facility, as defined in OAR 660-012-0060(2) since the proposed use will be consistent with the maximum use established for the site.

**FINDING:** The City of Medford finds this application for UM 15 is consistent with the Transportation Planning Rule, and is in compliance with Section 10.227(2) MLDC. There are no adverse impacts contemplated on the South Medford Interchange or the local street system.

#### **4. SUMMARY AND CONCLUSIONS:**

In order for an amendment to the Medford Zoning Map to be approved, the Planning Commission must find the applicant has made the requisite findings for a zone change.

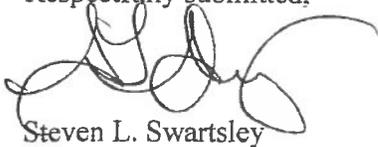
A review of the application and supporting documentation will demonstrate the application complies with the applicable elements of the Comprehensive Plan, and the Land Development Code, in that this application:

1. Applies for a UM 15 zoning designation in an area noted for similar urban residential uses on the General Land Use Plan Map.
2. That Urban services and facilities are available to adequately serve the property, and cumulative impacts from the development of the site, consistent with the zone change, will not affect the capability of the City to provide the site with water, sanitary sewer, storm drainage, streets and public safety. The capacity of the water system and sanitary sewer facilities indicates this proposal will not tax the capacity of the plants, due to the pre-existing levels of development planning (see clarification page 6 due to inadequate size of a portion of existing sewer line slated for size increase in the near future).
3. The applicant is aware they are subject to, with any change of use, the systems development charges adopted by the City of Medford to insure developers pay their fair share of extending public facilities such as water, sanitary sewer and streets if necessary;
4. The UM-15 zoning will not adversely impact the North Medford Interchange or any other state facility. This is in compliance with the Transportation Planning Rule as outlined in OAR 660-012-0060.

When looking at the attached Exhibit A, by this reference made a part hereof, it is clear the requested zone change is not an increase in area of either zone as set forth on the GLUP map, but is a "stirring" of the location of the specified zones within the PUD. As currently mapped 2.85 acres designated UM is being flipped from the west side to the east side of Springbrook Road and a concurring amount of land is being rezoned from UM to SFR-6 on the west side.

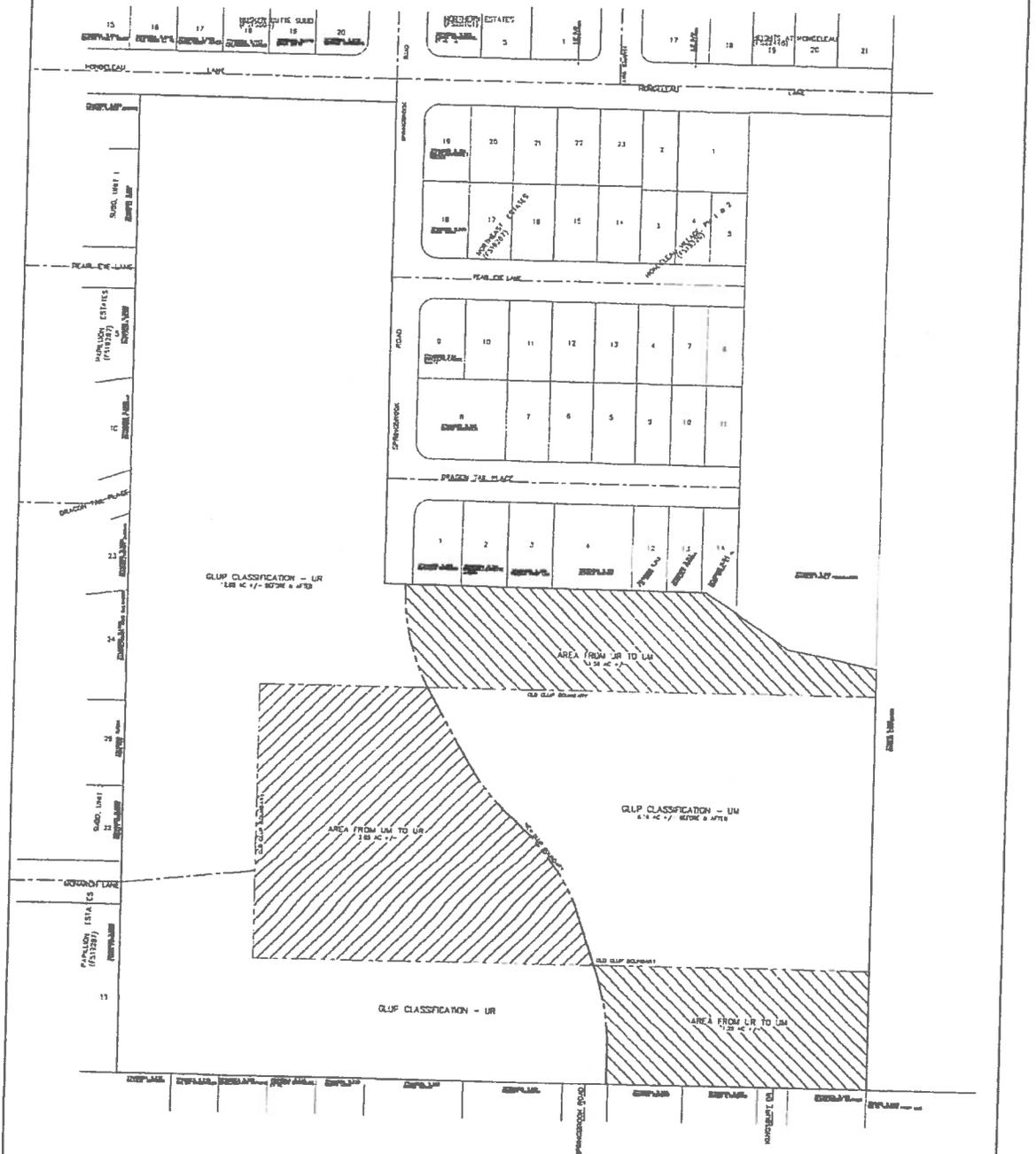
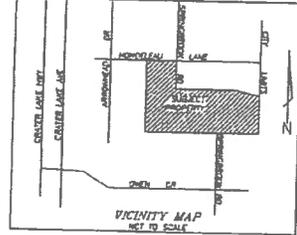
With this in mind, the applicant respectfully requests the City of Medford designate the subject property as UM 15 on the Official Zoning Map for the City of Medford, Oregon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Swartsley', with a large, sweeping flourish extending to the right.

Steven L. Swartsley  
Agent

PROPOSED GLUP MAP FOR  
**SPRINGBROOK PARK**  
 A PLANNED COMMUNITY SUBDIVISION  
 In the N.W. 1/4 of Sec. 8 T.37S. R.1W. N.M. &  
 in the City of Medford Jackson County, Oregon



OWNER OF RECORD  
 40 STREET PROPERTY, LLC  
 1180 W. 10th St.  
 MEDFORD, OR 97504

REGISTERED PROFESSIONAL LAND SURVEYOR  
*Janet K. Hill*  
 JULY 22, 1988  
 1000 N. 10th St., Medford, OR 97504  
 541.753.4200

PROPOSED GLUP MAP  
 PREPARED FOR:  
 40 STREET PROPERTY, LLC  
 1180 W. 10th St.  
 MEDFORD, OR 97504

PREPARED BY:  
 L.J. FRANK & ASSOCIATES P.C.  
 1000 N. 10th St., Medford, OR 97504  
 541.753.4200

DATE: 07/17/2018  
 SHEET: 1 OF 1

TELEPHONE  
541-772-2782

JAMES E. HIBBS, PLS



**L.J. FRIAR & ASSOCIATES P.C.**

CONSULTING LAND SURVEYORS

P.O. BOX 1947  
PHOENIX, OR 97535

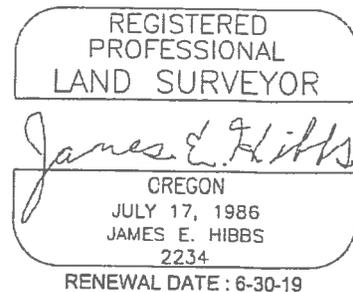
FAX  
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION

Beginning at the Northeast corner of Lot 3 of PAPIILLION ESTATES SUBDIVISION, UNIT 1, according to the official plat thereof, now of record, in Jackson County, Oregon; thence along the South line of Hondeleau Lane, South 89°40'05" East, 342.18 feet to the North-Northeast corner of Parcel 1 described in Document No. 2014-005838, Official Records of Jackson County, Oregon; thence along the East line thereof, South 00°06'35" East, 635.87 feet to the interior ell corner thereof; thence along the North line thereof, South 89°40'05" East, 27.93 feet; thence leaving said North line, South 00°06'35" East, 6.83 feet; thence along the arc of a 272.07 foot radius curve to the left having a central angle of 29°34'08", a distance of 140.41 feet (the long chord of which bears South 14°53'39" East, 138.86 feet); thence South 29°40'43" East, 105.64 feet; thence along the arc of a 272.07 foot radius curve to the left having a central angle of 19°53'36", a distance of 94.46 feet (the long chord of which bears South 39°37'32" East, 93.99 feet); thence along the arc of a 327.93 foot radius curve to the right having a central angle of 30°25'39", a distance of 174.15 feet (the long chord of which bears South 34°21'30" East, 172.11 feet); thence South 19°08'41" East, 57.45 feet; thence along the arc of a 327.93 foot radius curve to the right having a central angle of 19°13'25", a distance of 110.025 feet (the long chord of which bears South 09°31'58" East, 109.51 feet); thence South 00°04'44" West, 45.07 feet to the East-West centerline of Section 8, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along said East-West centerline, North 89°54'45" West, 651.285 feet to the Southeast corner of Lot 33 of PAPIILLION ESTATES SUBDIVISION, UNIT 2, according to the official plat thereof, now of record, in Jackson County, Oregon; thence along the East lines of said UNITS 1 & 2, North 00°05'26" West (record North 00°05'29" West), 1291.64 feet to the point of beginning. Containing 12.88 acres, more or less.

EXTERIOR OF TOTAL UR  
371W08BD TL500  
Steve Swartsley  
17-197  
May 16, 2018



TELEPHONE  
541-772-2782

JAMES E. HIBBS, PLS



**L.J. FRIAR & ASSOCIATES P.C.**

CONSULTING LAND SURVEYORS

P.O. BOX 1947  
PHOENIX, OR 97535

FAX  
541-772-8465

ljfriar@charter.net

LEGAL DESCRIPTION

Commencing at the Northeast corner of Lot 3 of PAPILLION ESTATES SUBDIVISION, UNIT 1, according to the official plat thereof, now of record, in Jackson County, Oregon; thence along the South line of Hondeleau Lane, South 89°40'05" East, 342.18 feet to the North-Northeast corner of Parcel 1 described in Document No. 2014-005838, Official Records of Jackson County, Oregon; thence along the East line thereof, South 00°06'35" East, 635.87 feet to the interior ell corner thereof; thence along the North line thereof, South 89°40'05" East, 27.93 feet to the true point of beginning; thence leaving said North line, South 00°06'35" East, 6.83 feet; thence along the arc of a 272.07 foot radius curve to the left having a central angle of 29°34'08", a distance of 140.41 feet (the long chord of which bears South 14°53'39" East, 138.86 feet); thence South 29°40'43" East, 105.64 feet; thence along the arc of a 272.07 foot radius curve to the left having a central angle of 19°53'36", a distance of 94.46 feet (the long chord of which bears South 39°37'32" East, 93.99 feet); thence along the arc of a 327.93 foot radius curve to the right having a central angle of 30°25'39", a distance of 174.15 feet (the long chord of which bears South 34°21'30" East, 172.11 feet); thence South 19°08'41" East, 57.45 feet; thence along the arc of a 327.93 foot radius curve to the right having a central angle of 19°13'25", a distance of 110.025 feet (the long chord of which bears South 09°31'58" East, 109.51 feet); thence South 00°04'44" West, 45.07 feet to the East-West centerline of Section 8, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon; thence along said East-West centerline, South 89°54'45" East, 345.43 feet to the center one-quarter corner of said Section 8; thence along the North-South centerline of said Section 8, North 00°06'26" West, 559.22 feet to the East-Northeast corner of said Parcel 1; thence along the North line thereof the following three courses: North 79°58'05" West, 119.82 feet (record 119.16 feet); thence North 56°28'05" West, 131.66 feet; thence North 89°40'05" West, 398.64 feet to the true point of beginning. Containing 6.76 acres, more or less.

EXTERIOR OF TOTAL UM  
371W08BD TL500  
Steve Swartsley  
17-197  
May 16, 2018

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*James E. Hibbs*  
OREGON  
JULY 17, 1986  
JAMES E. HIBBS  
2234

RENEWAL DATE : 6-30-19

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

IN THE MATTER OF AN APPLICATION FOR THE )  
APPROVAL OF A LAND DIVISION APPLICATION )  
FOR THE APPROVAL OF A PLANNED UNIT )  
DEVELOPMENT LOCATED APPROXIMATELY )  
19.66 ACRES AT THE CORNER OF HONDELEAU )  
LANE AND SPRINGBROOK ROAD IN THE CITY )  
OF MEDFORD, CONSISTING OF 51 RESIDENTIAL )  
LOTS AND APPROXIMATELY 6.76 ACRES OF UM )  
15 MULTI-FAMILY; SPRINGBROOK PARK, LLC )  
APPLICANT; STEVEN L. SWARTSLEY, AGENT. )

**AMMENDED NARRATIVE AND FINDINGS OF FACT FOR LAND DIVISION**

**SCOPE AND NATURE OF THE PLANNING ACTION**

Under City of Medford Development Code, Chapter 10, Applicant has submitted a proposed Planned Unit Development consisting of 19.66 acres at the corner of Springbrook Road and Hondeleau Lane in the City of Medford, Oregon. The City of Medford General Land Use Plan designates the property as "urban residential". The proposal is for 51 single family residential lots and approximately 6.76 acres of UM 15 multi-family units.

**EVIDENCE OF RECORD**

Submitted herewith are the requisite proposed tentative plat together with the conceptual drainage and grading plans as well as the other required documentation for a Land Division.

**SUBSTANTIVE CRITERIA**

The narrative, findings of fact and conclusions of law, which follow form the basis upon which the City can act favorably on the Land Division Application.

The Planning Commission can utilize the following facts and information with respect to the matter regarding the Application for a Land Division for Springbrook Park Subdivision.

**APPLICATION:** An application for a land division on approximately 19.66 acres located in northeast Medford at the intersection of Hondeleau Lane and Springbrook Road.

**PROPERTY APPLICANT:** Springbrook Park, LLC

**AGENT:** Steven L. Swartsley  
P.O. Box 8600  
Medford, OR 97501  
Phone: 541-944-1881  
e-mail: [swartsley@charter.net](mailto:swartsley@charter.net)

**LEGAL DESCRIPTION:** The property is described as T 37 1W 08DB TL 500

**OWNERSHIP:** The owner is AEI Oregon Property, LLC, 1789 Massachusetts Ave, Washington, D.C. 20036

**PURPOSE:** The purpose of this project is to promote creative and imaginative development that is compatible with the natural topography, as well as preserve the natural features and scenic qualities of the site. This development will not compromise public health, safety or welfare and it promotes the efficient use of the subject parcel. It further promotes a mixture of land uses and housing types that are thoughtfully planned and integrated. It further promotes the development of open space areas and other elements for common uses by residents. This is an infill development on a parcel that is somewhat difficult to develop.

#### **NARRATIVE AND APPROVAL CRITERIA**

This type of development 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;

This Land Division 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;

This development 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;

This development includes the creation of streets or alleys, 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;

At present there are no proposed streets or alleys for private use. If that occurs, they will be distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys will be set forth;

This Land Division will not cause unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

This Land Division creates two parcels, with parcel 1 being the 51 lot subdivision that is divided in five (5) phases for the purpose of construction, which results in the tentative plat as per MLDC 10.269(2), being valid for five years from its date of approval. The second parcel is for reserve acreage for future development with 6.76 acres being designated UM 15, and the remaining portion remaining SFR 6, but is unbuildable due to wetlands designation.

This Land Division also realigns the current lay out of the Hopkins Canal and results in the covering of the same. The Hopkins Canal is owned by the Rogue River Irrigation District and they join in the realignment and covering of the same.

### **CONDITIONS**

If the Planning Commission approves this Land Division Application it may attach conditions to the approval which are determined to be reasonably necessary to ensure the final development will be substantially consistent with the approved plans and specifications thereto.

Further, the Land Division will comply with the Comprehensive Plan, the Medford Municipal Code and all provisions of this code except the specific provisions for which there are approved modifications.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Planning Commission can reach the following conclusions of law which are based upon the findings of fact and information contained above and the findings responses to each criterion enumerated below:

The Land Division is consistent with the Comprehensive Plan.

The proposed application will not prevent the development of the remainder of the property under the same ownership or of adjoining land or of access thereto.

The development bears a name that has been approved by the approving authority and does not use a word that is similar to the same as a word in the name of any other subdivision in the City of Medford.

The Land Division creates streets and/or alleys that are laid out to be consistent with existing and planned streets/alleys and with the plats of land divisions already approved for adjoining property.

The Land Division will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

The realignment of the Hopkins Canal and the covering of the same is supported by the Rogue Valley Irrigation District.

The phasing of the 51 lot subdivision extends the life of the Tentative Plat to 5 years per MLDC 10.269 (2).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Swartsley', written over a horizontal line.

Steven L. Swartsley, Agent/Member  
Springbrook Park, LLC

**AGRICULTURAL IMPACT ASSESSMENT**

**Agent:** Steven L. Swartsley  
P.O. Box 8600  
Medford, OR 97501

**Applicant:** Springbrook Park, LLC                      **LDS**  
P.O. Box 8600  
Medford, OR 97501

**Property:** 37 1W 08DB 500  
Springbrook Park, LLC  
Hondeleau Lane & Springbrook Road  
Medford, OR 97504  
Zoned SFR 6RZ City of Medford, OR  
19.66 Acres

**Summary:**

The requirement for an Agricultural Impact Assessment Report (AIAR) is contained in section 10.801 of the Medford Land Development Code (MLDC), and is stated below:

The provisions of the section apply to the development permit applications listed below in this subsection where land proposed for urban development is not in an urban reserve and abuts and has a common lot line with other land which is zoned Exclusive Farm Use (EFU) or Exclusive Agriculture (EA).

- (1) Land Divisions
- (2) Planned Unit Developments
- (3) Conditional Use Permits
- (4) Site Plan and Architectural Review or Historic Review where the action being sought will result in the construction of one or more buildings intended for human occupancy.

The subject property is currently under review for consideration of Springbrook Park subdivision and is adjacent to a property within the Jackson County Exclusive Farm Use (EFU) resource district, therefore the applicant is required to submit an AIAR.

The submittal requirements are as follows:

- (1) An excerpt of a city of Medford and/or Jackson County zoning map showing the zoning land adjacent and within two hundred feet of the property proposed for urban development.
- (2) A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU or EA and sources of such information. The information thus required, if applicable shall include:
  - (a) Method of irrigation
  - (b) Type of agricultural product produced
  - (c) Method of frost protection
  - (d) Type of agricultural equipment customarily used on the property.
- (3) Detailed information obtained from the Natural Resources Conservation Service (NCRS) concerning soils which occur on adjacent lands zoned EFU or EA, and whether the land has access to water for irrigation.
- (4) Wind pattern information.
- (5) A description of the measures proposed to comply with the requirements of Subsections 10.801 A through E
- (6) The persons who prepared said report and all persons, agencies, and organizations contacted during preparation of the report.
- (7) All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices.

#### **DISCUSSION:**

1. A Jackson County zoning map showing the zoning of land adjacent and within two hundred feet of the property proposed for urban development.

A review of the attached Jackson County Zoning District Map indicates the subject property is within the City of Medford SFR-6 zoning district. The properties to the west, east (partially), north and south are urbanized within the city of Medford SFR 6 zoning district.

The property to the east of the subject is one tax lots, 15.00 acres outside the City of Medford UGB (but slated to be brought in under current application) and within the Jackson County EFU zoning district.

2. A description of the type and nature of agricultural uses and farming practices, if any, which presently occur on adjacent lands zoned EFU or EA and sources of such information. The information required shall include:
  - a. Method of irrigation
  - b. Type of agricultural product produced
  - c. Method of frost protection
  - d. Type of agricultural equipment customarily used on the property

The adjacent property, 371W 8 TL 800, was formerly used for pear production. The property was deemed to be too expensive to operate as an orchard and the fruit trees have been abandoned and the property is now a virtual jungle of dying pear trees overgrown with weeds, effectively lying fallow, with no current agricultural use. There is no intent to actively farm this property in the future as it is slated to be brought in to the expanded Urban Growth Boundary and developed as residential property.

The property is located within the Regional Problem Solving growth area suitable for urbanization and has been included and excluded from the current Urban Growth Expansion. Litigation will probably be necessary to determine what, if anything happens as far as the inclusion or exclusion in the upcoming urban expansion.

The property has irrigation available. There are no frost protection measures operable on the property.

There is no customary agricultural equipment currently working on the property as it is not being used for any agricultural purposes at this time nor in the immediate future.

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

The NCRS soil map for the adjacent EFU property has been attached with this assessment. A review of the soils map indicated there is one soil type on the property, that being Carney and Coker Clay (27D & 33A).

The NCRS soils map with the adjacent property indicated is attached with this report. The soils are described as follows.

“Coker Clay (Map unit 33A) the Coker Clay soil is 20 to 40 inches deep to bedrock. It is clay, moderately well drained and occurs on fans and mountains. Permeability is very slow. Shrink swell is a hazard. A water table is present during the winter and spring. Water erosion is a potential hazard.

The property does have access to irrigation, but irrigation has not been delivered for several years. Situated on the property is the Hopkins Canal and a pond.

4. Wind pattern information.

The wind pattern on the adjacent agricultural property follow the same general patterns displayed throughout the mid valley area. During the growing seasons the winds predominately flow north to south in the morning hours and then shift to a south to generally north direction in the afternoon and evening hours.

5. A description of the measures proposed to comply with the requirements of Sections 10.801.

The current agricultural uses on the adjacent property can be found to be consistent with the Passive Agricultural Classification.

There is currently no intensive day to day agricultural activity. The property does have irrigation but there is currently no irrigation activity on the property and there are currently no marketable crops, plantings, or pasture on the property.

The mitigation and impact management proposed for the land division on the Applicant's property is proposed to be consistent with the requirements of MLDC 10.801 D(3) for passive agricultural.

The properties within 200 feet of the adjoining EFU parcel will record a deed declaration consistent with section 10.801 D(2)(c).

The applicant will design and submit for City review a plan to demonstrate appropriate mitigation for naturally occurring and inadvertent agricultural runoff from the adjoining parcel.

6. The person who prepared said report and all persons, agencies and organizations contacted during preparation of the report.

This Agricultural Impact Assessment report has been prepared by Steven L. Swartsley. Persons contacted for the preparation of this report are planning staff and Dunbar S. Carpenter, owner of the adjoining EFU parcel.

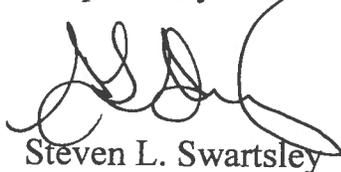
This report was prepared with information provided by the Natural Resources Conservation Service (NRCS), and information from Jackson County public records and the Geographic Information Services (GSI).

7. All statements shall be documented, sources given as reference, and any other detailed information needed to substantiate conclusions should be provided in the appendices.

Attached with this summary is the following documentation:

1. Jackson County Smartmap zoning district map (A)
2. NCRS soil Map with the adjoining EFU parcel identified (B)
3. NCRS Non-Technical Descriptions for the soils identified on the soils map.(B 1-9)
4. Jackson County Smartmap irrigated soils map (C)

Respectfully submitted



Steven L. Swartsley



## Map Unit Legend

Jackson County Area, Oregon, Parts of Jackson and Klamath Counties (OR632)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
6B	Agate-Winlo complex, 0 to 5 percent slopes	101.1	5.2%
17C	Brader-Debenger loams, 1 to 15 percent slopes	36.1	1.9%
27B	Carney clay, 1 to 5 percent slopes	688.8	35.6%
27D	Carney clay, 5 to 20 percent slopes	327.8	16.9%
28E	Carney cobbly clay, 20 to 35 percent slopes	50.6	2.6%
33A	Coker clay, 0 to 3 percent slopes	374.9	19.4%
35A	Cove clay, 0 to 3 percent slopes	38.5	2.0%
44E	Debenger-Brader loams, 15 to 40 percent slopes	29.9	1.5%
139A	Padigan clay, 0 to 3 percent slopes	247.6	12.8%
141A	Phoenix clay, 0 to 3 percent slopes	39.0	2.0%
W	Water	2.7	0.1%
<b>Totals for Area of Interest</b>		<b>1,937.1</b>	<b>100.0%</b>

### MAP LEGEND

<b>Area of Interest (AOI)</b>		 Spoil Area
 Area of Interest (AOI)		 Stony Spot
<b>Soils</b>		 Very Stony Spot
 Soil Map Unit Polygons		 Wet Spot
 Soil Map Unit Lines		 Other
 Soil Map Unit Points		 Special Line Features
<b>Special Point Features</b>		<b>Water Features</b>
 Blowout		 Streams and Canals
 Borrow Pit		<b>Transportation</b>
 Clay Spot		 Rails
 Closed Depression		 Interstate Highways
 Gravel Pit		 US Routes
 Gravelly Spot		 Major Roads
 Landfill		 Local Roads
 Lava Flow		<b>Background</b>
 Marsh or swamp		 Aerial Photography
 Mine or Quarry		
 Miscellaneous Water		
 Perennial Water		
 Rock Outcrop		
 Saline Spot		
 Sandy Spot		
 Severely Eroded Spot		
 Sinkhole		
 Slide or Slip		
 Sodic Spot		

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

Survey Area Data: Version 1 1, Sep 15, 2014

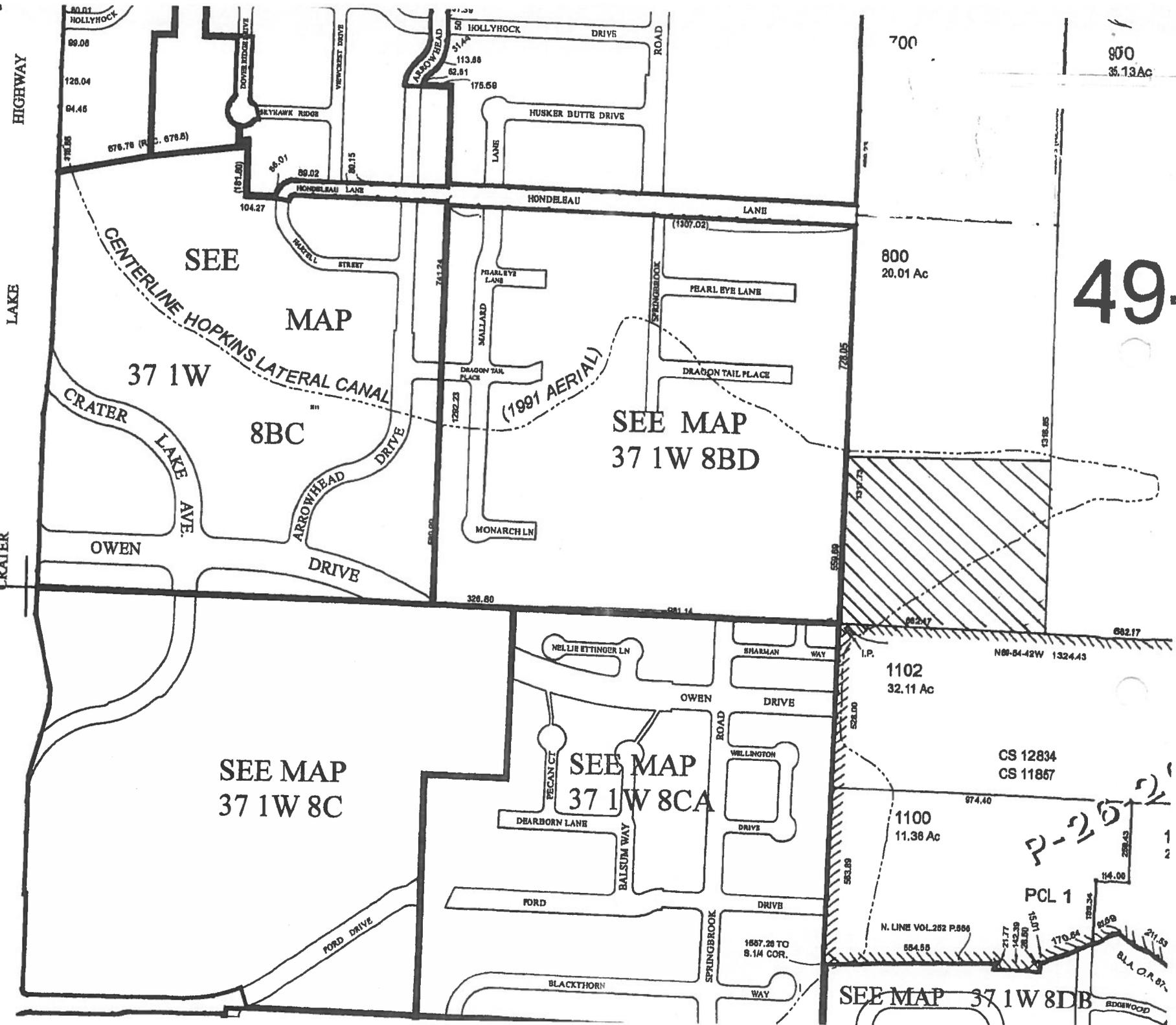
Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 28, 2010—Jul 17, 2010

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

SEE MAP 37 1W 7A

SEE MAP 37 1W 7D



49.



Medford – A fantastic place to live, work and play

**CITY OF MEDFORD**

LD Date: 5/2/2018  
Revised Date: 6/7/2018  
File Numbers: PUD-18-031/LDS-18-044  
(Reference PA-18-002, PA-14-122)

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
Springbrook Park PUD & 51-Lot Subdivision  
(371W08BD TL 500)**

- Project:** Consideration of a Preliminary PUD Plan for Springbrook Park Planned Unit Development, including a request for tentative plat approval for a 55-lot residential subdivision, and a request for a change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 9.51-acre portion of the property; on a 19.66-acre tract of land.
- Location:** Located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 zoning district (371W08BD500).
- Applicant:** Applicant, Springbrook Park, LLC.; Agent, Steven Swartsley; Planner, Dustin Severs.

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

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

## **A. STREETS**

### **1. Dedications**

**Springbrook Road** is classified as a Major Collector street within the Medford Land Development Code (MLDC) Section 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width (37-feet) of right-of-way, from Hondeleau Lane south approximately 635-feet. Then, the Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 74-feet, from 635-feet south of Hondeleau Lane south to the project terminus.

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **Springbrook 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.**

**Hondeleau Lane** is classified as a Minor Residential street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width of right-of-way, which is 27.5-feet. **No additional right-of-way appears to be required.**

**Pearl Eye Lane, Dragon Tail Place and Monarch Lane** are proposed as Minor Residential streets with a right-of-way width of 55-feet, consistent with the standard prescribed by MLDC 10.430.

**Hayden Circle** is proposed as a Minor Residential street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 55-feet. The proposed cul-de-sac at the west terminus shall be dedicated per MLDC 10.450, and have a minimum 45-foot radius.

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

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

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

The right-of-way and easement dedications shall be submitted directly to the Engineering

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

## 2. Public Improvements

### a. Public Streets

**Springbrook Road** shall be improved to Major Collector street standards in accordance with MLDC 10.428. A portion of the east half of Springbrook Road, from Hondeleau Lane south approximately 635-feet, was constructed with Northeast Estates Subdivision (P1479D). Along this portion, the Developer shall improve the west half of Springbrook from a point 1-foot inside the existing edge of pavement, plus a 10-foot park strip, 5-foot sidewalk along the frontage of this development. Then, from 635-feet south of Hondeleau Lane south to the project terminus, Springbrook Road shall be constructed to Major Collector street standards (full width). Springbrook Road shall be extended from its terminus at the south side of this project, across the creek with the first constructed phase of development.

The Developer shall receive Street System Development Charge credits for the public improvements on Springbrook Road per the value established by the Medford Municipal Code, Section 3.815.

**Hondeleau Lane** shall be improved to Minor Residential street standards, along the frontage of this development, in accordance with MLDC 10.430. The north half plus 12-feet south of Hondeleau Lane was constructed with Husker Butte Subdivision (P1143D). The Developer shall improve the south half of Hondeleau Lane from a point 1-foot inside the existing edge of pavement, plus an 8-foot park strip, 5-foot sidewalk along the frontage of this site.

**Pearl Eye Lane, Dragon Tail Place and Monarch Lane** shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430.

**Hayden Circle** shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430. The proposed cul-de-sac shall be constructed in accordance with MLDC 10.450.

### b. Street Lights and Signing

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

Street Lighting – Developer Provided & Installed:

- A. 4 – Type C-250
- B. 5 – Type R-100

- a. Base Mounted Cabinet – Utilize existing BMC at the corner of Springbrook Road and Dragon Tail Place. This BMC will need additional 2P breaker and contactor installed.
- b. GE Breaker – TED12430
- c. GE Contactor – CR360L302

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

- A. 4 – Stop signs
- B. 2 – Street name signs
- C. 1 – Speed limit sign

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

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

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

**c. Pavement Moratoriums**

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

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

**d. Soils Report**

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

**e. Access and Circulation**

The application shows that the development of the reserve acreage can satisfy the requirements of MLDC 10.426 with extension of Monarch Lane extension to eastern property line. The extension of Kingsbury Drive can also be addressed by future development on the reserve acreage.

The pedestrian accessway shown connecting Hayden Circle to Dragon Tail Place shall be dedicated as public right-of-way per MLDC 10.464.

In accordance with MLDC 10.550, no driveway access on Springbrook Road shall be allowed for any parcel that abuts the right-of-way of a lower order street. Driveways shall conform to MLDC 10.550.

The applicant shall construct the extension of Springbrook Road, including a bridge over the creek, with the first constructed phase of development. Without this connection, the only access to this development from the south is via Hondeleau Lane and Dragon Tail Place, which are both built out as minor residential streets. Per MLDC 10.430, minor residential streets are intended to serve up to 100 dwelling units. This development will place an undue burden on the surrounding neighborhood if the 51 single-family units are built without the Springbrook Road connection.

**f. Easements**

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

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

**3. Section 10.668 Analysis**

To support a condition of development that an applicant 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, and pedestrians, including travel to, from, and through the development. 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. It has been described as comparing apples to oranges. Further, we are allowed to consider the benefits to the development from the dedication and improvements when determining “rough proportionality.”

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.

**Springbrook Road** is classified as a Major Collector street. Springbrook Road shall be improved/constructed in its entirety with the first phase of this development in order to provide a critical southerly connection to Owen Drive from the development. As a Major Collector, Springbrook Road will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. Completing this connection with the first phase of development will provide safe travel for vehicles, bicycles, and pedestrians to, from, and through the development. This Springbrook Road connection serves the development as a whole, including the first phase, and is not related solely or even primarily to the development of the multifamily units. When the PUD is fully constructed, it is likely that all of the PUD will predominantly use the southern Springbrook Road connection, not just the residents of the multifamily units. Thus, the southern Springbrook Road connection is proportional with the first phase and not a future phase. As a higher order street, it is eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the Developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and constructing higher order streets.

**Hondeleau Lane, Dragon Tail Place, Hayden Circle, Monarch Lane and Pearl Eye Lane:**  
In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square footage of right-of-way per dwelling unit for dedications. The proposed development has 51 dwelling units and will improve approximately 1,600 lineal feet of roadway which equates to 31 lineal feet per dwelling unit. Also the development will dedicate approximately 71,950 square feet of right-of-way which

equates to approximately 1,410 square feet per dwelling unit.

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

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

Further benefits include:

- a. Dedication and construction will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 51 Lots within the City of Medford and increase vehicular traffic by approximately 481 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to, from and through this development.
- b. Dedication and construction will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. Further, by constructing Springbrook with the first phase, it will minimize impacts on the surrounding neighborhood residential streets. Without the connection being made with the first phase of construction all traffic will travel through the neighborhood to the west which places a disproportional reliance on Arrowhead Drive for all traffic having an origin or destination to the south (a significant portion). It also provides a more direct route for emergency services as well as general travel which reduces vehicle miles traveled (VMT).
- c. Dedication and construction will provide access and transportation connections at urban level of service standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication and construction of connecting streets will decrease emergency response times and provide emergency vehicles alternate choices in getting to an incident and reducing VMT. This is of particular importance that the Springbrook Road connection be made with the first phase of development, and not implemented with a future, and yet to be determined, phase of development. Reduction of VMT also reduces the overall cost of maintenance of public roads which is paid for by all residents and business owners in

Medford.

- e. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.
- f. The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly proportional to that required in previous adjacent developments to provide a transportation system that meets the needs for urban level services.

## **B. SANITARY SEWERS**

The proposed development is situated within the Medford sewer service area. The Developer shall provide one service lateral to each platted lot prior to approval of the Final Plat. A 12-foot wide paved access shall be provided to any public sanitary sewer manholes which are not constructed within the street section.

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

## **C. STORM DRAINAGE**

### **1. Hydrology**

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

Roadway crossing Garrett Creek shall be designed to convey the 25-year storm with a foot of freeboard.

### **2. Easement**

Developer shall provide a minimum 20-foot drainage easement, centered on Garrett Creek, for public maintenance of the creek.

### **3. Stormwater Detention and Water Quality Treatment**

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality

Manual per MLDC, Section 10.481. For developments over five acres, Section 10.486 requires that the development set a minimum of 2% of the gross area as open space to be developed as open ponds for stormwater detention and treatment.

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

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

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

#### **4. Grading**

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

#### **5. Mains and Laterals**

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

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

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All

manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

#### **6. Wetlands**

The Developer shall contact the Division of State Lands for approval of any work proposed in the wetlands on the south side of the property.

#### **7. Rogue River Valley Irrigation District (RRVID)**

The Developer shall coordinate with RRVID to discuss the Hopkins Canal which bisects a portion of this development.

#### **8. Erosion Control**

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

#### **D. SURVEY**

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.

Parent tract of land is platted with each phase (e.g., Phase one and reserved acreage platted). Phase 2 (less than Phase 1) and reserved acreage platted.

All streets shown to align with existing streets align by surveying standards and resolution is depicted within the mapping.

#### **E. GENERAL CONDITIONS**

##### **1. Design Requirements and Construction Drawings**

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

##### **2. Construction Plans**

Construction drawings for any public improvements for this project shall be prepared by a Professional Engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all

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

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

- Clustered driveways,
- Building to have sprinklers,
- 33-foot paved width, or
- No parking signs.

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

### 3. Phasing

The Tentative Plat seems to illustrate that this subdivision will be developed in phases. Any public improvements needed to serve a particular phase shall be improved at the time each corresponding phase is being developed. Public improvements not necessarily included within the geometric boundaries of any given phase, but are needed to serve that phase shall be constructed at the same time. The applicant shall construct the extension of Springbrook Road, including a bridge over the creek, with the first constructed phase of development. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase.

### 4. Draft of Final Plat

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

### 5. Permits

Building Permit applications for vertical construction shall not be accepted by the Building

Department until the Final Plat has been recorded, and a “walk through” inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

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

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

Buildings in this development are subject to sewer collection, treatment and street SDCs. These SDC fees shall be paid at the time individual building permits are taken out.

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

#### **7. Construction and Inspection**

Contractors proposing to do work on public streets, sewers, or storm drains shall ‘prequalify’ with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division. Any work within another agency’s jurisdiction shall require a separately issued permit from that agency to perform that work.

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

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

Prepared by: Doug Burroughs

**SUMMARY CONDITIONS OF APPROVAL**  
**Springbrook Park PUD & 51-Lot Subdivision**  
**(371W08BD TL 500)**

PUD-18-031/LDS-18-044

**A. Streets**

**1. Street Dedications to the Public:**

- Dedicate right-of-way on **Springbrook Road**, as required.
- No additional right-of-way on **Hondeleau Lane**.
- Dedicate full width right-of-way on **Pearl Eye Lane, Dragon Tail Place, Hayden Circle and Monarch Lane**.
- Dedicate 10-foot public utility easements (PUE).

**2. Improvements:**

**Public Streets**

- Construct/Improve **Springbrook Road** to Major Collector street standards. Springbrook Road shall be extended from its terminus at the south side of this project, across the creek with the first constructed phase of development.
- Improve **Hondeleau Lane** to Minor Residential street standards.
- Construct **Pearl Eye Lane, Dragon Tail Place and Monarch Lane** to Minor Residential street standards.
- Construct **Hayden Circle** to Minor Residential street standards, including the Cul-de-sac.

**Lighting and Signing**

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

**Other**

- No pavement moratorium currently in effect along this frontage.
- Provide pavement moratorium letters.
- Provide soils report.
- Ensure access and circulation is in accordance with MLDC 10.550 and 10.426.

**B. Sanitary Sewer**

- Provide a private lateral to each lot.
- Provide easements.

**C. Storm Drainage**

- Provide an investigative drainage report.
- Provide creek easement.
- Provide water quality and detention facilities, including easements.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide DSL signoff if wetlands are present.
- Provide Erosion Control Permit from DEQ.

**D. Survey**

- Provide all survey monumentation.
- Parent tract of land is platted with each phase (e.g., Phase one and reserved acreage platted). Phase 2 (less than Phase 1) and reserved acreage platted.
- All streets shown to align with existing streets align by surveying standards and resolution is depicted within the mapping.

**E. General Conditions**

- Provide public improvement plans and drafts of the final plat.
- = City Code requirement.
- = Discretionary recommendations/comments.

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.



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**CITY OF MEDFORD**

LD Date: 5/2/2018  
Revised Date: 6/7/2018  
File Number: ZC-18-036

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
Zone Change – Springbrook Park PUD  
(TL 500)**

**Project:** Consideration of a Preliminary PUD Plan for Springbrook Park Planned Unit Development, including a request for tentative plat approval for a 55-lot residential subdivision, and a request for a change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 9.51-acre portion of the property; on a 19.66-acre tract of land.

**Location:** Located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 zoning district (371W08BD500).

**Applicant:** Applicant, Springbrook Park, LLC.; Agent, Steven Swartsley; 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 Category ‘A’ urban services and facilities under its jurisdiction meet those requirements. The Category urban services and facilities the Public Works Department manages are sanitary sewers within the City’s sewer service boundaries, storm drains, and the transportation system.

**I. Sanitary Sewer Facilities**

This site lies within the City of Medford Sewer Service area. The proposed zoning to MFR-15 has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has a number of capacity constraints, and 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 limitations, or the Developer make improvements to the downstream sanitary sewer system to alleviate the capacity constraints.

---

P:\Staff Reports\CP, DCA. & ZC\ZC only\2018\ZC-18-036 Springbrook Park PUD\_Zone Change\ZC-18-036 Staff Report-LD revised.docx Page 1

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

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

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

**CITY OF MEDFORD**  
**EXHIBIT # N**  
**File # PUD-18-031/ZC-18-036/**  
**LDS-18-044**

Due to sanitary sewer constraints, the 6.76 acres is allowed to construct up to 74 MFR units or 89 Townhouse units.

## **II. Storm Drainage Facilities**

This site lies within the Midway Drainage Basin. 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.

## **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.

Public Works received a Traffic Impact Analysis (TIA) scoping letter request from Southern Oregon Traffic Engineering dated April 6, 2018 regarding a proposed Zone Change, Subdivision, and Planned Unit Development on 19.66 acres identified as 371W08BD500. The scoping letter request stated the development would include 51 single-family residential units and 6.7 acres of MFR-15 zoning. This resulted in a net increase in of 90 average daily trips (ADT) which does not require a TIA. The application states the development will include 51 single-family residential units and 6.76 acres of MFR-15 zoning. This results in a net increase of 97 ADT, which still does not require a TIA.

Prepared by: Doug Burroughs

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

---

P:\Staff Reports\CP, DCA. & ZC\ZC only\2018\ZC-18-036 Springbrook Park PUD\_Zone Change\ZC-18-036 Staff Report-LD revised.docx Page 2

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

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FAX (541) 774-2552



BOARD OF WATER COMMISSIONERS

**Staff Memo**

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

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

**SUBJECT:** PUD-18-031, ZC-18-036, LDS-18-044

**PARCEL ID:** 371W08BD500

**PROJECT:** Consideration of a Preliminary PUD Plan for Springbrook Park Planned Unit Development, including a request for tentative plat approval for a 55-lot residential subdivision, and a request for a change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 9.51-acre portion of the property; on a 19.66-acre tract of land located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 zoning district (371W08BD500); Applicant, Springbrook Park, LLC.; Agent, Steven Swartsley; Planner, Dustin Severs.

**DATE:** May 2, 2018

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. There is an existing 12-inch water line installed in a 10-wide easement per OR-93-41150, that is in the proposed Springbrook Road right-of-way. This water line is located between the existing northerly end of Springbrook Road (just north of Sharman Way) and Hondeleau Lane. This water line shall be protected in place during construction activities, and is required to have a minimum of 3-feet of cover from top of roadway grade. Applicants' civil engineer shall coordinate with MWC engineering staff for "potholing" the top of this existing water line so that the existing depth of water main can be provided to project engineer for design of proposed waterline connections at the "side" streets., along with establishing the roadway grade.
4. An 8-inch water line is required to be installed in Monarch Lane and shall connect to the existing 12-inch water main in Springbrook Road. This water line shall "Not Connect" to the existing 8-inch water line in the existing portion of Monarch Lane to the west as it is in a different Pressure Zone.

*Continued to Next Page*

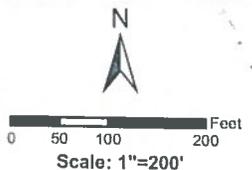


*Continued from Previous Page*

5. Hayden Circle will require the installation of an 8-inch water line if fire hydrants are installed off this line. If no hydrants are required, then installation of a 4-inch water line will be required.
6. An 8-inch water line is required to be installed in Dragon Tail Place between the existing easterly dead-end of Dragon Tail Place along the west property line and the existing 12-inch water line in Springbrook Road.
7. An 8-inch water line is required to be installed in Pearl Eye Lane between the existing easterly dead-end of Pearl Eye Lane along the west property line and the existing 12-inch water main in Springbrook Road.
8. Applicant shall coordinate with MWC engineering staff for sizing of water line stub to the "Future" Multifamily phase.
9. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

**COMMENTS:**

1. Off-site water line installation is not required.
2. On-site water facility construction is required. (See Condition 4 thru 8 above)
3. Static water pressure is within this subdivision will be between 96-106 psi. (See Condition 9 above)
4. MWC-metered water service does not exist to this property.
5. Access to MWC water lines is available. There is an existing 12-inch water in Springbrook Road between Owen Drive and Hondeleau Lane. There is a 6-inch water line in Monarch Lane, and also in Dragon Tail Place (East & West). There is an 8-inch water line in both Pearl Eye Lane (East & West), and there is an existing 8-inch water line in Hondeleau Lane.



**Water Facility Map**  
for  
**PUD-18-031,**  
**ZC-18-036, &**  
**LDS-18-044**  
  
May 2, 2018

**Legend**

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

**Water Meters:**

- Active Motor
- 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 intended as a guide only and does not constitute a contract. Medford Water Commission does not warrant the accuracy of the information shown on this map. Medford Water Commission is not responsible for any errors or omissions on this map. © 2018 Medford Water Commission. All rights reserved.



## Medford Fire-Rescue Land Development Report

### Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 5/1/2018  
**Meeting Date:** 5/2/2018

**LD #:** LDS18044 **Associated File #1:** PUD18031 **Associated File #2:** ZC18036

**Planner:** Dustin Severs

**Applicant:** Applicant, Springbrook Park, LLC.; Agent, Steven Swartsley

**Site Name:** Springbrook Park

**Project Location:** At the corner of Springbrook Road and Hondeleau lane

**ProjectDescription:** Consideration of a Preliminary PUD Plan for Springbrook Park Planned Unit Development, including a request for tentative plat approval for a 55-lot residential subdivision, and a request for a change of zone from SFR-6 (Single-Family Residential, six dwelling units per gross acre) to MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) on an approximate 9.51-acre portion of the property; on a 19.66-acre tract of land located at the corner of Springbrook Road and Hondeleau lane within the SFR-6 zoning district (371W08BD500); Applicant, Springbrook Park, LLC.; Agent, Steven Swartsley; Planner, Dustin Severs.

### Specific Development Requirements for Access & Water Supply

CITY OF MEDFORD  
EXHIBIT # P  
File # PUD-18-031/ZC-18-036/  
LDS-18-044

Reference	Comments	Description	Conditions
OFC 508.5	Five (5) total fire hydrants will be required for this project: One on the corner of Monarch/Springbrook near lot #51; one mid-block on Monarch near lot #47; One on the corner of Springbrook/Hayden Circle near lot #35; one mid-block of Dragon Tail Place near lot #23; and one mid-block Pearl Eye Lane near lot #13.	Fire hydrants with reflectors will be required for this project. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site. Plans and specifications for fire hydrant system shall be submitted to Medford Fire-Rescue for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).	
MMC 10.430	The development shall comply with Medford Code Section 10.430 for the 28' wide curb-to-curb streets.	Section 10.430 of the Medford Code states the following: In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the developer shall choose from one of the following design options: (a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet. (b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet. (c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips. The Oregon Fire Code requires; "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches" (OFC 503.2.1). "The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established in Section 503.2.1, shall be maintained at all times." (OFC 503.4). When the clustered-offset driveway option is chosen, a note indicating driveway locations shall be included on the final plat. In areas where the clustered-offset option cannot be utilized because of lot layout, parking restrictions may apply in certain areas and no parking signs may be required.	

**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](http://www.medfordfirerescue.org)

# MEDFORD PARKS & RECREATION FACILITIES MANAGEMENT

HEALTHY LIVES | HAPPY PEOPLE | STRONG COMMUNITY

TO: Dustin Severs - Planning Department

FROM: Haley Cox – Parks Planner  
Adam Airoidi – City Arborist

SUBJECT: Springbrook Park PUD (PUD-18-031, ZC-18-036, LDS-18-044)

DATE: May 7, 2018

The Parks Planner has reviewed the Springbrook Park PUD Plans and had the following comments:

1. The pedestrian easement shown on the plans for Springbrook Park is part of the Citywide Path and Trail Network found in the City's Leisure Services Plan. The route will continue west from this site towards Highway 62 and east towards Foothill Road, both of which are proposed to have street-adjacent North/South multiuse pathways leading to other areas of Medford. This path will provide an important connection to the commercial areas along Hwy 62, and access to Prescott Park for NE Medford residents.
2. Following land use approval, plans shall be submitted to the City in accordance with Section 10.482 of the Municipal Code. Location of the centerline of the path on the submitted construction plans must be substantially consistent with the location approved in the land use review. In addition to path construction plans, a landscape plan shall be provided for the land occupied by the pathway. The landscape plan shall specify hardscapes, plantings, and irrigation systems proposed for the areas, in accordance with the Medford Parks Department Landscape and Irrigation standards.
3. Prior to final plat of the concurrent development phase, the pathway shall be constructed in accordance with the approved plans. The Medford Parks Department will require a public access easement, public right-of-way dedication, or fee ownership land dedication to the City of Medford for the proposed pathway location. The area allocated for the pathway should be no less than 20-feet in width, to allow for a 10-foot paved pathway and 5-foot buffer on each side. Developments that propose a public easement on private land shall be privately maintained, while land dedicated to public right-of-way or fee ownership to the City will be maintained by City forces.

The City Arborist has reviewed the Springbrook Park PUD Plans and had the following comment:

1. Springbrook Road is classified as a Major Collector street, and will ultimately be maintained by the Parks Department. Prior to installation, the developer shall submit landscape and irrigation plans for any planter beds along Springbrook Road to the Parks Department for approval. Plans shall conform to the Parks Department's Landscape and Irrigation Standards document, Approved Street Tree List and Tree Planting Detail.



CONTINUOUS IMPROVEMENT | CUSTOMER SERVICE | **FILE # PUD-18-031/ZC-18-036/**

701 N. COLUMBUS AVE. | MEDFORD, OR 97501 | 541.754.2200  
WWW.PLAYMEDFORD.COM | PARKS@CITYOFMEDFORD.ORG

CITY OF MEDFORD  
EXHIBIT # **Q**

**LDS-18-044**



**Dustin J. Severs**

---

**From:** Marcy Black <BlackMA@jacksoncounty.org>  
**Sent:** Tuesday, May 01, 2018 1:34 PM  
**To:** Dustin J. Severs  
**Subject:** FW: Project Name: Springbrook Park LLC, PUD

Dustin:

I need to correct the telephone # for the FAA contract, Paul Holmquist, to: (206) 231-2990.

Thanks,  
Marcy

**From:** Marcy Black  
**Sent:** Friday, April 27, 2018 4:00 PM  
**To:** 'Dustin J. Severs'  
**Subject:** Project Name: Springbrook Park LLC, PUD

Dustin:

The Airport requests an Avigation, Noise & Hazard Easement be required as a condition for the project.

Also, due to the proximity to the Airport, the applicant needs to contact the FAA regarding filing a 7460-1 Notice of Proposed Construction or Alteration. The FAA contact is: Paul Holmquist, phone (202) 231-2990.

Thanks,

Marcy Black  
Deputy Director-Administration

CITY OF MEDFORD  
EXHIBIT # R  
File # PUD-18-031/ZC-18-036/  
LDS-18-044

---

# STAFF MEMO

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**To:** Dustin Severs  
**From:** Jennifer Ingram, Address Technician  
**Date:** May 1, 2018  
**Subject:** PUD-18-031/LDS-18-044

---

1. Please select an alternate street name for the proposed *Hayden Circle*, as there is already a street named Hayden Place in the City of Medford. Per the City of Medford Municipal Code, proposed street names cannot sound the same or similar to any other streets in Jackson County. In addition, duplicate street names are a problem for 911 Dispatch/Emergency Services.

# Rogue River Valley Irrigation District

3139 Merriman Road  
Medford, OR 97501

Phone: (541) 773-6127  
Fax: (541) 773-5420  
Email: [rrvid@rrvid.org](mailto:rrvid@rrvid.org)  
[www.rrvid.org](http://www.rrvid.org)

May 14, 2018

Dustin Severs  
Medford Planning Department

Re: New Construction Requirements

- 1) The new pipe would need to meet the existing box culvert size or existing pipe size that is already in place with a design capacity of 60 cfs.
- 2) Prior to construction RRVID will need to review all plans. All construction will be done outside of irrigation season (April to October).
- 3) Prior to any work being done, the developer would have to acquire Crossing Agreements from RRVID for that facility, as well as any other utilities that would be crossing the canal (i.e. power, sewer, water, etc).
- 4) No stormwater can enter the canal, and the structure will need to be armored both on the upstream inlet and on the discharge end either with shotcrete or concrete training walls, to prevent back cutting.
- 5) The District must be contacted prior to construction.

Brian Hampson  
District Manager



RECEIVED  
MAY 16 2018  
PLANNING DEPT

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## CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

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[www.ci.medford.or.us](http://www.ci.medford.or.us)

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

April 16 2018

Southern Oregon Transportation Engineering  
319 Eastwood Dr.  
Medford, OR. 97504

We have received your letter report dated April 6, 2018 regarding a proposed Zone Change, Subdivision, and Planned Unit Development on 19.66 acres identified as 371W08BD500. We concur with your findings that a PUD as described is expected to generate 1,213 daily trips, with 106 trips in the P.M. peak hour. The underlying SFR-6 zoning is expected to generate 1,123 daily trips with 118 trips in the P.M. peak hour. The PUD will result in 90 additional daily trips and a decrease of 12 P.M. peak hour trips. The resulting increase in trips is less than that stated in Medford Municipal Code section 10.461. As long as the PUD is approved as described in your letter, no additional traffic impact analysis will be required.

If you have questions, please contact me.

Sincerely

  
Peter T. Mackprang  
Associate Traffic Engineer

CITY OF MEDFORD  
EXHIBIT # U  
File # PUD-18-031/ZC-18-036/  
LDS-18-044

**Dustin J. Severs**

---

**From:** Steve Swartsley <swartsley@charter.net>  
**Sent:** Friday, May 25, 2018 8:41 AM  
**To:** Dustin J. Severs  
**Subject:** Supplemental Findings  
**Attachments:** Scan\_0008.pdf

Dustin; attached is the corrected heading for the LD Findings. Please substitute the same.

Supplemental Findings: The Required pedestrian walkway from the proposed cul-de-sac runs in a generally north west direction across the top of the proposed irrigation easement then turns north along the western most boundary of the subject parcel terminating at Dragon Tail Lane. The walkway will meet the requirements of LDC 10.464-10.466 in that it is 12' wide with 8' of paving. The proposed street layout meets the requirements of the LDC as allowed under 10.464 when a pedestrian walkway is constructed as shown on the proposed plat.

Dustin, I will have the revised plats as well as the other items contained in your e-mail of 5-24-2018 this afternoon. As always, if there is anything else please let me know. Thanks again for all of your help, Steve

May 2, 2018

RE: Proposed Project 2018-2

Dear Mr. Severs and Board Members,

I'd like share my concerns concerning the residential development that has been proposed to occur on immediately west of Springbrook Avenue, between Hondeleau and Monarch in northeast Medford.

My husband and I, property owners on Dragon Tail Place immediately west of, and sharing a property line with, the proposed development, were pleased with the City of Medford's decision not to zone the entire parcel Medium or High Density Residential. I believe that decision was guided by public input that was carefully considered in the re-zoning process, and we thank you for that thoughtful outcome. We are very much hoping that our input will once again be considered in your decision on a particular element of the Permit 2018-2 proposal.

We completely respect the developer's decision to utilize this parcel to its best use and appreciated his informal onsite meeting in mid-March to outline his plan. Although our mountain views, which we dearly love, will be at stake when new homes are built around us, we understand the need for additional housing in the Rogue Valley and the need for an investor to realize a return on their investment.

However, we were dismayed to find that the developer intended only to extend Springbrook Avenue to the creek in the southern end of the property, leaving the bridged tie-through to the end of the Springbrook Road near Owens Street, for whoever develops the eastern part of the parcel to complete---and I understand there are no proposed plans underway for that area at this time. We think this is a very poor plan that will choke Hondeleau, Dragon Tail, Mallard and Monarch as traffic accessing the 51 proposed homes tries to funnel through our narrow streets from the west....when connecting Springbrook to Owen sooner than later is so much safer and more sensible.

**With that said, we sincerely hope that the Board does not choose to issue a permit for any plan that fails to require Springbrook Road to become a through street from Coker Butte Road to Owen Street during this initial development stage.**

Thank you very much for the opportunity to provide input into the permitting process.

Sincerely,

Randy and Wendy Zustiak

May 7, 2018

RE: Project 2018-2 and PUD-18-31/ZC-18-36/LDS-18-44

To Dustin Severs and Board of Commissioners,

Thank you for the opportunity to comment on the proposed rezoning of the property bound by Hondeleau, Monarch and Springbrook Road.

The opinions I expressed in my 1/20/2014 letter to you during planning area-wide review and revision of land use classifications still stand:

- Dragon Tail Place is bisected by the undeveloped tract. If development occurs as proposed in project 2018-2 traffic increase on Mallard, Monarch, Hondeleau and Dragon Tail will increase dramatically. If a portion of the property is rezoned from FR6 to FR15, the traffic increase will be even more dramatic and problematic. The streets adjacent to the property are currently narrow, with parking available and utilized on each side of the street, resulting in constricted travel ways. The streets are too narrow to adequately and safely accommodate additional ingress/egress pressure from the west where it is likely the bulk of significantly increased traffic would originate. **In order to relieve the traffic pressure, we strongly oppose any permit that would fail to require Springbrook Road to be extended south to Owen Drive as part of the initial development of this tract.**
- Within the last several years a low-income apartment complex was built within two blocks. Since occupation of this complex there has been a noticeable increase in incidents of neighborhood crime, clearly tied to the new apartment complex. Our fear is that, since a precedent has been set, the city will be more likely to permit additional such units that may well exacerbate the developing trend of higher crime and contribute to the decline in neighborhood quality and property values. There are concentrations of medium and high density housing west of the project area. **Please retain the separation of multi-family and single family neighborhoods by preserving the FR6 and FR10 zoning east of Arrowhead Drive.**

Again, thank you for the opportunity to have my opinion considered as you make decisions that affect the character, desirability and stability of my neighborhood.

Sincerely,

Randall Zustiak

**RECEIVED**

MAY 18 2018

City of Medford Planning Commission

May 17, 2018 **PLANNING DEPT.**

Regarding: Public Hearing to consider a preliminary PUD Plan for Springbrook Park  
Planned Unit Development  
File No.: PUD-18-031/ZC-18-036/LDS-18-044

To whom it may concern,

A new 19.66-acre planned development is proposed in my neighborhood. I'm concerned about the way in which this and future developments will affect the livability of this area.

The applicant wants to build 51 single-family residences on half of the property presently zoned SFR-6 and to rezone the remaining 9.51 acres to MFR-15. He wants to sell the multi-family residence portion to a different developer to build about 150 multi-family units.

He has asked Rogue River Irrigation District to move a portion of the Hopkins Irrigation Canal to a better location on this property to improve the plat design. If an agreement can be reached, the applicant will be responsible for abandoning the underground section of the original canal in a manner approved by the city. This portion of the canal passes under two roads, three homeowner's properties, 1 undeveloped lot and multiple utilities. The affected homeowners would appreciate prior notice regarding any plans to dig up their properties.

The applicant wants to build the section of Springbrook Road that is adjacent to his development and defer the cost of punching it through to Owen to the next developer. This would be a missed opportunity to improve traffic flow in the area.

He also wants to defer the planned pedestrian walkway over the wetland on the south end of the property to a future developer. This would also be a missed opportunity for green space in this area.

The applicant's proposal does not meet criteria 2b, which states that the proposed modifications enhance the development as a whole resulting in a more creative and desirable project.

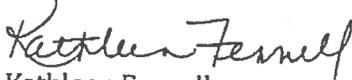
There is nothing creative and desirable about this project. The only green space in this part of Medford is undeveloped land. There is no park proposed for this area or any of the other developments being planned between this area and Foothills road. The closest park, which is awaiting development, is Cedar Links Park. Without the Springbrook connection to Owen, it is 2.3 miles from my home. The only other designated parks in my area are schools, which aren't available during school hours. Kennedy School is the closest and 1.4 miles from my home.

There is also a problem with the design. The surrounding neighborhood is a mix of single-family and multi-family units, which blend well together. This plan creates a potential safety problem by creating one area of density almost 3 times as dense as the rest of the neighborhood. Poorly planned density can result in increased crime and increased resource costs. Rather than create separate areas for different types of housing, multi-family residences could be intermixed with single-family residences to create a more interesting and safer neighborhood and better comply with Medford's goal to create mixed-use neighborhoods with pedestrian walkways connecting neighborhoods throughout the city.

This applicant wants to avoid some of the more costly aspects of developing this area by passing those on to some future developer. Perhaps some of the system development fees for roads and parks from prior or present developments in this area could be coupled with the fees for this new development to pay for the road and pedestrian walkway? If those were completed as part of this development, it could be an improvement to this area and therefore, meet the criteria.

Thank you for your time and consideration.

Sincerely,



Kathleen Fennell  
1738 Dragon Tail Place  
Medford, OR 97504  
541-779-7311



Project Name:

**Springbrook Park  
 Planned Unit Development**

Map/Taxlot:

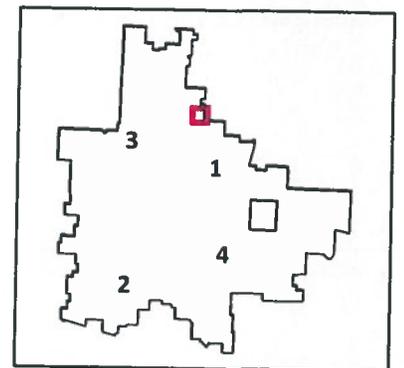
**371W08BD TL 500**



05/03/2018

**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots
-  City Limits





**STAFF REPORT**

for a Class-A legislative decision: **Development Code Amendment**

Project Temporary Shelters (Formerly Cooling/Warming Shelters)  
File no. DCA-17-062  
To Planning Commission *for 06/14/2018 hearing*  
From Kyle Kearns, Planner II  
Reviewer Carla Angeli Paladino, Principal Planner  
Date June 7, 2018

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**BACKGROUND**

Proposal

A code amendment within the Medford Land Development Code (MLDC) to allow for a new land use, temporary shelters (Exhibit A). Temporary shelters are a use within an existing or new structure, short-term in nature, in which homeless individuals or families are provided temporary shelter for no more than 90 days in a 12 month period.

History

Temporary shelters, much like homeless shelters, offer opportunities for individuals to obtain shelter, services, and relief from extreme weather. Locally, an example of such a shelter would be the Kelly Shelter. Now having operated in both the winter of 2017 and 2018, the Kelly Shelter serves as a framework for future temporary shelters and has aided in modeling the code language proposed in DCA-17-062 (Exhibit A).

In the first year of operations the Kelly Shelter had a disjointed method of permitting with no clear path forward, seeking approval for exceptions to City building and fire codes, with no avail. As such, Planning Staff was directed to draft standards and a process for permitting temporary shelters to ensure clear paths for regulation of the temporary shelter land use and to guide the navigation of often complicated building, fire, and land use codes.

Originally, temporary shelters were drafted as an addition to the now separate Development Code Amendment (DCA-17-109 – Transitional Housing Villages). These projects are now unrelated and have no correlation to each other.

Since 2017, Staff has presented the code language pertaining to temporary shelters to local homeless service providers, Planning Commission, City Council, the Land Development Committee, and the Housing and Community Development Commission. DCA-17-062 (Temporary Shelters) was separated into its own development code amendment after receiving direction from City Council at the September 18, 2107 study session; all feedback prior to the September 18 date was in combination with the transitional housing village amendment (DCA-17-109).

To supplement the study sessions staff provided the Councilors and Commissioners with a worksheet asking questions targeting specific portions of the code language. The feedback of the eight Councilors, nine Planning Commissioners, and nine HCDC Commissioners regarding temporary shelters consisted of 14 surveys (Exhibit B), some complete, others partially completed, and one Commissioner providing feedback via email (Exhibit C). Fifteen (15) of the 26 Commissioners/Councilors responded.

The results of the outreach are summarized within this memorandum below.

**August 31, 2017 City Council Study Session (Minutes Exhibit D):** Discussion regarding temporary shelters for this particular study session centered around several issues, all of which have been addressed in the most recent iteration of DCA-17-062. These issues are below with the corresponding code section in which it has been addressed:

- Allowing shelters to open and close based on weather events – 10.819A (D)(2)(b)
- Having similar operational requirements as Hope Village (i.e. operations plan) – 10.819A (D)(1)
- The prohibition of tents/yurts for shelters – Removed from proposal
- Concerns of shelters being concentrated – 10.819A (E)(1)
- That the temporary shelter use not be permitted outright – 10.314 & 10.337

**September 11, 2017 Planning Commission Study Session (Minutes Exhibit E):** (items discussed in other study sessions have been removed):

- Continuous operations for shelters makes more sense – proposal does not distinguish between continuous or intermittent operations. Removed language requiring shelters be in new locations every year.
- Tents and yurts may make sense – Tents and yurts not proposed in DCA-17-062
- Stronger consideration for monitoring policies – Operations Plan (10.819A(D)(1)(b)), supervision requirements (10.819A(D)(1)(c)), and City has authority to close shelter (10.819A(D)(4)).

**September 18, 2017 Planning Commission and City Council Joint Study Session (Minutes Exhibit F):** (items discussed in other study sessions have been removed):

- Separate transitional housing and temporary shelters into distinct projects – created DCA-17-062 for temporary shelters and DCA-17-109 for transitional housing
- Consideration should be given for case by case developments – temporary shelters require a conditional use permit per 10.314 & 10.337

**October 4, 2017 Housing and Community Development Commission (HCDC) (Minutes Exhibit G):** (items discussed in other study sessions have been removed):

- Majority of discussion focused on transitional housing (DCA-17-109)
- Protections are needed for the City, when the City is involved – Added section 10.819A(D)(4) Standards for Closing/Suspending Temporary Shelters. Insurance needs and protections focused heavily on transitional housing, making it not applicable to temporary shelters.
- The HCDC felt that more time was needed to review the code language – postponed for further discussion, with no meeting scheduled currently.

**April 23, 2018 Planning Commission Study Session (Minutes Exhibit H):** (items discussed in other study sessions have been removed):

Much of the discussion was informative as the language had changed substantially to reflect previous study sessions comments.

- Some topics were raised, specifically:
  - Changes were requested to make the buffer per lot, not per building.
  - Why is there a need for a site plan?
  - Concerns regarding staff time to enforce oversight
  - Tents and yurts wanted to be prohibited
  - Conditional Use did not make sense for a 90 day use
- Planning Commission recommended the DCA-17-062 for the hearing process

Responses and discussion in regards to the April 23 Planning Commission study session can be reviewed further in Exhibit H.

**April 26, 2018 City Council Study Session (Minutes Exhibit I):** (items discussed in other study sessions have been removed):

Staff focused on updating Council and seeking direction as whether or not to proceed with the drafting, and ultimately hearing process, of DCA-17-062.

Concerns were raised, in particular:

- The impacts to surrounding neighborhoods (Proposed as a Conditional Use in all zones)
- the preference of a 500 foot buffer (preserved)
- the need for a case by case basis (Proposed as a Conditional Use in all zones)
- The need to incorporate case management into the operations plan
  - Ultimately left out to allow for operator discretion with each shelter and to avoid liability issues for the City

Staff received feedback that has been incorporated into the most recent draft and was asked to proceed forward through the hearing process. The direction received asked for a Planning Commission Hearing, then another City Council study session, then followed by the final City Council hearing.

**Homeless Service Provider Outreach:** Staff also sought feedback from professionals whom provide the services addressed within the proposal. This included targeted outreach to the organizations ACCESS and Rogue Retreat. To date, only representatives of Rogue Retreat have provided feedback; the email communication of which is provided for in Exhibit J & Exhibit K. Staff has also notified the Jackson County Homeless Task Force (HTF) of the public hearing process for DCA-17-062 and attended meetings of the HTF in the past to gather insight into providing shelter for the homeless.

### Authority

This proposed plan authorization is a Class-A legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.102–122, 10.164, and 10.184(2).

### **ANALYSIS**

Current land use regulations permit traditional homeless shelters/emergency shelters in commercial zones; traditional shelters are permanent in nature as they would operate year-round and always provide services. However, the cost and municipal code requirements of operating traditional shelters can be onerous to fiscally strapped organizations attempting to provide shelter for the most disadvantaged populations of Medford.

When considering land use, the permanence of a use is considered in the application of code requirements. Compromises of code can be made when particular land uses are considered impermanent. For example, temporary mobile food vendors (food trucks) are not required to provide parking spaces for patrons, but they must vacate the location at the end of a business day as they are temporary. These are the compromises temporary uses must make in order to remain permissible as temporary.

For temporary shelters the compromise is that a shelter can only operate, or provide shelter, a maximum of 90 days in 12 month period. In exchange for these limitations shelters are exempt from many costly requirements of code that would prevent certain organizations from being able to provide shelter. These code requirements include items such as ADA requirements, fire suppression systems and seismic design requirements, to list a few. It is the intent of DCA-17-062 to provide land use review procedures to mitigate impacts of providing temporary shelter to surrounding land uses while also providing a clear path in permitting.

### Zoning and the Conditional Use Permit

As proposed temporary shelters would be conditionally permitted, with special standards (proposed 10.819A) in all residential and commercial/industrial zones. In order to be permitted, a shelter would have to be within "...an existing or newly constructed building," (Section 10.819A(E)(2-3)). A building is then further defined as "Any structure

used or intended for supporting or sheltering any use or occupancy,” (Section 10.012 Definitions, Specific.). Additionally, the proposed language further restricts temporary shelters from being in tents, yurts, and similar temporary structures by explicitly forbidding them per Section 10.819A(E)(8). Lastly, when in a residential zone, temporary shelters are then further required to be an accessory use to an institutional use (e.g. church, non-profit, government building); shelters may be a primary use in commercial and industrial zones.

The need for a conditional use permit (CUP) provides benefits to operators and surrounding community members of temporary shelters. First the benefit to the operator is, if approved as a CUP, a temporary shelter would always be permitted at the site in which the approval was given only requiring the initial land use review, not one for each year of operation. Second, the CUP process enables a public hearing in which surrounding property owners and community members are able to provide input for consideration as conditions in the approval of a CUP. This enables a more transparent and involved process for potential neighbors of a shelter, something otherwise not provided through an administrative review. Staff is proposing that temporary shelters be permitted in all zones as the special standards proposed within 10.819A restrict temporary shelters and the locations in which they are permitted to operate.

#### Proposed Special Use Regulations 10.819A

As a temporary use with implications for neighborhood impacts, temporary shelters require in-depth consideration for the land use and operators of said land use. Below the various sections of the temporary shelter regulations have been summarized for consideration in the analysis of DCA-17-062.

#### *Purpose and Intent - 10.819A (A)*

Briefly summarized the overall intent of the proposal. This section was added in order to keep consistent formatting that is used with similar land use regulations.

#### *Definitions Pertaining to Temporary Shelters - 10.819A (B)*

Certain definitions proposed in conjunction with temporary shelters pertain solely to the function of the temporary shelter land use. Staff, in order to prevent misuse of code language, felt it important to distinguish the use of the terms access point, operator, operational period, operations plan, and shelter areas. These words, when used elsewhere in the MLDC will have different definitions or are not used at all.

#### *Temporary Shelter Permit Requirements - 10.819A (C)*

Staff, particularly in the Building and Fire Departments, worked to create clear and concise policies in permitting this type of use. To codify the successful experiences of the City and the Kelly Shelter, staff outlined the requirements in permitting a temporary shelter. This section requires that temporary shelters appropriately seek approvals of the Medford Fire Department, Building Department, and any other applicable requirements of local, state, and Federal laws.

*General Standards for Temporary Shelters - 10.819A (D)*

Using the experience with the Kelly Warming Shelter, as well as pulling from other cities in Oregon (specifically Bend and Portland), staff prepared broader standards to be considered conditions of approval when considering the CUP for a temporary shelter. When used as conditions of approval, changes to any of the standards outlined with 10.819A (D) shall require the use of code Section 10.250, Modifications and Expiration of a Conditional Use Permit. These general standards include:

- *(1) Operational Requirements:* Proposed in order to require, as a condition of approval, items pertaining to the operations of a shelter be required. Specifically operators of a shelter would be required to submit an operations plan outlining how items related to operations and maintenance, client intake, safety and security, supervision, and shelter population size are being considered prior to land use approvals.
- *(2) Operational Period:* States the requirements as it pertains to when a temporary shelter would be permitted to operate. Clearly outlines the permitted time frames, how extensions will be considered, and the noticing requirements of opening and closing a shelter.
- *(3) Reporting Requirements:* To monitor progress of the proposed language as well as enable use of enforcement policies proposed in 10.819 (D)(4), monitoring policies of temporary shelters were needed. This subsection has two primary functions, the aforementioned and then a requirement which encourages coordination with the Ashland/Jackson County Continuum of Care (CoC). The CoC coordinates housing and services funding for homeless families and individuals in the Rogue Valley.
- *(4) Standards for Closing/Suspending Temporary Shelters:* Early on in the process of drafting code language, concerns of neighborhood impacts were of a high priority. These concerns drove much of the creation of the proposed text of DCA-17-062. In order to prevent substandard shelters from continuing operations staff is proposing standards permitting the closure or suspending of shelters due to items of code violation, public interest, or other items that pertain to public safety of shelter clients or surrounding property owners.
- *(5) Consent to Inspection of Temporary Shelters:* With exemptions to specific Building Codes and Fire Codes, periodic inspections of temporary shelters will be required to ensure safe operations. The intent of this subsection is to outline procedures for which inspections can occur and to ensure proper notice of this requirement is given to the operators of temporary shelters.

*Site Standards Temporary Shelters - 10.819A (E)*

To provide site mitigation of impacts to sheltering 20-50 homeless individuals in an area otherwise not meant for "residential uses" staff is proposing site design standards. These items require temporary shelters not be within 500 feet of each other, that trash

receptacles be provided at entries, access for emergency vehicles be provided, and that the use of tents, yurts, and other temporary structures not be permitted.

## FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). The criteria are rendered in italics; findings and conclusions in roman type.

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

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

### Findings

Temporary shelters are currently permitted in a small capacity, that being the Kelly Warming Shelter. The Kelly Shelter has provided immediate public benefit to the users of the shelter and the larger Medford Community. Per Rogue Retreats website, the operator of the Kelly Shelter, 131 chronically homeless were provided shelter. 31 of the 131 people were provided with more permanent housing, 41 people were signed up for health insurance, and four shelter guest were enrolled in college. This, in large part, is the success the proposed language of DCA-17-062 is trying to enable. This was in three months of operation during 2018. Permitting more shelters would emulate the public benefit of the Kelly Shelter on a larger scale.

### Conclusions

Providing shelter to otherwise unsheltered individuals has larger implications for the public benefit most immediately being the improved quality of life for shelter users, improved quality of life for the community as a whole, and cost savings of tax dollars (e.g. less emergency service calls).

Improving the quality of life for shelter users is evident through the experience of the Kelly Warming Shelter, as addressed in the above findings. Additionally providing a shelter, with services, to homeless individuals and families enables shelter users to be connected with healthcare services, case workers, social service providers, and other service providers who specialize in facilitating connections to homeless assistance. More importantly, enabling organizations to provide a temporary shelter for homeless individuals enables a legal place for one to sleep as the City of Medford does not permit camping in the City per Municipal Code Section 5.257 Prohibited Camping, minimizing potential for criminal persecution which has been shown to perpetuate the problems of homelessness.<sup>1</sup>

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<sup>1</sup> "Decriminalizing Homelessness in Oregon." ACLU of Oregon, 7 Aug. 2017, [www.aclu-or.org/en/publications/decriminalizing-homelessness-oregon](http://www.aclu-or.org/en/publications/decriminalizing-homelessness-oregon).

Whereas the individuals receiving shelter see immediate benefit in their lives, there are also long term benefits for the larger community. Properly managed shelters, especially ones replacing otherwise vacant or nuisance properties, have been shown to increase property values or not negatively impact them.<sup>2</sup> Furthermore, providing shelter enables the homeless a place to stay that is in addition to public parks, sidewalks, and otherwise public realms enabling the perception of a "homeless problem" to be removed from sight; albeit subjective, this enables community members to perceive the problems of homelessness differently while providing a shelter to the otherwise homeless.

In a recent survey of business owners in the Rogue Valley, conducted by Southern Oregon University, 52% of the 621 respondents said homelessness impacted their business 1-5 times a week, 14% citing impacts 6-10 times per week.<sup>3</sup> Having a place for homeless individuals and families to seek shelter removes potential conflicts from surrounding community members, and potentially enabling homeless persons to seek aid in achieving permanent housing, both of which would aid with concerns of conflicts of businesses, community members, and homeless people.

Lastly, in providing shelter comes savings of tax dollars. A recent study commissioned by the City of Albuquerque sought to find how exactly their Heading Home Initiative (AHH) worked in housing chronically homeless persons. The study looked at 2-3 years of data pre-program and post-program and found participants in the study cost \$1,042,312 (15%) less after being housed as opposed to before. In other words, for every \$1.00 spent in the program, there was a cost savings return of \$1.78.<sup>4</sup> Albuquerque's program focused more on permanent housing over shelter, but anecdotally Rogue Retreat has cited a savings of \$150,000 in their second year of operations of the Kelly Shelter, per the Rogue Retreat website. The cost savings are attributed, in both cases, to less emergency service calls, less jail time, and less court time. Providing temporary shelter provides many benefits to the larger community of Medford, not just homeless persons, and should be considered as one of the many tools in addressing homelessness.

The criterion has been satisfied.

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<sup>2</sup> Schneider, Pat. "Study Says Homeless Facilities May Increase the Value of Nearby Property." Madison.com, Madison, 12 Jan. 2013, host.madison.com/ct/news/local/writers/pat\_schneider/study-says-homeless-facilities-may-increase-the-value-of-nearby/article\_659eeca-5b7b-11e2-9585-001a4bcf887a.html.

<sup>3</sup> Benitez, Karla, et al. Business Perceptions of Homelessness and How Homelessness Impacts Business Along the I-5 Corridor in Southern Oregon. 2018, Business Perceptions of Homelessness and How Homelessness Impacts Business Along the I-5 Corridor in Southern Oregon.

<sup>4</sup> Hilf, Aaron. "UNM Research Reveals Big Benefits to Housing Homeless Population." UNM Newsroom, 24 Oct. 2016, news.unm.edu/news/unm-research-reveals-big-benefits-to-housing-homeless-population.

10.184 (2) (b). *The justification for the amendment with respect to the following factors:*

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

#### Findings

The following goals, policies, and implementation measures are from the Housing Element:

**Policy 8:** The City of Medford shall assist regional housing agencies, nonprofit organizations, private developers, and other entities in their efforts to provide affordable housing, opportunities for minorities, low- and moderate income people, and people in protected classes to gain access to housing.

The following goals, policies, and implementation measures are from the Population Element:

**Goal 1:** To accept the role and responsibilities of being the major urban center in a large and diverse region that includes portions of southwest Oregon and northern California.

The following goals, policies, and implementation measures are from the Public Facilities Element:

#### *Health Services Goals, Policies, and Implementation Measures*

**Goal 1:** To support the provision of adequate health services and facilities to meet the needs of the people within the Medford Urban Growth Boundary and the region.

**Policy 1-B:** The City of Medford shall encourage cooperation among local, state, federal, and private agencies in planning and providing for health and related social services.

#### Conclusions

The comprehensive plan is relatively silent on directly addressing issues of homelessness, however the proposal of DCA-17-062 is supported by the Housing, Population, and Public Facilities Element. Medford, being the regional hub of the Rogue Valley has, "To accept the role and responsibilities of being the major urban center in a large and diverse region..." In doing this it means accepting that Medford takes on many complex issues of being an urban center, homelessness being one of them. Providing shelter to homeless individuals, although temporary, is a start to "...accept[ing] the role and responsibilities of being the major urban center..." as stated in Goal 1 of the Population Element.

In accepting these aforementioned roles this would further require enabling those who provide "...adequate health services and facilities..." (Public Facilities Element) the ability to do just that, provide health services. In providing an avenue for the allowance of temporary shelters the City would be in direct support of the Public Facilities Element of the Comprehensive Plan. The requirement of an operations plan through 10.819(D)(1) and coordination with the Continuum of Care (10.819A(D)(3)) ensures that adequate health services and facilities are provided for in temporary shelters.

Additionally, DCA-17-062 is supported by the Housing Element of the comprehensive plan as it calls for the support of "...nonprofit organizations, private developers, and other entities in their efforts to provide affordable housing, opportunities for minorities, low- and moderate income people, and people in protected classes to gain access to housing," (Policy 8). In drafting DCA-17-062 staff sought direction from service providers and drafted the language based on the experience of the Kelly Warming Shelter, a temporary shelter ran by the nonprofit organization Rogue Retreat. As proposed, DCA-17-062 would assist local agencies, developers, and nonprofits in their efforts in providing affordable housing. Temporary shelters aid in meeting several goals, policies and implementation items of the Comprehensive Plan.

The criterion has been satisfied.

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

#### Findings

Staff has spent over a year in direct coordination with the Medford Fire-Rescue, Building, and Legal departments.

#### Conclusions

Items pertaining to time limits of temporary shelters, exemptions to codes, discrimination clauses, extensions of operational periods, references to the Oregon Structural Specialty Code, and the Temporary Shelter Operational Policy have all been prepared in coordination with one of the three aforementioned departments.

The criterion has been satisfied.

3. *Public comments.*

#### Findings

See Exhibit J, Industry Comments - Rogue Retreat – Heather Hassett

See Exhibit K, Industry Comments - Rogue Retreat – Chad McComas

Conclusions

The public comments received came directly from local representatives who are largely responsible for the success of the Kelly Warming Shelter. Staff has incorporated the comments provided. Additionally, staff has informed the Jackson County Homeless Task Force of the hearing on temporary shelters and provided them with the staff report dated June 7, 2018 for review.

The criterion has been satisfied.

4. *Applicable governmental agreements.*

Findings

Staff could find no applicable governmental agreement.

Conclusions

This criterion does not apply.

**RECOMMENDED ACTION**

Based on the findings and conclusions that all of the approval criteria are either met or not applicable, initiate the amendment, and forward a favorable recommendation for adoption of DCA-17-062 to the City Council per the staff report dated June 7, 2018, including Exhibits A through K.

**EXHIBITS**

- A Proposed amendment
- B Survey Results from Previous Study Sessions with Council and Commissions
- C Jared Pulver (Planning Commissioner) Email, in Response to Survey in Exhibit B
- D Minutes - August 31, 2017 City Council Study Session
- E Minutes - September 11, 2017 Planning Commission Study Session
- F Minutes - September 18, 2017 Planning Commission/City Council Study Session
- G Minutes - October 4, 2017 Housing and Community Development Commission
- H Minutes – April 23, 2018 Planning Commission Study Session
- I Minutes – April 26, 2018 City Council Study Session
- J Industry Comments - Rogue Retreat – Heather Hassett
- K Industry Comments - Rogue Retreat – Chad McComas

**PLANNING COMMISSION AGENDA:**

**JUNE 14, 2018**

## Exhibit A

### Proposed amendment

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

#### SPECIAL USE REGULATIONS (10.811 - 10.~~838839~~)

- 10.811 Nursery Schools, Day or Child Care (Centers) Facilities
- 10.813 Agricultural Services and Animal Services
- 10.814 Animal Hospitals and Veterinary Clinics
- 10.815 Cemetery, Crematory, Mausoleum, Columbarium
- 10.816 Churches, Hospitals, or Other Religious or Charitable Institutions  
in an "R-Residential" District
- 10.817 Community Buildings, Social Halls, Lodges, Fraternal  
Organizations, and Clubs in an "R-Residential" District
- 10.819A Temporary Shelters
- 10.820 Two Single-Family Residences in Lieu of Duplex
- 10.821 Accessory Dwelling Unit (ADU)
- 10.822 Permitted Uses in All Industrial Zones
- 10.823 Small Food Vendors
- 10.824 Wireless Communication Facilities
- 10.826 Single-Family Dwelling in Multiple-Family Residential Zones
- 10.827 Mines, Quarries, Gravel Pits
- 10.828 Bed and Breakfast Service
- 10.830 Public Utility Service Facilities
- 10.831 Outdoor Storage, Display and Sales of Merchandise; Permit Required
- 10.832 Garage Sales and Yard Sales
- 10.833 Restaurants - Outdoor Eating Areas
- 10.834A Craft Alcohol Production
- 10.835 Residence for Caretaker or Watchman
- 10.836 Residential Facility
- 10.837 Dwelling Units in Commercial Districts
- 10.838 Accessory Uses in Group (Congregate) Living Facilities
- 10.839 Marijuana-Related Businesses

#### ARTICLE I - GENERAL PROVISIONS

\* \* \*

##### 10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

\* \* \*

**Emergency Shelter.** Any facility, the primary purpose of which is to provide permanent facilities that are used as a temporary or transitional shelter for the homeless in general or for specific populations of the homeless. See SIC Classification 832. [KWK1]

\* \* \*

**Homeless.** Individual(s) or families who are experiencing one or more of the following living conditions:

- (1) Living in a place not meant for human habitation, in an emergency shelter, in transitional housing, or are exiting an institution where they temporarily resided;
- (2) Losing their primary nighttime residence, which may include hotels/motels or a doubled up situation (sleeping in a residence as a temporary guest), within 14 days and lack the resources or support networks to remain in housing;
- (3) Families with children or unaccompanied youth who are unstably housed and likely to continue that way;
- (4) Attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain permanent housing. [KWK2]
- (5) For the purpose of temporary shelters this may include families or individuals at risk to exposure of extreme weather conditions.

**Homeless Shelter.** See Emergency Shelter or SIC Classification 832.

\* \* \*

**Temporary Shelter.** A temporary use within a building meant to provide relief from extreme weather and substandard living conditions for individuals or families who are homeless.

\* \* \*

**Transitional housing.** A programmatic housing development that is run by a qualified organization to transition tenants from homelessness to permanent housing in a time period of 24 months or less. Tenants of transitional housing must be homeless and shall enter into a lease and/or occupancy agreement that outlines the programs for transitioning to permanent housing and the standards that one must adhere to for residency. [KWK3]

\* \* \*

Sleeping unit. A room, space, or structure intended for occupancy in which people sleep that can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both.[KWK4]

\* \* \*

### ARTICLE III - ZONING DISTRICTS

#### 10.314 Permitted Uses in Residential Land Use Classification.

\* \* \*

PERMITTED USES IN RESIDENTIAL ZONING DIS- TRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
<b>6. NONRESIDEN- TIAL SPECIAL USES</b>									
(a) Bed and Breakfast Inn	X	X	Cs	Cs	Cs	Ps	Ps	Ps	10.828
(b) Child Day Care Center	Cs	10.811							
(c) Institutional Uses	Cs	10.815-817							
<u>(c)(i) Temporary Shel- ters accessory to Insti- tutional Uses 10.314-6 (e)</u>	<u>Cs</u>	<u>10.816-817 &amp; 10.819A</u>							

\* \* \*



**OFF-STREET PARKING AND LOADING REQUIREMENTS. (10.741 - 10.751)**

\* \* \*

Table 10.743-1 – City of Medford Minimum and Maximum Parking Standards			
Land Use Category	Parking Standards are based on number of spaces per 1,000 Square Feet of Gross Floor Area (unless otherwise noted)		
	Minimum Number of Required Parking Spaces		Maximum Permitted Parking Spaces
	Central Business District C-B Overlay (outside of Downtown Parking District)**	All Other Zones	All Zones
<u>Temporary Shelter*</u>	<u>1 space per 30.0 resident beds, plus 1.0 space per employee on the largest shift</u>	<u>1 space per 25.0 resident beds, plus 1.0 space per employee on the largest shift</u>	<u>1 space per 20.0 resident beds, plus 1.0 space per employee on the largest shift</u> <sup>[KWKS]</sup>
<u>Emergency Shelter</u>	<u>1 space per 30.0 resident beds, plus 1.0 space per employee on the largest shift</u>	<u>1 space per 25.0 resident beds, plus 1.0 space per employee on the largest shift</u>	<u>1 space per 20.0 resident beds, plus 1.0 space per employee on the largest shift</u>

\* A single asterisk indicates that minimum parking standards may be exempt for a particular use, by the approving authority, if adequate parking can be demonstrated to already exist.

\*\*The Downtown Parking District is bound by Fourth Street on the north, Tenth Street on the south, Bear Creek on east, and the railroad right-of-way on the west.

\* \* \*

**SPECIAL USE REGULATIONS. (10.811 - 10.838839)**

\* \* \*

**10.816 Churches, Hospitals, or Other Religious or Charitable Institutions in an "R" District, Residential District**

(1) In any residentially zoned district, hospitals or other religious or charitable institutions, excepting churches, shall be located on a designated arterial or collector street. Side and rear yard setbacks shall be a minimum of thirty (30) feet and landscaped as required to buffer adjacent properties.

(2) In the C-S/P zone, with conditional use approval, overnight parking for travel trailers, campers and similar vehicles for use by patients and families of patients at a hospital, may

be allowed as an accessory use to a hospital, subject to the following standards:

- (a) A minimum twenty (20) foot setback to the paved parking and maneuvering area for the spaces shall be provided along all lot lines, including the front lot line, and sufficiently landscaped so as to avoid adverse impacts on adjacent properties.
- (b) Each of the spaces may be provided full hookups for power, water, and sanitary sewer.
- (3) Churches located within the residential district shall be subject to the following standards:

- (a) All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer adjacent properties.

- (b) Located on a standard residential street, collector or arterial street.

(4) Temporary shelters shall be conditionally permitted as an accessory use to all churches, hospitals, religious, or charitable institutions as permitted per Section 10.314 (6)(c)(i).

#### 10.817 Community Buildings, Social Halls, Lodges, Fraternal Organizations, and Clubs in a "**R**" Residential District.

- (1) All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer adjacent properties.

- (2) There shall be no external signage, advertising or other evidence of any incidental commercial activities taking place within the building.

- (3) All such uses, except Public Parks Recreation and Leisure Facilities and Services and appurtenant buildings and structures, shall be located on an arterial or collector street and be able to provide access without causing traffic congestion on local residential streets, and any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances.

(4) Temporary shelters shall be conditionally permitted as an accessory use to all community buildings, social halls, lodges, fraternal organizations, and clubs as permitted per Section 10.314 (6)(c)(i).

\* \* \*

#### 10.819A Temporary Shelters

##### (A) Purpose and Intent.<sup>[KWKG]</sup>

Temporary shelters provide short-term relief for homeless individuals and families, as well as those without adequate protection during times of extreme weather, within an existing or newly constructed building. It is the intent of these standards to ensure that any conflicts with temporary shelters and the surrounding land uses are mitigated through the special regulations set forth.

##### (B) Definitions Pertaining to Temporary Shelters

The following definitions shall only be applied, as defined in this subsection, to temporary shelters. If used otherwise in Chapter 10 refer to Section 10.012 Definitions, Specific.

(1) Access Point: The main point of entry and exit for a temporary shelter where users,

visitors, and other persons must sign in and out to maintain security within a shelter.

(2) Operator: The organization in charge of daily operations of a temporary shelter. The operator shall be a civic, non-profit, public, religious, membership based, or otherwise competent organization and shall be the applicant for the land use review of a temporary shelter.

(3) Operational Period: An operator's established days of operations.

(4) Operations Plan: The guiding document for an operator to use in determining the standards clients must adhere to in a shelter.

(5) Shelter Area(s): Designated space(s) within a temporary shelter intended for sleeping and/or relief from weather events that shall not include common areas, the access point, bathrooms, hallways, public right-of-way, or kitchens.

### (C) Temporary Shelter Permit Requirements [KWK7]

(1) The conditional use permit (CUP) as required per 10.314 and 10.337 shall run with the lot(s), tract(s), or parcel(s) of land in which a temporary shelter was conditionally permitted. Unless modifications to the original CUP are made, a new CUP shall not be required for each new operational period.

(2) Section 10.819A (C)(1) shall not preclude an operator of a temporary shelter from required permits unrelated to land use applications/reviews, unless waived by the appropriate approving authority/official.

(3) The Planning Director may waive filing fees, and any other fees required by the Planning Department, if a need for the waiver is determined.

(4) An operator must apply for and receive an approved Temporary Shelter Operational Permit through Medford Fire-Rescue for each operational period.

(5) Shelters operating with extensions, granted per Section 10.819A (D)(2)(e), shall be required to perform all improvements, acquire all permits, and fulfill all other requirements of the Medford Municipal Code, unless waived by the appropriate approving authority.

(6) All applicable permits must be approved prior to the initial date of operations.

### (D) General Standards for Temporary Shelters

The following standards of subsection 10.819A (D) shall apply to temporary shelters. The words operator and applicant may be used interchangeably in this subsection as they are one and the same. The requirements are as follows:

(1) Operational Requirements. [KWK8] The operator shall be required to meet the following standards as it pertains to shelter operations:

(a) Conformance. It shall be the duty of the operator to ensure and maintain compliance with applicable Local, State, and Federal regulations relating to the operations of temporary shelters. Temporary shelters shall comply with all applicable building, fire, health, life, and safety codes as they pertain to temporary shelters. This shall include, but is not limited to:

i. City of Medford Temporary Shelter Operational Permit/Policy.

- ii. Current and adopted Oregon Structural Specialty Code (OSSC), unless otherwise approved/waived by the Building Official
- (b) Operations Plan.** An operations plan shall be required for a temporary shelter and shall include items addressing client interaction, rules for shelter use, facility operations and maintenance, safety and security provisions, requirements of 10.819A(D)(5)(d), the operational period and the methods for transitioning clients to more permanent housing or shelter.
- (c) Supervision.** There shall be one on-duty representative of the temporary shelter for every 25 occupants at all times during operations, but no less than two on-duty representatives at any time, unless approved otherwise. The representative(s) contact information shall be clearly posted at the shelter's access point each day. The representative may be a volunteer, hired employee, or otherwise competent and responsible adult.<sup>[KWK9]</sup>
  - i. When required by Medford Fire-Rescue, a fire watch shall be required in addition to an on-duty representative(s) required by 10.819A (D)(1)(c).
  - ii. On duty-representatives shall monitor all areas of a temporary shelter, including shelter areas, which may result in the lack of privacy. Monitoring shall be in conformance with all applicable local, State, and Federal laws and shall not engage in unlawful discrimination under State and Federal law.
- (d) Population Size.** Shelter population sizes shall be determined by applicable Building and Fire Codes.
- (e) Sleeping Areas.** Temporary shelters may have separate and distinguished areas for sleeping or shelter for the comfort of clients that may separate clients into male only, female only, and family only sleeping areas. The operator shall not engage in unlawful discrimination under State and Federal law.
- (f) Shelter queuing.** During times of shelter intake lines or queues of people awaiting admittance shall not block any public space or right of way from otherwise being used by the public, maintaining a 3 foot clearance on all sidewalks.
- (g) Documentation** shall be maintained and regularly updated regarding the requirements of 10.819A (D)(1) and shall be available in hard copy at the temporary shelter's access point and shall also be made available to the Fire Code Official, upon request.
- (h) Items of 10.819A (D)(1)** may be conditions of approval as deemed necessary by the approving authority.
- (2) Operational Period.**
  - (a)** The use of a temporary shelter shall not exceed 90 days, unless otherwise permitted per the Medford Municipal Code (MMC), within a 12 month period. The

- operational period shall start on the first day of operations in which individuals were provided shelter and shall end once shelter has been provided for 90 days within a 12 month period or 12 months after the first day of operations.
- (b) Within the operations plan, it shall be clearly stated, the intended timeframe in which an operations period is to take place. This shall include one of the following:
- i. The allowance for weather based operations that enables opening and closing based on local weather events such as, but not limited to, temperature extremes, persistent smoke or fog, and other acts of nature that are unsuitable for human habitation. Conditions for opening and closing based on weather events shall be clearly stated in the operations plan.
  - ii. Specific dates in which operations are to occur, not exceeding 90 days in a 12 month period as identified in Section 10.819A (D)(2)(a), subject to the 180 day limitation for Temporary Uses per Section 108 of the 2014 Oregon Structural Specialty Code.
- (c) The operator shall notify Medford Fire-Rescue each time the shelter is closing.
- (d) The operator shall notify Medford Fire-Rescue a minimum of four business days prior to each re-opening of the shelter and shall provide the opportunity for inspection prior to re-opening the shelter. In times of emergency the operator shall coordinate with Medford Fire-Rescue if a shorter notice time is needed.
- (e) The operational period may be extended for a temporary shelter by the City if local conditions warrant an extension. Extensions may be granted for a total of 30, 60, or 90 calendar days. Extensions shall be approved by the City Manager. The total operational period, including extensions, shall not exceed a total of 180 consecutive days, in a 12 month period.
- i. The request to extend the operational period shall be received a minimum of 14 business days prior to the first anticipated day of extended operations.
  - ii. An extension for a temporary shelter may require additional improvements, not previously required. Additional improvements shall be pursuant to the applicable Building and Fire Codes, unless otherwise waived by the appropriate approving authority or the City Manager.
- (f) Operational periods shall apply to the lot(s), tract(s), or parcel(s) of land on which a temporary shelter operates, not with an individual building.

**(3) Reporting Requirements**<sup>[KWK10][KWK11]</sup>. The operator shall be required to submit a report to the Housing and Community Development Commission (HCDC) once a temporary shelter has ceased operations, and/or in applying for an extension per 10.819A (D)(2)(e), and it shall include:

(a) The operator may coordinate the reporting requirement with the Medford, Ashland/Jackson County Continuum of Care using the industry standard software (e.g. Homeless Management Information System) in place at the time of reporting.

(b) At a minimum, reports to the HCDC shall be created in coordination with City staff and shall include the following:

- i. Number of clients served
- ii. Number of public service calls and reason for call
- iii. Services provided, if applicable
- iv. Number of nights spent at full capacity (if applicable)
- v. Number of clients provided with more permanent or transitional housing
- vi. Other relevant information from 10.819A (D)(3)(a)

(c) Reports required of 10.819A (D)(3) shall be considered when issues of performance and closing of shelters are being sought per Section 10.819A (D)(4).

#### (4) Standards for Closing/Suspending Temporary Shelters

The following section outlines the standards in which closing or suspension of a temporary shelter use shall be permitted.

(a) The City may close or suspend a temporary shelter use if:

- i. The City Manager has determined that it would be in the public interest to terminate the temporary shelter.
- ii. Excessive emergency service calls exceeding 40 calls within 30 calendar days.
- iii. Any safety issues identified during an inspection, including, but not limited to, any fire and life safety issues identified during any fire inspections in accordance with ORS 476 and ORS 479. Nothing in Section 10.819A shall limit the authority granted by ORS 476 and ORS 479.
- iv. Any violation of the Medford Municipal Code, State law, or Federal law.

(b) Closing or suspending of a temporary shelter, as determined by the City, shall be permitted when inspections per 10.819(D)(5), or otherwise permitted inspections of the MMC, determine non-conformance with applicable codes as they pertain to the life and safety of temporary shelter users, employees, and surrounding properties.

(c) When temporary shelters are closed or suspended due to lack of conformance with applicable codes, those days in which the temporary shelter are closed shall not count towards the days considered within the operational period.

(d) A condition of approval, stating the standards of 10.819 (D)(4) will be adhered to, shall be required for all temporary shelters. The operator and City, (and the property owner if different from the operator), shall sign and acknowledge a document attesting to the standards of 10.819A (D)(4)(d) prior to issuance of any permits.

- (e) Closing of a temporary shelter use terminates said use on the tax lot(s) in which the permits were applied to.
- (f) When a temporary shelter is terminated due to the standards of 10.819A (D)(4), it shall not be allowed on the same tax lot(s) for a time period of one year (365 days) from the final day of operations, unless otherwise approved by the City Council.
- (g) Users of a temporary shelter, the operator, and the property owner shall be given 7 calendar days to vacate the location in which a shelter operates once the use has been terminated. Shorter notice may be required and no sections of this code shall preclude adherence to local, State, or Federal laws pertaining to building, health, and life safety.
- (h) The City Manager's decision to revoke a temporary shelter's permits shall be final. Appeals shall be made to the City Council.

**(5) Consent to Inspection of Temporary Shelter(s)**

(a) Temporary shelters shall be subject to inspection, as deemed necessary, by the City to verify safe operations at any point during the operations of a shelter.

- i. Inspections by the City may include inspections of shelter areas and all other portions of a temporary shelter. Inspections shall be in conformance with all applicable local, State, and Federal laws.
- ii. Areas used for bathrooms and showers shall be subject to inspections by the City, but any users of the facilities shall be given 10 minutes to allow for the privacy needs of individuals who may be using the facilities.

(b) Inspections shall be required prior to each opening of a temporary shelter. All violations of applicable codes found through an inspection shall be resolved prior to commencing operations of a temporary shelter. Inspections may be required from the below City departments to check conformance with applicable codes, prior to operations commencing, from the Medford:

- i. Building Department
- ii. Planning Department
- iii. Police Department
- iv. Fire-Rescue Department

(c) Each user of temporary shelter shall be required to sign a waiver and give consent to searches from the Medford Police and Fire-Rescue Departments for reasons deemed necessary to ensure safe operations of a temporary shelter. This shall be a part of the operations plan and may differ from shelter to shelter.

(d) Waivers required of 10.819A (D)(5)(c) shall be created by the operator and submitted with the CUP application.

(e) Signage stating "Inspection by the City of Medford Fire-Rescue and Police Departments may occur without notice. There shall be no expectations of privacy within this shelter," shall be posted within areas of the temporary shelter including shelter areas, areas for sleeping, and other areas of operations deemed necessary by the operator.

**(E) Site Standards for Temporary Shelters**

The following standards shall apply to the development and use of temporary shelters.

- (1) Temporary shelters shall be 500 feet, measured from any property line, from any other temporary shelter's closest property line. 10.819(E)(1) applies to temporary shelters during their operational period, not for land use approvals.
- (2) Temporary shelters shall be an accessory use in residential zones and shall be within an existing or newly constructed building.
- (3) In commercial and industrial zones, temporary shelters may be an accessory or primary use and shall be within an existing or newly constructed building.
- (4) A site plan depicting how the standards of 10.819A have been met shall be submitted as a part of the application submittal. A site plan shall, at a minimum, include the following:
  - (a) Building footprint(s) of the primary and accessory uses on the site in which the temporary shelter will be located
  - (b) A floor plan, with square footage measurements labeled clearly for:
    - i. The location and size of the shelter area(s) and areas intended for sleeping
    - ii. Location and size of other areas used in conjunction with the warming shelter (e.g. common area(s), kitchen(s), bathroom(s), and similar spaces.
    - iii. Total population size within shelter areas and areas intended for sleeping
  - (c) Location of buildings access point(s)
  - (d) Location(s) of trash receptacle(s)
  - (e) Location(s) of lighting for site and building(s)
- (5) Adequate space shall be provided for tenant's personal items; storage space shall not block the public right-of-way and shall not displace required parking per Sections 10.741-10.751.
- (6) Access points shall have a trash receptacle that does not block the public right of way and is large enough for trash disposal during times of intake.
- (7) Adequate access shall be given for emergency vehicles and personnel, where applicable.
- (8) Tents, yurts, and similar temporary structures do not qualify as a structure for the temporary shelter land use.

## Exhibit B

# Survey Results from Previous Study Sessions with Council and Commissions

Does the proposed text align with Council's original direction from August 18, 2016?

Council Direction from Aug. 18, 2016 motion	Complies	Needs Modification	Didn't Follow Direction
Appropriate method for public comment/input and compliance utilizing existing CUP or similar process	8 votes	4 votes	
Project will demonstrate a comprehensive plan to transition residents to traditional housing.  Plan shall include:	5 votes  (+term limits for tenants)	3 votes	
Appropriate screening methods to ensure suitability for program and social services needed.	9 votes	4 votes	
Reporting Requirements to Council not less than annually on number residents served, length of stay. Reason for exit, destination, public service calls, etc....	9 votes	5 votes*	
Project shall submit a detailed financial analysis and budget to demonstrate ability to carry-out the comprehensive plan.	10 votes	3 votes	
Project shall submit resident rules for conduct	9 votes	3 votes	
General guidance for:	4 votes	3 votes	2 votes
Architecture/aesthetics	4 votes	5 votes	2 votes
Consistent building style	4 votes	5 votes	1 vote

Painting	5 votes	5 votes	
Arrangement of Structures	6 votes	4 votes	
Buffering	4 votes	4 votes	2 votes
Other neighborhood compatibility issues	3 votes	4 votes	2 votes

Please indicate anything that has been missed:

\* I suggest the Housing Commission be the appropriate direct body of reporting. The Council can focus on other items and use the housing commission recommendations and oversight more effectively.

- As noted in the meeting, the primary intent for this modification is a larger task that needs to be addressed in a bigger scale. Scale as in being issue oriented rather than time dependent.

- I do not want to do any of this. I want to continue to rely on urban campground statute. If any modification is needed, limit it to warming shelter rules only.

- Permeant structures vs yurts, tents, etc...

- I am not in favor of this new ordinance. I would support some reasonable rules on cooling/warming shelters.

Should staff retain or remove the following standards?

Housing Type	Retain (will incorporate changes)	Remove
Transitional Housing Villages	7 votes	3 votes
Emergency Housing Villages	6 votes	4 votes
Interim Housing Villages	3 votes	7 votes
Cooling/Warming Shelters	9 votes	1 vote

- Limit permitted zones
- Remove standards to make more permissive

Of the proposed edits, which do you favor?

Potential Edits	Favor	Do Not Favor
Create more flexible timing standards (i.e. weather events, longer time windows)	8 votes	
Stricter operation plan requirements	8 votes	3 votes
Neighborhood meeting requirement run by City Staff	4 votes	5 votes
Create distancing requirements from other villages	5 votes	3 votes
Change to Conditionally Permitted (CUP)	6 votes	3 votes
Create standards for revocation of Certificate of Occupancy	8 votes	1 vote
Don't allow for housing villages to expand past providing housing for the homeless	5 votes	4 votes

- Limit number of facilities in the City
- Add an Insurance Requirement to protect the City financially
- Clean up requirements after use vacates

Seems like proposals are too restrictive and will create a hardship on organization creating programs and housing options to serve

## Exhibit C

# Jared Pulver (Planning Commissioner) Email, Inresponse to Survey in Exhibit B

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**From:** Jared Pulver  
**To:** [Kyle W. Kearns](#)  
**Cc:** [Carla G. Paladino](#)  
**Subject:** Comments on the proposed Temporary Housing Language  
**Date:** Wednesday, September 13, 2017 2:34:28 PM

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Hi Kyle-

I won't be there for the joint SS on Monday. Here are my comments on the materials from this weeks SS:

### General

- Are these new uses Conditional, or outright permitted? In either case, what is our ability to shut down an operation? What would that require? What is our on-going oversight going to be?
- I think the only reason we would allow homeless housing would be if an organization could evidence the ability to get these people back on their feet, and get them into permanent housing and/or employed or with the necessary medical support with the hopes that they eventually become contributing members of our community. I don't think it's the City's intent to necessarily monitor this, but I think if we're going to allow the use, we should – otherwise we shouldn't allow the use, as we are instead just providing permanent homeless housing.
- Is there going to be a limit to the number of these facilities in the City? Is there going to be limitations to where they be located, perhaps to avoid a concentration?
- I believe at least in the villages that all structures should be built, as opposed to allowing tents, yurts, etc.

Page 7 – At the bottom of the page it says, "It is the intent to use the framework of the housing village land use to allow for in the future, smaller, alternative housing types that go beyond assisting the homeless (for example a "tiny home"). In my opinion, this is a completely different conversation, and it should not be said that there is any connection or correlation between the two.

Page 8 – Why is there a need for Interim Housing Village and a Transitional Housing Village? If we are going to approve this use, it needs to be more organized, with the ability to succeed in making a long term impact – They should be THVs or nothing.

Page 17 – Interim Housing Villages should not be permitted anywhere. Transitional Housing Villages and Cooling and Warming Shelters should be permitted in C-C, C-R, C-H, I-L and I-G

Page 17/18 – I’m confused at what we are doing with SIC Code 004 (Page 17) and SIC Code 8322 (Page 18). 8322 seems to potentially cover multiple types, which I’m not comfortable with.

Page 20 – A. Purpose and Intent – I’m not comfortable with the language here. I do not believe we are trying to create an affordable housing option. This is not true housing, and should not be considered as such.

Page 20 - B. Types – Again, I don’t understand why IHV and THV

Page 34 – I think the language on Warming/Cooling Shelters needs work. I don’t think we want them operating year round, but if an organization is willing and able to operate one effectively, we want to accommodate that to a point.

Page 38 – I’m probably in the minority on this, but it seems like a bad choice for homeless people to have pets. I don’t think we want to support that.

Page 41-44 – I’m guessing none of Council’s feedback has been reflected in what is currently proposed, yet?

Page 46 – Makes mention of the “Housing First” model – If we’re going to try to tackle this problem effectively, it’s imperative that the providers have partnerships in place with other related parties (e.g. mental health counselors, substance abuse counselors, physical therapists, job placement specialists, trainers, etc.)

Thanks,

**Jared Pulver, Principal Broker**

**Pulver & Leever Real Estate**

**Company** 1060 Crater Lake Avenue, Suite C Medford, OR 97504

*Licensed Real Estate Broker in the State of Oregon*

**(541) 773-5391 (Office)**

(541) 773-5399 (Fax)

[jaredpulver@pulverandleever.com](mailto:jaredpulver@pulverandleever.com)

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## Exhibit D

# Minutes – August 31, 2017 City Council Study Session

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### AGENDA

August 31, 2017

12 Noon

City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

1. Utility Billing System
2. Transitional Housing/Warming Shelter Text Amendment

### MINUTES

August 31, 2017

12 Noon

City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

The Medford City Council Study Session was called to order at 12:00 p.m. in the Medford Room of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearson, Kay Brooks (arrived at 12:10 p.m.), Tim D'Alessandro, Dick Gordon, Tim Jackle, Kevin Stine, Kim Wallan, and Michael Zarosinski

City Manager Brian Sjothun; Deputy City Manager Kelly Madding; City Attorney Lori Cooper; Planning Director Matt Brinkley; Public Works Business Director Lorraine Peterson, Planner II Kyle Kearns; Deputy City Recorder Winnie Shepard

\* \* \*

Transitional Housing/Warming Shelter Text Amendment

Planning Director Matt Brinkley noted work on this amendment began over a year ago to revise Code for housing "villages" and will be reviewed by the Planning Commission

on September 11, 2017 and will come back to Council again at the beginning of November.

Planner II Kyle Kearns noted:

- Proposed new Code:
  - Defines Housing villages and warming/cooling shelters
  - Emergency housing allowed only during a “declared” emergency
  - Interim Housing village allowed for max of 180 days; only 4 locations allowed
  - Transitional housing villages (like Hope Village)
    - More permanent
    - Designed to transition people into housing
    - Limited to 40 people
  - Outlined various standards and differences of Interim Housing/Transitional Housing Villages
  - Code amendment will be reviewed by Housing and Planning Commissions before presenting to the City Council at the November 2, 2017 meeting

Council discussion:

- In a “declared emergency” no permit will be required
- Some Councilmembers did not remember requesting anything outside of new Code for transitional housing villages; any revisions should be done slowly and incrementally
- Warming/cooling shelters
  - 90-day limitation: consecutive days or various weeks within a calendar year
  - Could use forecasted temperature requirements for opening versus number of days
  - If people are dying from weather, the ADA requirements shouldn’t be a priority
  - Last year’s warming shelter location doesn’t comply with proposed revisions
    - Deputy City Manager Kelly Madding noted a meeting will be held next week with the church that hosted last year’s warming shelter
    - Church does not appear to be willing to offer a solution this year
    - Church needs upgrades to comply with Fire Code’s sprinkler requirement
    - Expected to receive concerns from neighboring businesses/residence as we did last year
- Need control over transitional housing and a plan; if it’s not a CUP, we need a contract that can be revoked
- Community meetings/neighborhood meetings should be managed by City staff

- Hope Village was approved as an urban campground; proposed Code revisions require electricity, water and restrooms for transitional housing
  - Discussion regarding how to implement new Building Code

City Manager Brian Sjothun noted staff did meet with Rogue Retreat and the warming shelter church management at the end of the winter season regarding the pros and cons.

He further confirmed Council preferred to move forward with the cooling/warming shelter code revisions at this time.

The meeting adjourned at 1:40 p.m.

Winnie Shepard

Deputy City Recorder

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# Exhibit E

## Minutes – September 11, 2017

### Planning Commission Study Session

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From Study Session on **September 11, 2017**

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

Commissioners Present

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

Staff Present

Matt Brinkley, Planning Director  
Carla Paladino, Principal Planner  
Eric Mitton, Senior Assistant City Attorney  
Seth Adams, Planner III  
Kyle Kearns, Planner II

Subjects:

\* \* \*

**20.1 DCA-17-062 Temporary and Transitional Housing appraisal**

Kyle Kearns, Planner II, this is a development code amendment to consider the allowance of two new housing types in Medford, those being housing villages and cooling/warming shelters. The underlying intent is to provide affordable housing options for the City's less fortunate and homeless housing providers.

August 18, 2016, the City Council directed staff to provide land use regulations for incorporating State statute and other standards. ORS 446.265 allows for municipalities to approve campgrounds within the urban growth boundary on up to two parcels. A local example is Hope Village. Other examples of transitional housing include:

- Eugene Opportunity Village (CUP process)

- Cottage Grove Emerald Village (CUP process)
- Portland Cottage Village (multi-family standards)
- Olympia, WA Dignity Village (ORS 446.265)
- Quixote Village (CUP process)

Housing Villages (Special Use Regulations 10.818A) are defined as: *A housing development in which multiple sleeping and/or dwelling units, that are typically smaller than 500 square feet are located on a lot(s), tract(s), or parcel(s) of land that shall be under the same ownership. A housing village is also distinguished by the placement of structures, with the front entrances facing a common area(s) shared by all residents.*

Cooling/Warming Shelters (Special Use Regulations 10.819A) are defined as: *A temporary emergency shelter within an existing building meant to provide relief from extreme weather for homeless individuals or families.*

Housing villages is an umbrella term, or can be an umbrella term for smaller housing types. As proposed today it is only for homeless or near homeless individuals (i.e. disadvantaged populations, elderly with sub-par living, etc.).

The following are the proposed housing village types:

Emergency Housing Village (EHV). Key code provisions 10.818A (F) Standards for Emergency Housing Villages:

- *No permanent structures*
- *Time limits for removal*
- *For Declared Emergencies Only (i.e. floods, earthquakes)*
- *Exceptions to Municipal Code*

Interim Housing Village (IHV). These are for homeless individuals not during a time of emergency. They are temporary in nature. They would only be permitted for a maximum of 180 consecutive calendar days. They do have some limitations of the total number within a city at any point in time.

Transitional Housing Village (THV). These are more permanent in nature in the sense of development. Tenants are temporary. The idea is to transition tenants into permanent housing and the host agency of the THV must demonstrate through the ability to transition tenants into permanent housing.

Staff has prepared a site plan using the City's proposed standards of what a housing village could look like. It would be something that would come before the Site Plan and Architectural Commission or even the Planning Commission depending how this goes in the future.

Housing Village Provision	Interim Housing Village (IHV)	Transitional Housing Village (THV)
<b>Public Outreach (neighborhood meeting)</b>	10.818A (D)(1) Mirrors PUD standard already in place	
<b>Operational Requirements (operations plan) 10.818A (E)(1)</b>	180 day time limit, Max. of 4 IHVs in City, reporting requirements	Financial analysis, reporting requirements
<b>Safety and Security (includes Safety and Security Plan)</b>	10.818A (E)(4) - No open flames, population caps, water access, staffing of access point, structure separation, generator use (IHV only)	
<b>Site Development Standards - General</b>	10.818A (G)(1) - Grouping standards, parking design, parking reduction, sleeping unit standards	
<b>Site Development Standards - THV</b>	10.818A (G)(2) - manufactured structures, acre limit (unless CUP), tents & yurts allowed, fence requirement, 40 people max with acre	
<b>Site Development Standards - IHV</b>	10.818A (G)(3) - no permanent structures, acre limit, may exceed lot coverage by 10%, 40 people max with acre	

Cooling/Warming Shelters. Key Code Provisions (Within Exhibit A):

10.819A (C) General Standards Cooling/Warming Shelters

- *Neighborhood Meeting Requirement (mirrors Housing Village)*
- *Operations Plan (includes 90 day time limit)*
- *Reporting requirements*
- *Safety and Security Plan*

10/819A (D) Site Development Standards for Cooling/Warming Shelters

- *Within existing structure, accessory use, allowance for tents/yurts, lighting, separation of animals.*

# Zoning for Temporary Housing (SFR & MFR)

## ARTICLE III - ZONING DISTRICTS

### 10.314 Permitted Uses in Residential Land Use Classification.

\* \* \*

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
* * *									
<b>6. Alternative Housing</b>									
<b>(a) Housing Villages</b>									
Emergency Housing Village (EHV)	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.818A
Interim Housing Village (IHV)	X	X	X	Cs	Cs	Ps	Ps	Ps	10.818A
Transitional Housing Village (THV)	X	X	X	Cs	Cs	Ps	Ps	Ps	10.818A
<b>(b) Cooling/Warming Shelter</b>	X	X	X	Cs	Cs	Ps	Ps	Ps	10.819A

# Zoning for Temporary Housing (Commercial)

SIC      USE                      ZONING DISTRICT

**O. USES NOT CLASSIFIED.** This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
* * *								
<b>004 Temporary Housing</b>								
Emergency Housing Village (EHV)	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps
Interim Housing Village (IHV)	Cs	X	Ps	Ps	Ps	Ps	Ps	X
Transitional Housing Village (THV)	Cs	X	Ps	Ps	Ps	Ps	Ps	X
Cooling/Warming Shelter	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps

See section 10.839 for special use regulations on marijuana-related businesses.  
See Section 10.818A for special use regulations for the EHV, IHV, and THV use.  
See Section 10.819A for special use regulations for Cooling/Warming Shelters.

### Hearing/Commission Dates (Past/Future)

- August 31, 2017: City Council study session
- September 6, 2017: Medford Housing Commission (informational). They requested staff return and they would provide a formal position.
- September 11, 2017: Planning Commission study session
- October 4, 2017: Housing and Community Development Commission meeting
- October 12, 2017: Planning Commission hearing
- November 2, 2017: City Council hearing. This may have to be moved because of all the comments staff is receiving.

Staff asked if the Planning Commission thought this was a good timeframe.

Does the proposed text align with the City Council's original direction from August 18, 2016? (i.e. THV/Hope Village)

Should staff retain, amend, or remove the standards pertaining to:

- Emergency Housing Villages (EHV)
- Interim Housing Villages (IHV)
- Cooling/Warming Shelters

Should the timing requirements for cooling/warming shelters be based on calendar days or weather events?

City Council's comments from August 31, 2017:

- Code language expands past ORS 446.265
- Allowance for cooling/warming shelters based on weather
- Similar controls like with Hope Village
- Neighborhood meeting requirement insufficient
- Allowance for tents/yurts with cooling/warming shelters not desired
- Concerns regarding concentrations of villages and shelters
- Will housing villages be considered needed housing
- Outright permitted use not desired

Chair Miranda asked, for Interim Housing the maximum length of stay is 180 calendar days. How long does that site have to stay vacant before they can move back? Mr. Kearns reported that once it ends it has to be a full calendar year before they can come back to that same location and they can only do that two years in a row.

Commissioner Foley stated that it makes more sense to treat them more with cooling than warming. The way it was written it is a maximum of 90 continuous days. That does not seem very effective given the fact that the last several weeks there was the need for cooling during the day. During the winter 90 days is not long enough for warming and giving up a place for an entire year. He is wondering if there is a different way to work it. He understands not making a permanent site. There has to be something that deals with

the ability to open and close if not needed and not count against their 90 days. Mr. Kearns reported that staff was directed to address that. There is some code language within Fire that would allow that. Staff was told it would not be an issue to allow for weather events. The issue comes up when they hit the consecutive 90 days. Commissioner Foley feels that it has to be triggered by the weather.

Commissioner McKechnie asked, Hope Village units are permanent. Is there a limitation on the length of time one can be at Hope Village? Mr. Kearns stated that is up to the organization running the village. Typically, it is a two year program. HUD has a definitions that staff has tried to mirror but that is out of the City's enforcement. It is something to consider.

Vice Chair McFadden asked, how do these new requirements affect organizations in the area already providing some of these services like St. Vincent DePaul and the Salvation Army and do these requirements affect how they do theirs? Mr. Brinkley stated no, not a traditional homeless shelter. As long as it is in a non-residential zone and an accessory use to a church or similar. That falls in what can be done. Vice Chair McFadden commented that the one on Old Pacific Highway is not associated with a church. It is a lot like a cooling/warming shelter. There has to be something in the code that states how they are similar or different. Mr. Brinkley reported that as long as they are in a commercial zone they are allowed. Mr. Kearns expanded on that stating staff is adding a definition of emergency shelters. Warming shelters are defined. That gives the distinction between the two uses.

It bothers Vice Chair McFadden on the weather. If one is cooling for three months and warming for three months that is very little overlap. Often the weather is one way or the other. Then there has to be consideration willing to put all this together; whether it be a charitable organization or not, continuous operation is better than something that starts and stops. He sees the City's position as trying to have the best possible living arrangements for anybody. Non-sanitary and non-utility provided places goes against why they are here.

Commissioner Pulver stated this issue has been discussed to a lot of other venues. It has not been discussed a lot within the Planning Commission. If they are going to approve something it warrants a fair amount of discussion time. He has a lot of things he has concerns about. Specific to today, he does not know how state of emergency works. Once that declaration is made does it stay around for a long time? Is it a funding mechanism? He wants to understand why the need for Interim Housing Villages as opposed to transitional. He is not in favor of a tent camp. It does not make sense to be moving every 180 days because that is a big undertaking. It discourages the entire concept. Hope Village has some substance and permanence to it that can be effective in its mission. He would like to understand the boundaries and limitations on applications and require-

ments from an on-going standpoint. He thought he saw mentioned that this code modification addressing tiny homes in a more generic sense. He does not know if he misread something or if that was really the intent. If that was the intent he would like discussion on that. He does not think tiny homes in the conceptual is what is being discussed with this piece. Mr. Brinkley stated not with this piece.

Commissioner Culbertson stated that when this concept came out Vice Chair McFadden sent out an articulated letter that if they wanted to have Hope Village they should have come as a zoning change. They should have identified the property and try to fit the rules. They were told no so they did an end-around. Now, he gets the sense they did it and now wants things to be fixed. The email lined it out very simply.

Commissioner Foley reported that they spent 45 minutes on chickens and this needs a lot of discussion. There are 40 plus pages of reading. This needs a lot more discussion with the Planning Commission before they can have an informed opinion. They need to have the right things in place to make it work. This is a big topic.

Vice Chair McFadden stated that the beginning date on this with the City Council was a year ago. He is surprised this did not come to the Planning Commission six months ago.

Commissioner McKechnie defended staff stating they are basically rewriting the zoning, building, and fire code. Those have been in affect 40 years. They are updated every three years and staff is undertaking that and understand in a short period of time. He agrees they need a lot more discussion on this and understand the implications.

Chair Miranda agrees with the consensus that the Planning Commission should see this at least once or twice more in a study session.

Ms. Paladino reported that next Monday, September 18, 2017, there will be a joint study session with the City Council. This is one of the topics on the agenda.

Mr. Brinkley stated that the only urgency is the cooling/warming shelter part of this as far as City Council is concerned. They are cautious about the transitional and interim housing in no small part because of the experience with Hope Village. It was a frustrating experience for staff trying to make sure they were following life safety issues of the building code that were important. Hope Village is at the point of getting their Certificate of Occupancy. It has been a challenging process and having prescriptive rules in place is needed as staff hopes it will help them manage that in the future.

The Housing Advocacy Committee is starting and Ms. Paladino sent an email if anyone was interested in participating. She heard from Commissioner McManus and Commissioner Foley. Staff would like to have a Planning Commissioner representation on that committee. Vice Chair McFadden recommended both Commissioner McManus and

Commissioner Foley and have them act as primary and secondary. If one cannot make a meeting then the other one will. It was a unanimous favorable consensus.

Last Thursday at City Council they finalized the local urban growth boundary process. They had to combine their findings with the County's into a new ordinance with the City. The will be sending it to the State in a month or so.

Article II reorganization also went to the City Council last Thursday. It was moved to a study session in October, no hearing date.

**30. Adjournment**

The meeting was adjourned at 1:24 p.m.

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Submitted by:

Terri L. Rozzana

Recording Secretary

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# Exhibit F

## Minutes – September 18, 2017

### Planning Commission/City Council Joint Study Session

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#### AGENDA

September 18, 2017

Medford City Hall, Medford Room  
411 West 8th Street, Medford, Oregon

- 10. Introductions
- 20. Discussion Item
  - 20.1 DCA-17-104 Food Truck in public right-of-way
  - 20.2 DCA-17-062 Transitional Housing Amendment
- 30. Adjournment

#### MINUTES

September 18, 2017

Medford City Hall, Medford Room  
411 West 8th Street, Medford, Oregon

The City Council Study Session was called to order at 12:06 p.m. in the Prescott Room of the Medford Police Department on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearson, Tim D'Alessandro, Dick Gordon, Tim Jackle, Kevin Stine, Kim Wallan, and Michael Zarosinski

Planning Commissioners Dave Culbertson, Alex Poythress, Joe Foley, David McFadden, Patrick Miranda, Mark McKechnie, E.J. McManus; Bill Mansfield; Deputy City Manager Kelly Madding; City Attorney Lori Cooper; Senior Assistant City Attorney Eric Mitton; Planning Director Matt Brinkley; Principal Planner Carla Paladino; Parks & Recreation, Facilities Director Rich Rosenthal; Planner II Kyle Kearns; Deputy City Recorder Winnie Shepard

Councilmembers Kay Brooks, Tim D'Alessandro, Dick Gordon, Kevin Stine and Michael Zarosinski and Planning Commissioner Jared Pulver were absent.

\* \* \*

### Transitional Housing Amendment

Planner II Kyle Kearns spoke regarding Transitional Housing and provided an overview of Council's comments from August 31 study session.

- Planning Commission's key comments
  - requested additional review time
- Outlined the hearing schedules for the various items

### Council/Commission comments

- Need to find adequate housing for people; Hope Village is still substandard housing
  - Substandard is relative; Hope Village is better than many homeless and it serves as a stepping stone, providing upward mobility
- Difficult to determine number of homeless people in our area
- Warming/cooling shelter is a big topic that needs extra work; needed to protect the public
- We should move forward in separating the project into two individual projects
  - Code amendment regarding warming shelters
  - Code amendment regarding transitional housing
- Slowly move forward with transitional housing regulations
- Consideration should be given for case by case developments

Deputy City Manager Kelly Madding stated she met with church staff regarding the warming shelter. At this point, the church needs improvements to meet the building and fire regulations. In addition, the Church staff preferred to be open specific days versus open during certain temperatures because of the need for staff volunteers.

Mayor recommended breaking down the topic to address one issue at a time. Mr. Brinkley clarified that staff will move forward with the warming/cooling shelter Code amendment and separate the transitional housing portion.

The meeting adjourned at 1:15 p.m.

Winnie Shepard  
Deputy City Recorder

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# Exhibit G

## Minutes – October 4, 2017

### Housing and Community Development Commission

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#### MINUTES

Housing and Community Development Commission

Wednesday, October 04, 2017

5:30 p.m.-7:00 p.m.

Meeting called to order @ 5:33 p.m.

1. Roll Call

Bill Boehning, Marie Cabler, Denise James, John Michaels, Daniel Smith, Carol Fiddler and Rebecca Erickson. Staff: Angela Durant, Kyle Kearns. Council Liaison: Dick Gordon  
Absent: Heidi Hill, Chad McComas

2. Public Comments - None.

3. Introduction of new Commissioners – Carol Fiddler and Rebecca Erickson

4. Approval of Minutes from September 6, 2017  
Approved as presented.

5. **Temporary & Transitional Housing (DCA-17-062) Update** – Kyle Kearns

Over the course of 2016-17 the Medford Planning Department, per direction from the Medford City Council, has been drafting land use regulations to permit the use of transitional housing through the use of smaller housing units; the use would be called transitional housing villages. The intent is to provide a structure for organizations to follow in order to construct a transitional housing village. Using the Housing First Model of homeless housing assistance as a framework, the City has drafted standards that regulate the design, organization, operations, safety and maintenance of transitional housing villages.

Staff has solicited feedback from the Jackson County Continuum of Care and The Medford City Council, Planning Commission, Housing and Community Development Commission, and City Staff. Public hearings are positioned to start the spring of 2018 to solicit

public input. Mr. Kearns handed out a worksheet that asked if the proposed text aligned with the Council's original direction from the August 18, 2016. The Planning department will make edits as a result of the feedback.

Mr. Michaels would like to table this item and discuss it at the next meeting.

\* \* \*

12. Adjourn

Meeting was adjourned at 7:22 p.m.

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# Exhibit H

## Minutes – April 23, 2018 Planning Commission Study Session

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From Study Session on **April 23, 2018**

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

**Commissioners Present**

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

**Staff Present**

Carla Paladino, Principal Planner  
Eric Mitton, Deputy City Attorney  
Kyle Kearns, Planner II

**Subjects:**

**20.2 DCA-17-062 Cooling / Warming Shelters**

Kyle Kearns, Planner II, reported that the City Council directed staff to separate cooling/warming shelters from transitional housing into its own code amendment.

Staff is seeking direction and has identified three options for this code amendment and request that the Commission express its preference:

1. Continue drafting code language, have a study session with the Planning Commission. That being done today. Housing and Community Development Commission (date to be determined); and proceed to hearings for Planning Commission and City Council in June and July.
2. Similar timeline to the above option but includes another City Council study session prior to hearings; or
3. Cease work on DCA-17-062

Vice Chair McFadden asked if another option would be for the Planning Commission and Housing and Community Development Commission have a joint meeting. Carla Paladino, Principal Planner something could be setup.

Commissioner Pulver asked, is this presentation going to the City Council on Thursday for their study session? Mr. Kearns replied yes.

Commissioner Pulver stated that if City Council on Thursday states to cease work and the Planning Commission spends a lot of time discussing it today that might be all for not. Staff is optimistic about this.

Staff was directed to draft code language after complications with local shelter and unclear path forward for regulation. The proposal was discussed at four separate study sessions. The larger discussion points included text revisions:

- Allow for weather based timing events
- Removal of the allowance of tents, yurts, and similar structures
- Concentration prevented with 500 foot distancing requirement
- Create standards for revocation of permits

Cooling/Warming shelters, as proposed are defined as a temporary shelter within a structure meant to provide relief from extreme weather conditions for individuals or families who are homeless or in need of relief due to substandard living conditions.

They are permitted with special standards in residential zones as accessory use to institutional uses and in commercial/industrial zones as primary use or as an accessory use.

Vice Chair McFadden asked, what is the standard City Code dealing with tents and those types of structures? Mr. Kearns stated this has been discussed before and the Planning Commission's preference was to allow for tents in cooling/warming shelters but not in transitional housing.

Commissioner Mansfield asked staff to comment on the Not in My Back Yard (NIMBY) issue.

Commissioner McKechnie asked, if it is an accessory use, is there a size limitation? Mr. Kearns reported whatever is in the Building Code.

Mr. Kearns addressed the NIMBY issue stating it is more related to the transitional housing code amendment.

Commissioner Culbertson asked, how many properties are actually 500 feet away centrally located in any lot that can accomplish 500 feet on each side. Commissioner Foley reported it is 500 feet from property line to property line.

Vice Chair McFadden does not see the need for the 500 feet.

Chair Miranda asked, what is the logic for the 500 feet? Mr. Kearns replied they do not want them to concentrate.

Special standards include:

- Submittal of Operations Plan
- Reporting requirements for tracking
- Submittal of Safety and Security Plan
- Revocation of permit standards
- Site specific standards

To better understand the draft language, the following will be several scenarios that would permit or prohibit a shelter:

- Existing Institutional Use, regardless of zone – 607 W. Main – First United Methodist Church
  - Residential zone: accessory use
  - Commercial zoning: accessory or primary use
  - Existing structure, contained entirely within structure
- New Institutional Use, regardless of zone – Proposed Future Use
  - Residential or Commercial zoning
  - New Building, shelter as accessory use
  - Shelter use contained entirely within building
- Vacant building, in a commercial zone – 135 W. Main Street
  - Commercial zoning
  - Existing building, shelter as primary use
  - Shelter use contained entirely within building

Commissioner Mansfield stated the he looked for conditional use permit procedures, there is some reference to it. He has noticed Mr. Kearns has not discussed this. Is staff leaving out conditional use permit procedures? If so, why? Mr. Kearns reported that these are being permitted outright. They are not a conditional use because they are a temporary use. Under the 90-day timeframe they would not have to pull any sort of building permits. They do not have to do much for site development. These will be contained within the building. A conditional use process for a 90 day use that does not make any money seems out of place.

Commissioner McKechnie asked, if someone wants to provide one of these shelters, do they submit an application or is it a change of use application? Mr. Kearns reported that it is a Class "D" land use action or a Type II action. Administrative review with Class "D" noticing. It would be its own permit that would need to be created.

Commissioner McKechnie asked, is there a fee connected with the action? Mr. Kearns replied that staff has not established a fee. Currently the fees could be waived. The fees would be set low or no fee at all. Staff will need direction on that or research what other cities do.

- Vacant building, in a residential zone – 820 Crestbrook Road
  - Residential zoning
  - Existing building, shelter as primary use
  - Shelter use contained entirely within building
- Vacant Lot, no building, regardless of zone – 233 W. 6<sup>th</sup> Street
  - Residential or Commercial zoning
  - No buildings or structures
  - Shelter use as primary use
- Tents/yurts, combined with above scenario – Any location
  - Residential or Commercial zoning
  - Yurts, tents, etc. as accessory or primary structure
  - Shelter use as primary or accessory use

Chair Miranda would like the tents/yurts restricted. Structures that are self-contained, Category "A" facilities are his preference.

#### Hearing/Commission Dates (Past/Future)

- August 31 2017: City Council Study Session
- September 18, 2017: Joint Study Session
- October 4, 2017: Housing and Community Development Commission Meeting
- April 23, 2018: Planning Commission Study Session

#### Tentative Hearing Dates:

- June 14, 2018: Planning Commission Hearing
- July 19, 2018: City Council Hearing

Chair Miranda asked, if the City Council approves the amendment at their July 19, 2018 hearing, how long will it take to be implemented? Mr. Kearns reported that assuming the direction is to move forward it could be ready the day of adoption.

Commissioner Foley likes the proposed language.

Commissioner Mansfield thinks there will be problems with neighbors but staff has done a good job.

Commissioner McKechnie agrees with Commissioner Foley and Commissioner Mansfield.

Commissioner McKechnie asked, since everything is indoors, why is a site plan required? Mr. Kearns stated a site plan is required to show where they meet the lighting requirements. To show the location of the lighting. Commissioner McKechnie asked, why is that needed if it is indoors? Mr. Kearns reported that the site specific standard states that certain areas need to be lit to a certain level. Staff would need to know where the lighting is to understand that requirement. Also, to know where the access point is. The entry may not be understandable on a floor plan because it could be in the basement.

Commissioner McKechnie is confused about the reporting. Is there a template stating specifically what staff is asking the people to report on? Mr. Kearns stated that the code states exactly what they are reporting on. On page 18 of the memorandum under (3) Reporting Requirements. It reads: *"The operator shall be required to report to the Housing and Community Development Commission..."* They would have to report care using the industry standard software. *"The reporting shall include the following:*

- *Number of residents served*
- *Number of public service calls and reason for call*
- *Services provided*
- *Number of residents denied tenancy*
- *Reason for denying a tenant residency*
- *Number of nights spent at full capacity (if applicable)*
- *Number of residents provided with more permanent or transitional housing"*
- *Other requirements as required by Code Section 10.819A (D) (3) (a)*

Commissioner McKechnie stated that he can understand having parking for staff but why is there a parking requirement since these people are homeless or possibly living in their car? Mr. Kearns reported that staff was directed from talking with Rogue Retreat that a lot of the people that are homeless in the Rogue Valley have cars. It is probably a higher number than anticipated.

Commissioner Pulver asked, is it correct that there is no limit to the number, size and capacity of these shelters in the City? Mr. Kearns replied that is correct. That is a concern for Commissioner Pulver.

Commissioner Pulver asked, is the Continuum of Care (COC) organization going to be monitoring them? Mr. Kearns stated that it would be two different organizations. One would be the COC organization and the second organization would be the Housing and

Community Development Commission. That Commission would report to the City Council.

Commissioner Pulver asked, has the COC existed for a while? Mr. Kearns replied yes. It is being restructured.

Commissioner Pulver stated that the oversight responsibility is being given to the COC body that is in transition. It is his opinion the oversight factor is loose at best. Mr. Kearns reported that they are not going to oversee the shelter. They are to coordinate with the COC on the applicable software used to report to the COC organization on what they are doing.

Commissioner Pulver asked, does the City have the time, resources and staff to manage this? Commissioner McKechnie stated that the City is not managing the shelters. Commissioner Pulver understands that but the City has revocation privileges. The City is going to allow the shelters, the proposal is presented to the City and the City monitors it. He does not think Code Enforcement is staffed to handle all this. Mr. Kearns commented that the language can be tweaked on how to revoke the permit to make it broader. For the most part it is explicit how it can be done.

Chair Miranda asked, how did staff come up with 40 calls in 30 days? Mr. Kearns stated that apartment complexes in Medford exceed that. The Kelly Shelter in its first year of operation had over 100 service calls. They had less than 30 the second year. Staff used 100 for the standard then divided that over the course of 3 months. That is how staff came up with that number.

Commissioner Pulver reported that on page 6 of the memorandum it mentions of two new proposed uses, emergency shelter and then cooling/warming shelter. It is defined as providing temporary transitional shelter for the homeless. The emergency shelter term is used but it seems like staff might want to save that for something else. Mr. Kearns stated it is a HUD definition and staff is trying to allow for the traditional homeless shelter opened year round with that term.

Commissioner Pulver stated that on page 13 it talks about established days of operations may not exceed 90 calendar days. Is it or is it not continuous days? Mr. Kearns reported that is no longer continuous. That came from the City Building and Fire departments discussions. They notify the City's Fire department when they open and close. Once the shelter exceeds the 90 days the Fire code is enforceable. How is that tracked? Mr. Kearns stated that he would have to discuss that with the Fire department and get back with Commissioner Pulver.

Commissioner McManus if there are two buildings on a lot does that allow the property owner to have two permits; 90 days in one and 30 days in the other? Mr. Kearns reported

that would be a question of how the 500 feet would play out. It would also depend on how they write their plan. If they are operating in two buildings under the same warming shelter it would be deferred to Building codes for occupancy load.

Would the direction be to make it per lot? Chair Miranda stated that previously that is where the 500 foot condition would come into play. Being on the same lot but within 500 feet, it would be disallowed.

Chair McFadden asked, does there have to be consistency between Hope Village and cooling/warming shelters? Mr. Kearns stated the intent is to keep them separate.

Any direction from the Planning Commission on the 500 feet? Chair Miranda wants the 500 feet per lot to remain as a limiting factor.

Ms. Paladino asked, after hearing from the City Council on Thursday and they indicate to move forward, does the Planning Commission want to see it before going to a public hearing? Chair Miranda stated that he did not need to see it again.

# Exhibit I

## Minutes – April 26, 2018 City Council Study Session

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### AGENDA

April 26, 2018

6:00 p.m.

City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

1. Proposed Code Amendment of Chapter 10, Article II
2. Proposed Code Amendment – Senate Bill 1051 (updated housing laws)
3. Warming/Cooling Shelters
4. Transitional Housing

### MINUTES

April 26, 2018

6:00 p.m.

City Hall, Medford Room

411 W. 8th Street, Medford, Oregon

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

Mayor Gary Wheeler; Councilmembers Clay Bearnson (joined by phone at 7:30 p.m.); Kay Brooks (arrived at 6:15 p.m.), Tim D'Alessandro, Dick Gordon, Tim Jackle, Kim Wal-lan, Michael Zarosinski

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

Councilmembers Kevin Stine was absent.

\* \* \*

### Warming/Cooling Shelters – Kyle Kearns

- Noted revisions from past study sessions; weather based timing events; removal of the allowance of tents, yurts, and similar structures; concentration prevented with 500; distancing requirement; create standards for revocation of permits
- Code language overview
- Scenarios presented on future
- Planning Commission study session
  - Unsure of need for 500' distancing requirement
  - Mixed opinions on keeping or removing language
  - Concerns over unlimited number of shelters
  - Prohibit tents and yurts
  - Why site plan if all inside a building

### Council comments:

- 500' feet requirement
- Churches in residential neighborhood; impacts are different than the rest of the neighborhood
- Neighbors should have an option to provide input
- Can we include case management program that would be using the facility; is in the operations plan
- Schools can be included
- Day care programs are not included in the operations plan, but could be
- One facility could be used for cooling and/or warming shelter
- Using specific dates for shelter operation is difficult to enforce
- Council liked that it could be year-round; difficult to get volunteers and could be easier if it was consistent
- Temporary shelters could only be open 180 days or the facility would need to meet code
- Handle each concern on a case-by-case basis
- Establish set criteria on conditional use level and services
- Sleeping outside costs about \$150/night
- Council wanted to repeat success of last year
- Currently, ACCESS does want to offer services
- Need a CUP in residential
- Clarify timing; warming and cooling are different
- Permitted in commercial zones, but option of including locations adjacent to residential, or within a buffer zone
- Topic goes to the Planning Commission next, then back to Council for another study session before the public hearing

The meeting adjourned at 8:15 p.m.

## Exhibit J

# Industry Comments – Rogue Retreat – Heather Hassett

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**From:** Heather Hassett  
**To:** [Kyle W. Kearns](#)  
**Subject:** RE: Temporary Shelter Code Language  
**Date:** Wednesday, May 9, 2018 5:33:22 PM

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Thank you Kyle,

Calendar Year vs 12 month period, many shelters operate thru the new year, like December to February

Council wanted a form of a “clean up” clause. This was an attempt at that. The idea is to keep it vague, but at the same time end operations within the seven day window.

They can suspend shelter operations, but shouldn't “clean up” be between the “host” site and the leasing agency as long as the agency isn't providing shelter any longer??

Overall, this is very well thought out and I sincerely appreciate your willingness to take suggestions to the code and language. I feel very honored to have been included in this process. Thank you for that.

Heather Hassett

**WE'VE MOVED:**

711 E Main St. #25, Medford, OR 97504

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**From:** Kyle W. Kearns [mailto:[Kyle.Kearns@cityofmedford.org](mailto:Kyle.Kearns@cityofmedford.org)]  
**Sent:** Wednesday, May 9, 2018 3:38 PM  
**To:** 'Heather Hassett'  
**Subject:** RE: Temporary Shelter Code Language

Hi Heather,

Thank you again for the comments. I've replied directly to the comments in the attached doc.

Like I had said, we'll be dialing this back a bit. Your suggestions will aid with that. A couple of items I'd like to discuss further with you are in regard to the on-duty representative and the 12 month period v. the calendar year.

If you have some rough numbers, or exact, on the cost of having a representative that would be helpful. A lot of the standards there came out of discussion with Medford Fire, not sure if it is code though.

The operational period, per Council's preferences, is the calendar year. Functionally they are about the same and the calendar year is a bit more permissive in that it resets each year. It may not match building code though, however our codes are trumped by building code in a lot of cases with these shelters.

Happy to discuss further and again I appreciate your time on

this. Best,

Kyle Kearns | Planner II  
City of Medford Planning Depart-

ment Phone: 541-774-2380

**From:** Heather Hassett [mailto:info@rogueretreat.com]  
**Sent:** Wednesday, May 9, 2018 11:51 AM  
**To:** Kyle W. Kearns <Kyle.Kearns@cityofmedford.org>  
**Subject:** RE: Temporary Shelter Code Language

Hi Kyle,  
I'd be happy to see your responses any way you'd like to give them, provided you mention which section it refers to so I know where to look. J

Heather Hassett  
**WE'VE MOVED:**  
711 E Main St. #25, Medford, OR 97504

**From:** Kyle W. Kearns [mailto:Kyle.Kearns@cityofmedford.org]  
**Sent:** Wednesday, May 9, 2018 10:59 AM  
**To:** 'Heather Hassett'  
**Subject:** RE: Temporary Shelter Code Language

Hi Heather,

Would you like responses directly to your comments, an email, or a phone call?

I appreciate the thoughts, it added another layer of perspective. We are going to create a second version of this code that is dialed down quite a bit. Bend has a code worth mirroring, although our direction from Council has been a bit more on the micromanaged side of things and we can't get it to be as "small" as Bend's code. I've provided Bend's below, what are your thoughts on something more like this?

O. Temporary Housing.

1. Supervision. On-site supervision must be provided at all times. At least one competent adult must be present for every 25 persons utilizing the facility.
2. Loitering. There shall be no loitering at the facility location.
3. Outdoor Activities. All functions associated with a temporary housing use, except for children's play areas, outdoor recreation areas, parking and outdoor waiting must take place within the building proposed to house the temporary housing use. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way and must be large enough to accommodate the expected number of clients. Waiting shall not take place beyond one hour before the facility opens or more than one hour after it has closed.
4. Development Standards. The development standards for the base zone and any overlay zone shall apply to temporary housing uses, unless superseded by standards in this section.
5. Parking. The parking space requirements for temporary housing uses shall be one space per 500 square feet of gross floor area.
6. Signs. Signs shall comply with all applicable Oregon codes and City of Bend ordinances including, but not limited to, BC Chapter 9.50, Signs, and Design Review provisions in this code.
7. Separation. Any proposed temporary housing facility must be located at least 1,000 feet from any other temporary housing facility.
8. Compliance. Any temporary housing facility must meet all other applicable requirements of Federal, State, and/or local authorities including but not limited to local Fire Department, building and Environmental Health requirements.

**From:** Heather Hassett [<mailto:info@rogueretreat.com>]  
**Sent:** Thursday, May 3, 2018 6:51 PM  
**To:** Kyle W. Kearns <[Kyle.Kearns@cityofmedford.org](mailto:Kyle.Kearns@cityofmedford.org)>  
**Subject:** RE: Temporary Shelter Code Language

Hi Kyle,  
Thank you so much for giving us the opportunity to share our input. I couldn't wait to get started. Here is my notes (in red).

Heather Hassett  
**WE'VE MOVED:**  
711 E Main St. #25, Medford, OR 97504  
**From:** Kyle W. Kearns [<mailto:Kyle.Kearns@cityofmedford.org>]  
**Sent:** Thursday, May 3, 2018 4:41 PM  
**To:** 'Chad McComas'; Heather Hassett; Connie Saldana  
**Subject:** Temporary Shelter Code Language

Good afternoon,

As you may be aware, we are preparing code language to permit temporary shelters (formerly cooling/warming shelters) in the City of Medford. We have been directed to reach out to folks within the homeless service provider realm and the three of you elevated to the top.

I've worked with Chad and Heather directly in the past and some of you were at the April 26 City Council Study Session where this was discussed. I've attached the code language for your consideration, if you have time over the next three weeks to review this and provide comments that would be much appreciated. We'd like comments back by the week of May 21.

We are looking for anything that may be a barrier to agencies like Rogue Retreat, ACCESS, and others as well as insight from the professionals taking on the task of sheltering fellow Rogue Valley residents.

If you have any questions or know of others who may have some thoughts let me know or forward them my email.

Best,

Kyle Kearns | Planner II  
City of Medford Planning Depart-

ment Phone: 541-774-2380

## Exhibit K

# Industry Comments – Rogue Retreat – Chad McComas

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**From:** Chad McComas  
**To:** [Kyle W. Kearns](mailto:Kyle.W.Kearns)  
**Subject:** Re: Temporary Shelter Code Language  
**Date:** Thursday, May 17, 2018 4:25:28 PM

---

Thanks for your comments. Sounds like you are doing the right things. Good luck on the next meeting!  
Chad

Sent from my iPhone

On May 17, 2018, at 3:21 PM, Kyle W. Kearns <[Kyle.Kearns@cityofmedford.org](mailto:Kyle.Kearns@cityofmedford.org)> wrote:

Thank you Chad,

In response to your comments.

- 1) We've changed population size to defer to applicable Building and Fire codes. My understanding is this would generally allow for a larger number than 40, or 50 for that matter. What is your thought on this?
- 2) I have changed the language to allow for one Fire Watch to be one of the supervisors. Fire is rather persistent that there be at least two people. There is language to allow for this to be approved differently, but it would have to be proposed as such.
- 3) The City Manager's decision could be appealed. It being a Final Decision doesn't not detract from the ability to appeal the decision. I've added language to clarify.

Thank you again for the comments. I planned on sending an email to the Homeless Task Force to inform of the hearing dates and to allow for those who want to advocate, to advocate.

Keep an eye out. We will be going to Planning Commission on June 14 (@5:30) PM for the first hearing.

Kyle Kearns | Planner II  
City of Medford Planning Department

Phone: 541-774-2380

**From:** Chad McComas [<mailto:chad@rogueretreat.com>]

**Sent:** Thursday, May 17, 2018 1:20 PM

**To:** Kyle W. Kearns <[Kyle.Kearns@cityofmedford.org](mailto:Kyle.Kearns@cityofmedford.org)>

**Subject:** Re: Temporary Shelter Code Language

Kyle:

I've looked over your hard work. Wow...this has taken some time. My only comments are:

1. Size of shelter population is listed to cap at 40. I'd like to see that be 50. I realize you have given a way to increase it, but can we start with 50?
2. Staff of at least two at all times can be a bit of a financial crisis especially when you can't count fire watch personnel. Can we make it one paid staff during the night with emergency access to more staff as needed?
3. You mention that the City Manager can close a shelter with no appeal. Can't City Council be an appeal?

At the study session City Council members were talking about regulations for day shelters. I don't see any of this in the document you sent. Good... I believe it will cause more problems trying to control a church for what they do during the day with people in their buildings.

Hope this helps. I'm thankful for your time and en-

ergy. Chad McComas  
Rogue Retreat

On Thu, May 3, 2018 at 4:41 PM, Kyle W. Kearns  
<[Kyle.Kearns@cityofmedford.org](mailto:Kyle.Kearns@cityofmedford.org)> wrote:

Good afternoon,

As you may be aware, we are preparing code language to permit temporary shelters (formerly cooling/warming shelters) in the City of Medford. We have been directed to reach out to folks within the homeless service provider realm and the three of you elevated to the top.

I've worked with Chad and Heather directly in the past and some of you were at the April 26 City Council Study Session where this was discussed. I've attached the code language for your consideration, if you have time over the next three weeks to review this and provide comments that would be much appreciated. We'd like comments back by the week of May 21.

We are looking for anything that may be a barrier to agencies like Rogue Retreat, ACCESS, and others as well as insight from the professionals taking on the task of sheltering fellow Rogue Valley residents.

If you have any questions or know of others who may have some thoughts let me know or forward them my email.

Best,

Kyle Kearns | Planner II  
City of Medford Planning

Department Phone: 541-774-

2380



## STAFF REPORT

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

**Project** Stowe Industrial Park  
Applicant: Kevin Miles & Jeremy Richmond; Agent: Richard Stevens & Associates, Inc.

**File no.** LDS-18-037

**To** Planning Commission

*June 14, 2018*

**From** Steffen Roennfeldt, Planner III

**Reviewer** Kelly Akin, Assistant Planning Director *ka*

**Date** June 5, 2018

## BACKGROUND

### Proposal

Consideration of a tentative plat for a replat of Lot 4 & Tract A for Stowe Industrial Park on approximately 2.25 acres located 175 feet south of the intersection of Stowe Avenue and Parsons Drive within the Light Industrial (I-L) zoning district (372W23DA 127 & 170).

### Vicinity Map



Subject Site Characteristics

Zoning	I-L	Light Industrial
GLUP	HI	Heavy Industrial
Overlay	PD/AC	Planned Unit Development/Airport Area of Concern
Use		Bottle Drop Redemption Center, Parking & Vacant

Surrounding Site Characteristics

<i>North</i>	Zone:	I-L
	Use:	Various Light Industrial Uses
<i>South</i>	Zone:	SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre)
	Use:	Single Family Residential
<i>East</i>	Zone:	I-G (General Industrial)
	Use:	Office & Light Industrial Uses
<i>West</i>	Zone:	SFR-00
	Use:	Buffer Zone for Single Family Residential Homes

Related Projects

PUD-80-10	Planned Unit Development, Northwest Medford Light Industrial Park.
AC-07-110	Site Plan approval for four warehouse buildings, totaling 32,400 square feet.
LDS-07-252	Tentative Plat Approval for Stowe Industrial Park, a pad lot subdivision consisting of four pad lots with common area.

Applicable Criteria

**Medford Municipal Code §10.270. Land Division**

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with

this chapter;

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

#### **Medford Municipal Code §10.703 Pad Lot Development**

A. Purpose. It is the purpose of this Section to provide a process for the creation of tax lots within a common area for non-residential uses. This Section is not intended to provide relief from the strict standards elsewhere established in this Code.

B. Development Standards.

- (1) All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes.
- (2) The parent parcel shall meet the site development standards established in Section 10.721.
- (3) All pad lot development shall obtain Site Plan and Architectural Review approval prior to the tentative plat application being accepted for review by the Planning Commission.

- (4) A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded. The recorded CC&Rs shall provide:
- (a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.
  - (b) An association for the purpose of governing the operation of the common interests.
  - (c) Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.
  - (d) The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.

#### Corporate Names

Clark Stevens is the Registered Agent for Richard Stevens & Associates, Inc. according to the Oregon Secretary of State Business Registry. Clark Stevens is also listed as the President and Secretary.

#### **ISSUES AND ANALYSIS**

##### Background

The subject site is situated in the southwest corner of the Northwest Medford Light Industrial Park (File Number PUD-80-10) and the Stowe Industrial Park (File Number LDS-07-252). Stowe Industrial Park is a pad lot subdivision consisting of four pad lots with a common area on one parcel totaling 2.25 acres.

In 2007 (File Number AC-07-110), the Site Plan and Architectural Review Commission approved plans for four warehouse buildings (one building for each pad lot), totaling 32,400 square feet, to be built within the Stowe Industrial Park pad lot subdivision.

##### Pad Lot Development

As mentioned above, Stowe Industrial Park subdivision is already designed as a pad lot subdivision. The only purpose of this application is to divide pad lot 4 (9,720 square feet) into two pad lots (4,200 square feet each). The remaining land of pad lot 4 will be added to Tract 'A', the Common Property.

The project is consistent with the development standards for pad lots identified in Section 10.703.

At the time of final plat, the applicant shall submit to the City for approval CC&R's that comply with Section 10.703(B)(4). Such a condition is included.

#### Modification to SPAC approval

Concurrently with this application, the applicant also submitted an application for a Minor Modification to a previously approved Site Plan. The previously approved architectural elevations are not proposed to change. Through the requested minor modification, the applicant seeks approval to build two smaller buildings – one for each of the new pad lots – rather than one large building on Lot. Per Section 10.294(B), the Planning Director determined that the modification does not constitute a major modification and that it meets all of the standards set forth in 10.294(B). The Minor Modification for File Number AC-07-110 was approved by the Planning Director on June 5, 2018 (Exhibit N).

No other issues were identified by staff.

#### **FINDINGS AND CONCLUSIONS**

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

#### **RECOMMENDED ACTION**

Adopt the findings as recommended by staff and direct staff to prepare the final order for LDS-18-037 per the staff report dated June 5, 2018, including Exhibits A through N.

#### **EXHIBITS**

- A Conditions of Approval, dated June 5, 2018
- B Tentative Plat, received April 5, 2018
- C Site Plan, received April 5, 2018
- D Landscape Plan, received April 5, 2018
- E Applicant's Findings of Fact and Conclusions of Law, received April 5, 2018
- F Applicant's Findings of Fact and Conclusions of Law for Minor Modification to SPAC approval, received April 5, 2018
- G Public Works Department Staff Report, dated May 16, 2018
- H Medford Water Commission Memo, dated May 16, 2018
- I Medford Fire Department Report, dated May 15, 2018
- J Medford Building Department Memo, dated May 16, 2018
- K Rogue Valley Sewer Services Memo, dated May 4, 2018

- L Jackson County Roads Report, dated May 4, 2018
- M Stowe Industrial Park Final Plat
- N Staff Report for Minor Modification to AC-07-110  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JUNE 14, 2018**



# *CITY OF MEDFORD*

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## PLANNING DEPARTMENT

### EXHIBIT A

LDS-18-037  
Conditions of Approval  
June 5, 2018

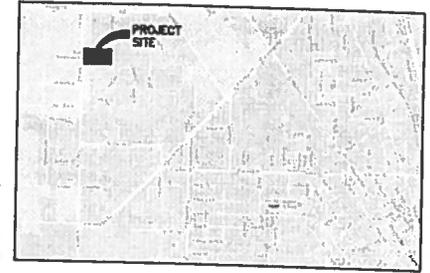
#### CODE REQUIREMENTS

1. Prior to Final Plat approval, the applicant shall comply with the:
  - a. Report from Public Works Department dated May 16, 2018 (Exhibit G);
  - b. Medford Water Commission Staff Memo dated May 16, 2018 (Exhibit H);
  - c. Medford Fire/Rescue Land Development Report dated May 15, 2018 (Exhibit I);
  - d. Letter from Rogue Valley Sewer Services dated May 4, 2018 (Exhibit K);
2. Prior to Final Plat approval:
  - a. Covenants, Conditions and Restrictions (CC&R's) shall be submitted to the City for approval prior to recordation with the final plat. Said CC&R's shall provide for establishment of an owner's association to administer the common elements as required of Section 10.703(4).
  - b. The final plat and CC&R's shall include provisions for easements and maintenance agreements for the shared access contained within the Common Area.

# TENTATIVE PLAT REPLAT OF LOT 4 & TRACT "A" OF STOWE INDUSTRIAL PARK

(A PAD LOT SUBDIVISION)

LOCATED IN:  
LOT 7, BLOCK 3 IN NORTHWEST MEDFORD  
LIGHT INDUSTRIAL PARK, UNIT NO. 1.  
IN THE S.E. 1/4 OF SECTION 23, T37S, R2W, WM,  
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON  
(5)



N.T.S. VICINITY MAP

**OWNER/APPLICANT:**  
KEVIN MILES  
3737 SCENIC AVENUE  
CENTRAL POINT, OREGON 97502

**SURVEYOR:**  
HOFFBUHR & ASSOCIATES, INC.  
880 GOLF VIEW DRIVE, SUITE 201  
MEDFORD, OREGON 97504  
(541)779-4641

REPLAT: LOT 4 AND TRACT "A" OF STOWE INDUSTRIAL PARK  
SCHOOL DISTRICT: 549C  
IRRIGATION DISTRICT: MEDFORD (NOT ASSESSED)  
SANITATION DISTRICT: MEDFORD  
TOTAL AREA: 8,400 SQ. FT.  
GROSS AREA: 72,221 SQ. FT.  
ZONING: I-L  
EXISTING USE: VACANT  
PROPOSED USE: COMMERCIAL  
DATE: NOV08  
CONTOURS: D.O.G.A.M.L. LIDAR

**LEGEND**

- PUBLIC SEWER
- PUBLIC STORM DRAIN
- PUBLIC WATER
- PRIVATE SEWER
- PRIVATE STORM DRAIN
- PRIVATE WATER
- 1' MINOR CONTOUR
- 5' MAJOR CONTOUR
- EXISTING BUILDING

**NOTE**

LOTS 1, 2, & 3 ARE NOT A PART OF THIS REPLAT

LINE	BEARING	DISTANCE
11	S41°08'27"W	50.00'
12	N89°54'33"W	84.28'
13	N89°54'33"W	84.28'
14	N89°54'33"W	84.28'
15	S89°57'20"E	50.00'

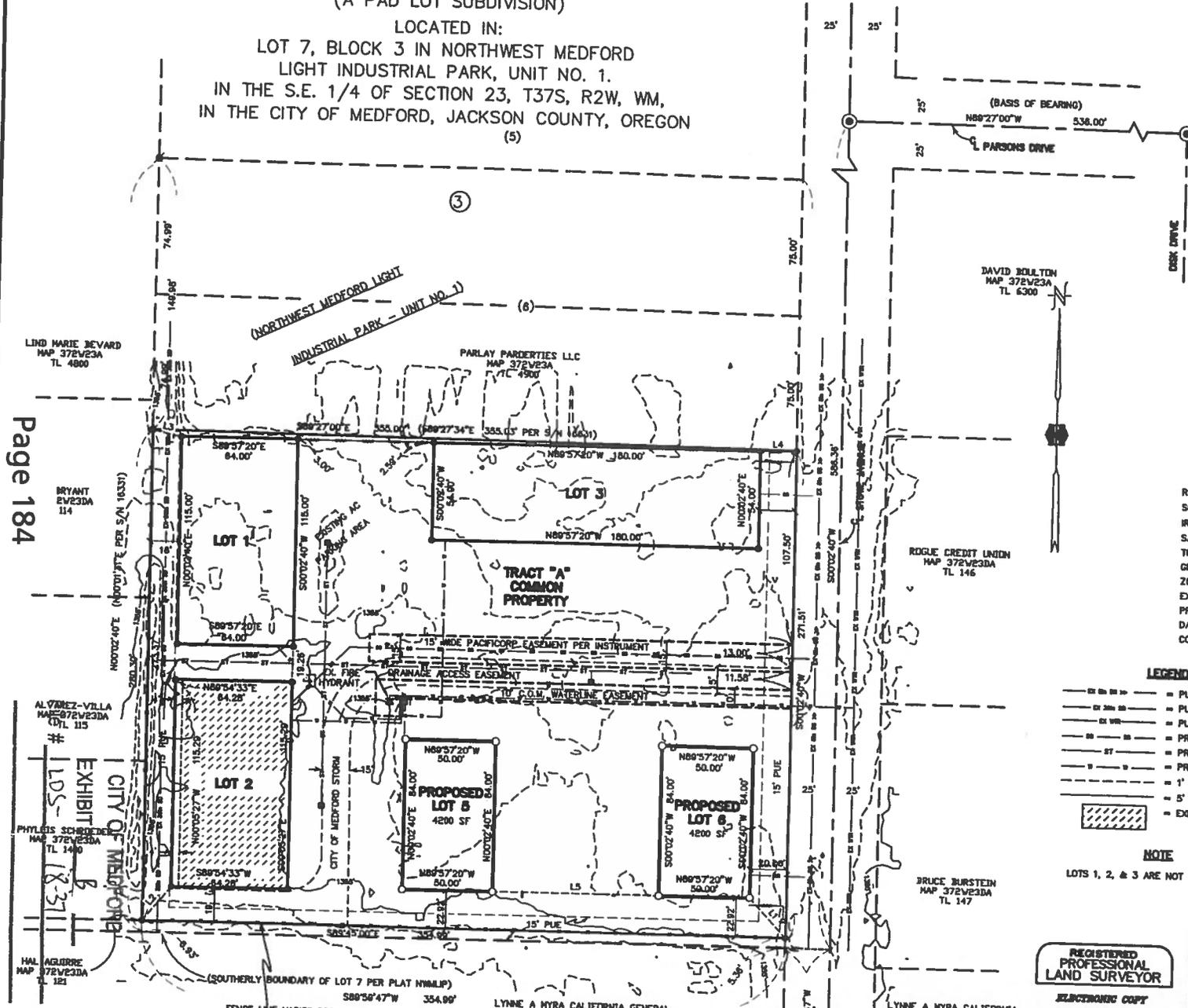
**RECEIVED**  
 PLANNING DEPT  
 05 2018  
 12024 REPLAT.DWG  
 November 14, 2017

REGISTERED PROFESSIONAL LAND SURVEYOR  
 ELECTRONIC COPY  
 OREGON REGISTERED LAND SURVEYOR  
 DANIEL L. HUCK  
 Expires 6/30/2017

**HOFFBUHR & ASSOCIATES, INC.**  
 880 GOLF VIEW DRIVE, SUITE 201  
 MEDFORD, OREGON 97504  
 (541) 779-4641  
 FAX (541) 779-8978

BY: DANIEL L. HUCK  
 PROJECT NO.:  
 DRAWING FILE NO.:  
 SCALE: 1" = 40'  
 REVISION NO.:  
 REVISION DATE:  
 SHEET 1 OF 1  
 BASIS OF BEARING: STOWE INDUSTRIAL PARK SUB  
 ELEVATION DATUM: N/A  
 DRAWN BY: MCH  
 REVIEWED BY: MCH

Page 184



7 2W 230A T.L. 170 & 127  
 12024 REPLAT.DWG

FENCE LINE VARIES BETWEEN  
 0.5' AND 0.5' NORTH OF THE  
 RECORD DEED LINE

LYNNE A MYRA CALIFORNIA GENERAL  
 PARTNERSHIP  
 MAP 372V23DA  
 T.L. 1501

LYNNE A MYRA CALIFORNIA  
 GENERAL PARTNERSHIP  
 MAP 372V23DA  
 T.L. 2700

BRUCE BURSTEIN  
 MAP 372V23DA  
 T.L. 147

DAVID BOUTON  
 MAP 372V23A  
 T.L. 6300

PARLAY PARTNERS LLC  
 MAP 372V23A  
 T.L. 4900

LIND MARIE BEVARD  
 MAP 372V23A  
 T.L. 4800

BRYANT  
 EV23DA  
 114

ALVAREZ-VILLA  
 MAP 372V23DA  
 T.L. 115

PHYLLIS SCHROEDER  
 MAP 372V23DA  
 T.L. 1490

HAL AGUIRRE  
 MAP 372V23DA  
 T.L. 121

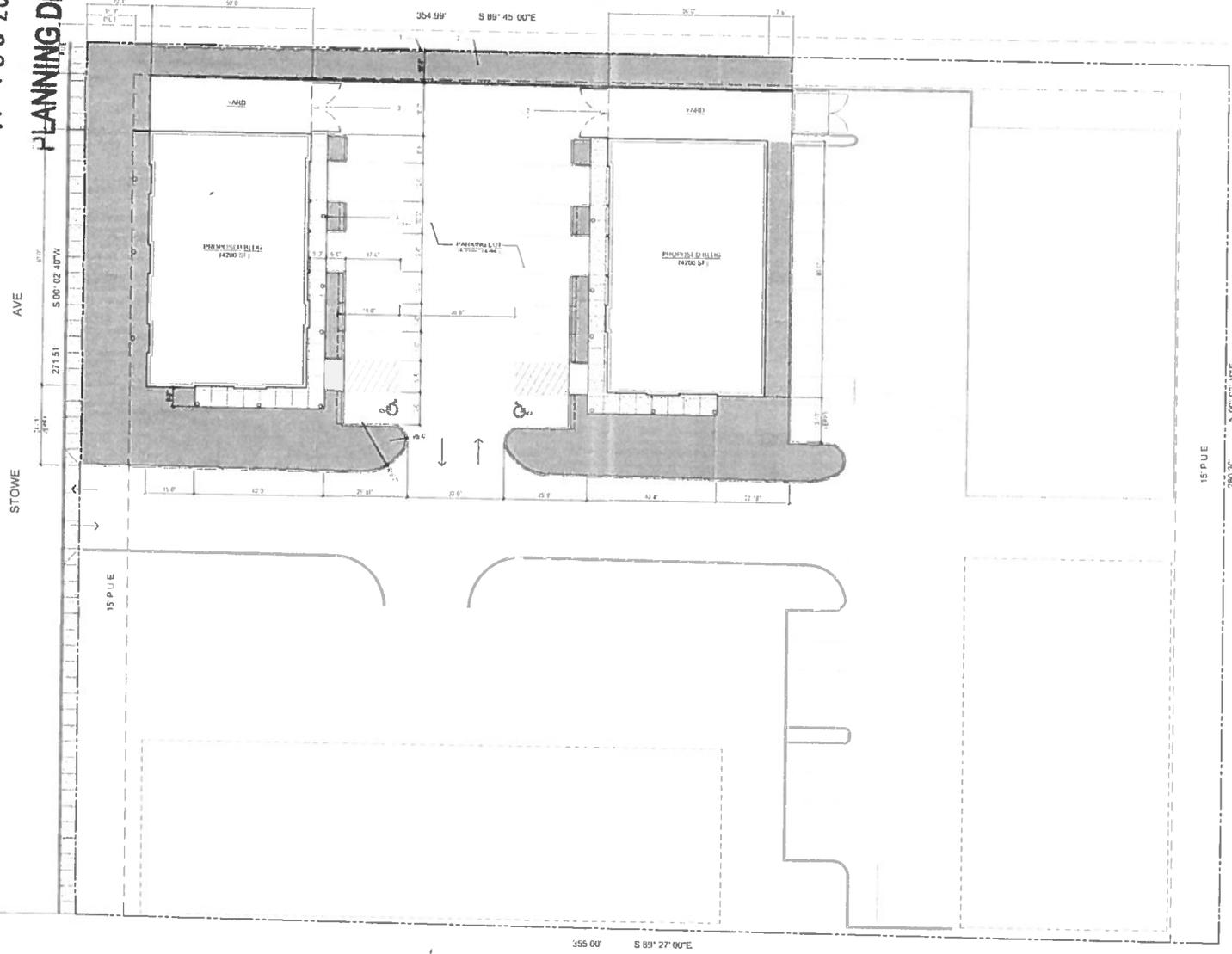
EXHIBIT B  
 18-311

Page 184

RECEIVED

APR 05 2018

PLANNING DEPT.



SITE PLAN NOTES

1. 6\"/>

STRUC  
 SEI  
 CITY OF MEDFORD  
 EXHIBIT #

File # LDS-18-037

NEW COMMERCIAL DEVELOPMENT FOR:  
 KEVIN MILES  
 STOWE AVE INDUSTRIAL PARK, MEDFORD OR 97504

Page 185



DATE	12/20/17
PROJECT	18504
SCALE	AS SHOWN
DATE	12/20/17
PROJECT	18504
SCALE	AS SHOWN

SITE PLAN  
 SCALE 1/8" = 1'-0"

A1.0



**RECEIVED**

APR 05 2018

PLANNING DEPT.

**BEFORE THE PLANNING COMMISSION  
FOR THE CITY OF MEDFORD, OREGON:**

IN THE MATTER OF AN APPLICATION FOR )  
A PAD LOT DEVELOPMENT AND A )  
REPLAT LAND DIVISION FOR STOWE )  
INDUSTRIAL PARK LOCATED EAST )  
OF STOWE AVENUE AND SOUTH OF )  
PARSONS DRIVE; THE PROPERTY IS )  
DESCRIBED AS T.37S-R.2W-SEC.23DA, )  
TAX LOT 1127; KEVIN MILES, APPLICANT; )  
RICHARD STEVENS & ASSOCIATES, )  
INC. AGENTS. )

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

**I. RECITALS PERTAINING TO THE PROPERTY:**

**PROPERTY OWNER:** Kevin Miles  
3737 Scenic Ave.  
Central Point, OR 97502

**AGENTS:** Richard Stevens & Associates, Inc.  
P.O. Box 4368  
Medford, OR 97501  
(541) 773-2646

**INTRODUCTION:**

The subject site is located in northwest Medford, approximately 175 feet south of the intersection of Stowe Avenue and Parsons Drive. The property is zoned Light Industrial (I-L/PD) and the original parent parcel was approximately 2.25 acres in size. This property was approved by the City of Medford for a 5-lot pad lot subdivision (File No. LDS 07-252). The applicant is requesting a replat of Lot 4 from one large pad lot / structure to two smaller pad lot / structures, within the original project boundaries.

The purpose of this application is to create two pad lots each to contain ONE approximately 4200 square foot structure for light industrial uses consistent with the I-L zoning district. All shared access, utilities, and common landscaping will be in common area (Tract A) created by this Pad Lot Land Division. There are no plans at this time to change the existing use of the property or to modify any of the existing development. The proposed application would allow only for the individual use and future sales of the existing and proposed industrial structures along with associated parking, maneuvering, and loading areas. All access ways and utilities serving the site are constructed and will remain privately owned and maintained.

CITY OF MEDFORD  
EXHIBIT # E  
File # LDS-18-037

## II. APPLICABLE CRITERIA:

The Land Division Criteria are listed in Section 10.270, Medford Land Development Code. The criteria are:

- (1) *Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, 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...*
- (4) *Includes the creation of streets, that such streets are laid out to conform, within the limits of the City of Medford and its Urban Growth Boundary...*
- (5) *Has streets that are proposed to be held for private use...*
- (6) *Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU zoning district.*

The Pad Lot Development Criteria are listed Section 10.703 B., Medford Land Development Code. The criteria are:

- (1) *All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes.*
- (2) *The Parent parcel shall meet the site development standards established in Section 10.721.*
- (3) *All pad lot developments shall obtain Site Plan and Architectural Review approval prior to the tentative application being accepted for review by the Planning Commission.*
- (4) *A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and Recorded. The recorded CC&Rs shall provide:*

- (a) *That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.*
- (b) *An association for the purpose of governing the operations of the common interests.*
- (c) *Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.*
- (d) *The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.*

**III. FINDINGS IN COMPLIANCE WITH THE CRITERIA FOR LAND DIVISION AND PAD LOT DEVELOPMENT:**

**COMPLIANCE WITH SECTION 10.270 LAND DIVISION**

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

**Section 10.270(1)** *Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, and all applicable design standards set forth in Article IV and V.*

Discussion:

The subject property is designated on the Medford Comprehensive Plan, General Land Use Plan (GLUP) Map as Heavy Industrial (HI). The property is zoned I-L/PD Overlay, which is consistent with the Northwest Medford Industrial Park (PUD-80-110). There is no Neighborhood Circulation Plan applicable to this site.

The proposed Land Division is somewhat atypical in that it involves the creation of a Pad Lot Development (Section 10.703). In the case of a Pad Lot Development the design standards set forth in Article IV and V apply only to the Parent parcel as demonstrated in Section 10.703 (B)(2). Compliance with the applicable standards of Article IV and V will be addressed in detail below under the findings in compliance with Section 10.703 (Pad Lot Development).

There are no Goals or Policies within Medford's Comprehensive Plan that by their language serve as relevant approval criteria. The goals and policies are implemented by the specific standards and requirements of the Medford Land Development Code (MLDC).

CONCLUSION:

The City of Medford concludes that the proposal is consistent with the Comprehensive Plan in that the zoning of the site is consistent with the PUD Overlay. The existing and proposed uses of the property are consistent with the zoning for the property.

The design standards set forth in Article IV and V apply only to the Parent parcel as demonstrated in Section 10.703 (B)(2). Compliance with the applicable standards of Article IV and V will be addressed in detail below under the findings in compliance with Section 10.703 (Pad Lot Development).

**Section 10.270(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.*

Discussion:

The subject site is partially developed with an existing structure which is used for industrial use, (bottle drop off center). The private drive and utilities are existing within the parent parcel. The properties to the north, south, and east of the subject site have been developed consistent with the underlying zoning district and have existing access. The properties to the west front along No. Ross Lane and are currently developed to suburban standards.

CONCLUSION:

The City of Medford concludes that the proposed pad lot subdivision will not prevent development of adjoining land or of access thereto.

**Section 10.270(3)** *Bears a name that has been approved by the approving authority...*

Discussion:

The name of the Pad Lot Development "Stowe Industrial Park" bears a name that has been approved by the Jackson County Surveyor's Office with the original approval.

CONCLUSION:

The City of Medford concludes that the name, Stowe Industrial Park, bears a name approved by the Jackson County Surveyor.

**Section 10.270(4)** *Includes the creation of streets, that such streets are laid out to conform, within the limits of the City of Medford and its Urban Growth Boundary...*

Discussion:

In preparation for the original approval, right of way dedication and private drive improvements were constructed and completed for the project. These existing facilities which provide access to the individual buildings, will also provide access to the individual pad lots as proposed. These private streets/private access ways will remain privately held and maintained. These access facilities, along with all shared utilities and shared landscaped areas, will be located within the common area identified on the proposed tentative plat for the Pad Lot Development. There are no streets being created through this application.

CONCLUSION:

The City of Medford concludes that there are no new streets being created through this application.

**Section 10.270(5)** *Has streets that are proposed to be held for private use...*

Discussion:

With the final plat for LDS 07-252, the applicants constructed a private shared access drive into the subject property to provide frontage and access for the buildings and future pad lots. These private streets/private access ways will remain privately held and maintained. These access facilities, along with all shared utilities and shared landscaped areas, will be located within the common area identified on the proposed tentative plat for the Pad Lot Development. There are no new private streets being created through this application.

CONCLUSION:

The City of Medford concludes that there are existing private street/access way that provides access to the individual buildings and proposed pad lots. These existing facilities will remain, will continue to provide access to the individual properties after the creation of pad lots, and will be located within common area for the Pad Lot Development.

**Section 10.270(6)** Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU zoning district.

Discussion:

Not Applicable. There are no abutting lands zoned EFU.

CONCLUSION:

The City of Medford concludes that there are no abutting EFU zoned lands.

FINDING:

The City of Medford finds that this proposed land division is in compliance with the Comprehensive Plan and the standards set forth in Article IV and V.

The City of Medford finds that the property is partially developed and the proposed replat for the pad lot subdivision will not prevent development of adjoining land or of access thereto.

The City of Medford finds that the name for the site "Stowe Industrial Park" meets the requirements.

The City of Medford finds that this criterion is not applicable, as there are no new streets being created through this application. The City of Medford also finds that the street circulation system will not be significantly impacted with the existing private streets/access ways located within common area for the Pad Lot Development and intended to provide access to the individual properties.

The City of Medford finds that the subject property is developed with an existing structure and private access. There are no changes proposed to the existing private shared access and the building orientations for Pad Lots 1, 2 and 3.

## COMPLIANCE WITH SECTION 10.703 PAD LOT DEVELOPMENT

It is the purpose of this Section to provide a process for the creation of tax lots within a common area for non-residential use. Development Standards:

**Section 10.703 (B)(1)** *All lot-lines created within the common area shall be located along a common or exterior building wall, or within four (4) feet of an exterior building wall, unless the approving authority (Planning Commission) allows a greater distance for special purposes.*

### Discussion:

As shown on the submitted tentative plat, the proposed replat of Stowe Industrial Park, Lot 4 will be further divided to create 2 pad lots. The tentative plat demonstrates that all internal lot lines are located within 4-feet of the exterior building walls.

### CONCLUSION:

The City of Medford concludes that the tentative plat reflects that the building walls will be within the pad lot boundaries. This standard has been met.

### FINDING:

**The City of Medford finds that proposed replat for Stowe Industrial Park is consistent with Section 10.703 (B)(1).**

**Section 10.703 (B)(2)** *The Parent parcel shall meet the site development standards established in Section 10.721.*

### Discussion:

The property is zoned General Industrial (I-L). Per Section 10.721 the property must meet the following Site Development Standards:

Development Standards	I-L
Minimum and Maximum Area for Zoning District (Acres)	None
Minimum Lot Area (Square Feet)	20,000
Maximum Coverage Factor (See 10.706)	50%
Minimum Lot Width	70 feet
Minimum Lot Depth	100 feet
Minimum Lot Frontage	70 feet
Minimum Front & Street Side Yard Building Setback	10 feet Except 20 feet for vehicular entrances to garages and carports
Minimum Side and Rear Yard Building Setback	None Except ½ foot for each foot in building height over 20 feet

The Parent Parcel has the following site characteristics (see Existing Site Plan in Exhibit A):

Minimum and Maximum Area for Zoning District (Acres)	2.25
Minimum Lot Area (Square Feet)	96,703
Maximum Coverage Factor (See 10.706)	29.4% (32,840 sq. ft. building area)
Minimum Lot Width	271.51
Minimum Lot Depth	355
Minimum Lot Frontage	271.51
Minimum Front & Street Side Yard Building Setback	20 feet
Minimum Side and Rear Yard Building Setback	1-22 feet

**CONCLUSION:**

The City of Medford concludes that the Parent Parcel meets or exceeds all required Development Standards of Section 10.721 for the I-L zoning district.

**FINDING:**

**The City of Medford finds that the Parent Parcel meets or exceeds all Development Standards of Section 10.721 for the I-L zoning district, therefore the proposed Pad Lot Development meets the criterion in Section 10.703 (B)(2).**

**Section 10.703 (B)(3)** *All pad lot developments shall obtain Site Plan and Architectural Review approval prior to the tentative application being accepted for review by the Planning Commission.*

Discussion:

This requirement is intended to verify that development occurring in pad lot developments will both fit on the proposed pad lots and meet Development Code requirements for development (parking, landscaping, etc.). In this case, Stowe Industrial Park was approved by Site Plan and Architectural Review Commission, File No. AC-07-110, on August 3, 2007. The applicant is requesting a Planning Director's determination for a minor modification to AC-07-110 for Stowe Industrial Park as there are minor adjustments to the landscaping areas and parking. All of the approved architectural elevations have not been modified. Therefore, there is no need for additional Site Plan and Architectural Review.

CONCLUSION:

The City of Medford concludes that the application does include plans for minor adjustments for AC-07-110 that can be approved by the Planning Director. Additional development, should it be proposed in the future, must meet applicable City of Medford Standards.

FINDING:

**The City of Medford finds that the property contains existing development that was approved by Site Plan and Architectural Review Commission. Site Plan and Architectural Review is not required for this development, only the approval of the Planning Directors Minor Modification to File No. AC-07-110.**

**Section 10.703 B. (4)** *A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and Recorded. The recorded CC&Rs shall provide:*

- (a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.*
- (b) An association for the purpose of governing the operations of the common interests.*

- (c) *Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.*
- (d) *The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.*

Discussion:

The tentative plat submitted with this application clearly identifies that Stowe Industrial Park is a pad lot development. The final plat, when it is prepared, will also identify Stowe Industrial Park as a pad lot development.

Covenants, Conditions, and Restrictions (CC&Rs), recording number OR 2010-009983 will be modified and provided prior to the recording of the final plat. The CC&Rs will provide:

- (a) *That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share equitable in the cost of such upkeep.*
- (b) *An association for the purpose of governing the operations of the common interests.*
- (c) *Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.*
- (d) *The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.*

CONCLUSION:

The tentative plat does, and the final plat will, identify this development (Stowe Industrial Park) as a pad lot development. Amended CC&Rs, providing the four elements required by this criterion, will be provided to the City and recorded prior to final plat approval.

FINDING:

**The City of Medford finds that the tentative plat identifies Stowe Industrial Park as a pad lot development. Conditions of approval, that the final plat shall also be identified as a pad lot subdivision with the amended CC&Rs, prior to recording of the final plat.**

#### IV. SUMMARY AND CONCLUSIONS:

The City of Medford concludes that this application for a replat of Stowe Industrial Park, Pad Lot Development has addressed the applicable criteria for a Land Division as outlined in Section 10.270 MLDC and the applicable criteria for a Pad Lot Development as outlined in Section 10.703 MLDC. The City of Medford can also conclude that this application is in compliance with the Medford Land Development Code and the Medford Comprehensive Plan.

The applicant respectfully requests approval of this application for a replat for Stowe Industrial Park, a pad lot subdivision.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Richard Stevens". The signature is written in a cursive style with a large, sweeping initial "R".

RICHARD STEVENS & ASSOCIATES, INC.

RECEIVED

APR 05 2018

PLANNING DEPT.

BEFORE THE PLANNING DIRECTOR  
FOR THE CITY OF MEDFORD, OREGON

IN THE MATTER OF A MINOR MODIFICATION )	
TO AN ARCHITECTURAL REVIEW APPROVAL )	
FOR A PROPOSED 5-UNIT INDUSTRIAL )	
DEVELOPMENT, ON 2.25 ACRES LOCATED )	
ON THE WEST SIDE OF STOWE AVENUE )	FINDINGS OF FACT
SOUTH OF PARSONS DRIVE; AND )	AND
DESCRIBED AS T.37S-R.2W-SEC.23DA, TAX )	CONCLUSIONS
LOTS 127 & 170; KEVIN MILES, APPLICANT; )	
RICHARD STEVENS & ASSOCIATES, INC., )	
<u>AGENTS.</u> )	

RECITALS:

Property Owner/ Applicant-	Kevin Miles PO Box 1728 Medford, OR 97501
Agents-	Richard Stevens & Associates, Inc. P.O. Box 4368 Medford, OR 97501 (541) 773-2646
Property Description-	T.37S-R.2W-S.23DA, Tax Lots 127 & 170
Acreage-	2.25 acres
Zoning-	I-L/PD

PROPOSAL:

The applicant is requesting approval of a minor modification to a Site Plan and Architectural Commission (SPAC) approval for four light industrial buildings. SPAC approved the industrial development through file number AC-07-110 on August 6, 2007. Subsequently, the Planning Commission approved a pad lot subdivision for the property on January 25, 2008, through file number LDS-07-252. The approved pad lot subdivision approved a total of 4 pad lots – each containing one of the 4 buildings approved by SPAC – along with associated common area.

CITY OF MEDFORD  
EXHIBIT # F  
File # LDS-18037 I

Along with this application for a minor modification, the applicant has submitted an application to revise the approved pad lot subdivision. Through the revised pad lot land division application, the applicant seeks to divide Pad Lot 4 into two smaller pad lots, Lots 5 and 6. Through the requested minor modification, the applicant seeks approval to build two smaller buildings – one for each of the new pad lots (5 & 6) – rather than one large building on Lot 4 as was previously approved.

#### APPROVAL CRITERIA:

Per Section 10.294(B), Medford Land Development Code (MLDC): *A minor modification to an approved plan may be made by the Planning Director provided the Planning Director determines that the modification does not constitute a major modification. A minor modification shall meet all of the following standards:*

- (1) Meets the exemption standards of 10.031.*
- (2) No increase in the number of dwelling units.*
- (3) The amount of open space or landscaping is decreased by no more than 10% of the previously approved area, provided the resulting area does not drop below the minimum standards as required by the code.*
- (4) No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.*
- (5) No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landform), fencing and other screening materials.*
- (6) Modifications to facilities and utilities conform to the adopted facilities plans.*
- (7) Modifications to any other components of the plan conform to standards of the Land Development Code.*
- (8) No modification to any condition of approval.*

#### **Minor Modification Standards**

- (1) Meets the exemption standards of 10.031(C).*

C)(1) Parking lots and parking lot additions: The existing parking area for Lot 4 is to be reconfigured to provide parking and maneuvering for the proposed pad lots 5 and 6. The road approach access will remain generally in the same location with the approved landscaping. The approval of File No. AC-07-110, did not have a requirement for the parking area to be reviewed by SPAC when associated with the building construction.

The subject property is not located within a Historic Overlay.

C)(2) Construction of a new building if it does not increase motor vehicle trip generation by more than ten (10) ADT's. There will be a net decrease in the square footage of the building footprint/pad lots (8400 sq.ft. vs. 9000 sq.ft.). Therefore, no net increase in vehicle trips is anticipated.

C)(3) A building addition similar to the existing building in architectural style and exterior building materials and that is not more than a 20 percent or 2,500 square-foot increase in gross floor area... The proposed replat has a net reduction in potential gross floor area, 8400 sq.ft. proposed vs. 9000 sq.ft. approved. The proposed structures will be of the same style and materials as was originally approved.

C)(4) An emergency measure resulting from fire, an act of God... Not Applicable.

C)(5) The reconstruction of a legal main structure or legal accessory structure which has been destroyed by fire, an act of God... Not Applicable.

C)(6) Temporary uses as identified in Section 10.840... Not Applicable.

C)(7) The erection, construction, alteration, maintenance or termination of a public utility service facility... Not Applicable.

C)(8) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot... Not Applicable.

C)(9) Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360... Not Applicable.

C)(10) One duplex dwelling divided by a lot-line or on a single lot within a final platted land division... Not Applicable.

C)(11) Airport accessory structure(s) including hangars, aircraft storage... Not Applicable.

*(2) No increase in the number of dwelling units.*

Not applicable. Stowe Industrial Park is not proposing any residential dwelling units.

*(3) The amount of open space or landscaping is decreased by no more than 10% of the previously approved area, provided the resulting area does not drop below the minimum standards as required by the code.*

There will be a net increase in the landscaping area for Pad Lots 5 and 6, compared with the original Lot 4.

*(4) No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.*

There are no changes with the access onto Stowe Avenue. The private access drive will maintain two travel lanes to preserve on site traffic circulation within the project boundaries. The main change is with the parking configuration/relocation for the proposed buildings 5 and 6 that meets Code requirements.

*(5) No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landform), fencing and other screening materials.*

The required buffer yard along the southern boundary will still be applicable and there are no changes proposed with the fencing and vegetation.

*(6) Modifications to facilities and utilities conform to the adopted facilities plans.*

The public facilities main lines are existing within the project boundaries. The individual connections with the proposed buildings 5 and 6 will be designed and installed consistent with the adopted facilities plans.

*(7) Modifications to any other components of the plan conform to standards of the Land Development Code.*

As demonstrated with the Findings for the land division and Pad Lot development, the proposed replat and development is consistent with the Medford Land Development Code.

*(8) No modification to any condition of approval.*

The applicants are not requesting any changes to the original conditions of approval for File Nos. LDS-07-252 or AC-07-110.

**FINDING:**

As demonstrated in the above discussions, the proposed replat and development of the subject property will be consistent with the standards of the Medford Land Development Code for the Light Industrial zoning district. There are no significant changes to the overall plan, with the only change being made to the existing Lot 4 with the proposal for Pad Lots 5 and 6 consisting of reduced floor area, appropriate scaling and massing being accomplished with architectural details and increased onsite landscaping. There are no changes to the buffer yard requirements and fencing.

**SUMMARY & CONCLUSIONS**

Based upon the above discussions regarding Section 10.294(B) the Planning Director can conclude that the proposed changes to the plan is a Minor Modification. The submitted application materials, including: tentative plat, architectural plan, landscape plan, and conceptual stormwater plan for the replat of Stowe Industrial Park, is consistent with the Public Facilities Plan and the Medford Land Development Code.

Respectfully Submitted:

A handwritten signature in cursive script, appearing to read "Clark Stevens".

RICHARD STEVENS & ASSOCIATES, INC.



Medford – A fantastic place to live, work and play

## CITY OF MEDFORD

LD Date: 5/16/2018  
File Number: LDS-18-037

### **PUBLIC WORKS DEPARTMENT STAFF REPORT** **Stowe Industrial Park** **Re-Plat of Lot 4** **Tax Lot 127**

- Project:** Consideration of a tentative plat for a replat of Lot 4 & Tract "A" for Stowe Industrial Park on approximately 2.25 acres.
- Location:** Located 175 feet south of the intersection of Stowe Avenue and Parsons Drive within the Light Industrial (I-L) zoning district (372W23DA 127 & 170).
- Applicant:** Applicant: Kevin Miles & Jeremy Richards; Agent: Richard Stevens & Associates, Inc., Planner: Steffen Roennfeldt.
- 

#### **A. STREETS**

##### **1. Dedications**

Stowe Avenue is classified as a Commercial street. Right-of-way has already been dedicated with the final plat for Northwest Medford Light Industrial Park, Unit No. 1 (Survey #8620). **No additional right-of-way is required.**

There is currently a 15-foot PUE along the frontage of Stowe Avenue that was originally dedicated with the final plat for Northwest Medford Light Industrial Park, Unit 1 (Survey #8620).

##### **2. Public Improvements**

###### **a. Public Streets**

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

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PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

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

CITY OF MEDFORD  
EXHIBIT # ONE  
PHONE (541) 774-2100  
FAX (541) 774-2552  
File # LDS-18-037

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**b. Street Lights and Signing**

No additional street lights are required.

**c. Pavement Moratoriums**

There is no pavement cutting moratorium currently in effect along this frontage to Stowe Avenue.

**d. Access to Public Street System**

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

**e. Easements**

Easements shall be shown on the final plat for all sanitary sewer and stormdrain mains or laterals, which cross lots, including any common area, other than those being served by said lateral.

**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. Hydrology**

With future development, the Design Engineer shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100 feet in all directions. All off-site drainage affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. These calculations and maps shall be submitted with the building permit plans for approval by the Engineering Division.

**2. Stormwater Detention and Water Quality Treatment**

Future development shall provide stormwater detention in accordance with MLDC, Section 10.729, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481.

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

**3. Grading**

Grading on this development shall not block drainage from an adjacent property or concentrate

drainage onto an adjacent property without an easement.

#### **4. Mains and Laterals**

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

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

Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat.

#### **D. SURVEY MONUMENTATION**

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to approval of the final plat.

#### **E. GENERAL CONDITIONS**

##### **1. Construction and Inspection**

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

##### **2. Permits**

Building Permit applications shall not be accepted by the Building Department until the Final Plat has been recorded.

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.

##### **3. System Development Charges (SDCs)**

Future buildings in this development are subject to street, sanitary sewer treatment SDCs. All SDC fees shall be paid at the time individual building permits are issued.

This division of land is subject to a storm drain system development charges for the additional parcels being created thereby. The storm drain system development charge shall be paid prior to Final Plat Approval.

Prepared by: Doug Burroughs

# SUMMARY CONDITIONS OF APPROVAL

Stowe Industrial Park

Re-Plat of Lot 4

Tax Lot 127

LDS-18-037

## A. Streets

### 1. Street Dedications to the Public:

- **Stowe Avenue** – No additional right-of-way required.
- 15-foot Public Utility Easement has been dedicated.

### 2. Improvements:

- **Stowe Avenue** – No additional improvements are required.

### Lighting and Signing

- No additional street lights are required.

### Other

- There is no pavement moratorium currently in effect on Stowe Avenue.

### Access to Public Street System

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

## B. Sanitary Sewer

- The site is situated within the RVSS area.

## C. Storm Drainage

- Provide an investigative drainage report, with future development.
- Provide water quality and detention facilities, with future development.
- Provide Engineers certification of stormwater facility construction.
- Provide a comprehensive grading plan, with future development.

## D. Survey Monumentation

- Provide all survey monumentation.

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

The above summary is for convenience only and does not supersede or negate the full report in any way. If there is any discrepancy between the above list and the full report, the full report shall govern. Refer to the full report for details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection.



BOARD OF WATER COMMISSIONERS

**Staff Memo**

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

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

**SUBJECT:** LDS-18-037

**PARCEL ID:** 372W23DA TL's 127 & 170

**PROJECT:** Consideration of a tentative plat for a replat of Lot 4 & Tract "A" for Stowe Industrial Park on approximately 2.25 acres located 175 feet south of the intersection of Stowe Avenue and Parsons Drive within the Light Industrial (I-L) zoning district. (372W23DA 127 & 170) Applicant: Kevin Miles & Jeremy Richards; Agent: Richard Stevens & Associates, Inc., Planner: Steffen Roennfeldt.

**DATE:** May 16, 2018

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. Each proposed Pad Lot shall have its own dedicated domestic water meter. The original layout for this development had a total four (4) Pad Lots, and a total of four (4) water meters were previous installed for the pad lots, plus an irrigation water meter for the "common" area. With this "revised" site plan and an additional Pad Lot, the installation of a another water meter is required for Lot 6. Applicant shall coordinate with MWC engineering staff for water meter location, and payment of fees.
4. Installation of Pressure Reducing Valve is required. (See Comment 3 below)
5. Installation of an Oregon Health Authority approved backflow device is required for all commercial, industrial, municipal, and multi-family developments. New backflow devices shall be tested by an Oregon certified backflow assembly tester. See MWC website for list of certified testers at the following web link <http://www.medfordwater.org/Page.asp?NavID=35>.

**COMMENTS**

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

*Continued to Next Page*

CITY OF MEDFORD  
EXHIBIT # 4  
File # LDS-18-037

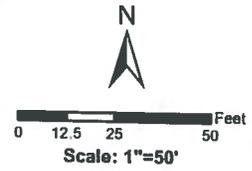


*Continued from Previous Page*

2. On-site water facility construction is not required.
3. Static water pressure is near 100 psi.
4. MWC-metered water service does exist to this property. There is five (5) water meters located on-site, along with a Fire Hydrant at the west end of the water line. The most easterly water meter is a dedicated landscape irrigation water meter for the landscaping within the sites common areas. There is one (1) water meter per Pad Lot, and one (1) common irrigation water meter.
5. Access to MWC water lines is available. There is an existing 8-inch water line on the east side of Stowe Avenue, and an "on-site" 8-inch water line.

"Gravity"  
Pressure Zone  
(Elev. 1352'-1500')

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**Water Facility Map**  
for  
**LDS-18-037**  
May 16, 2018

**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 GIS analysis completed by Medford Water Commission from a variety of sources. Medford Water Commission is not liable for errors, omissions, or past or future accuracy. There are no warranties, expressed or implied.



# Medford Fire-Rescue Land Development Report

## Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 5/15/2018  
**Meeting Date:** 5/16/2018

**LD #:** LDS18037

**Planner:** Steffen Roennfeldt

**Applicant:** Kevin Miles & Jeremy Richards; Agent: Richard Stevens & Associates, Inc.

**Project Location:** 2.25 acres located 175 feet south of the intersection of Stowe Avenue and Parsons Drive

**Project Description:** Consideration of a tentative plat for a replat of Lot 4 & Tract "A" for Stowe Industrial Park on approximately 2.25 acres located 175 feet south of the intersection of Stowe Avenue and Parsons Drive within the Light Industrial (I-L) zoning district. (372W23DA 127 & 170) Applicant: Kevin Miles & Jeremy Richards; Agent: Richard Stevens & Associates, Inc., Planner: Steffen Roennfeldt.

## Specific Development Requirements for Access & Water Supply

### Conditions

#### Reference

Approved

## 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](http://www.medfordfirerescue.org)

CITY OF MEDFORD  
EXHIBIT # 1  
File # LDS-19-037

# Memo



**To:** Steffen Roennfeldt, Planning Department  
**From:** Chad Wiltrout, Building Department (541) 774-2363  
**CC:** Kevin Miles & Jeremy Richards, Applicants; Richard Stevens Associates, Inc., Agent  
**Date:** May 16, 2018  
**Re:** May 16, 2018 LDC Meeting: Item #1 LDS-18-037

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**Please Note:**

*This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.*

*Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or [building@cityofmedford.org](mailto:building@cityofmedford.org).*

*For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or [chad.wiltrout@cityofmedford.org](mailto:chad.wiltrout@cityofmedford.org).*

**General Comments:**

1. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: [www.ci.medford.or.us](http://www.ci.medford.or.us) Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

**Comments:**

5. Proposed construction in proximity to property lines shall comply with table 602 and code section 705 of the Oregon Structural Specialty Code.
6. ADA parking spaces shall be required in accordance with code section 1106 of the Oregon Structural Specialty Code.

CITY OF MEDFORD  
EXHIBIT # J  
File # LDS-18-037

---



# ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005  
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

May 4, 2018

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

Re: LDS-18-037, (Map 372W23D, TL127 & 170)  
Ref: PA-17-045 & LDS-07-252

ATTN: Steffen,

The subject property is within Rogue Valley Sewer Services (RVSS) service area. There is an 8 inch sewer main along Stowe Avenue with (4) 4 inch laterals extended to tax lot 127. One lateral is currently connected to the existing building. Sewer service for proposed lot 6 can be had by connecting to the southernmost lateral. Sewer service for lot 5 can be had by tapping the main. RVSS will issue tap permits and permits to connect to existing services will be issued by the City of Medford. However, there will be system development charges owed to RVSS.

RVSS requests that approval of this application be subject to the following conditions:

1. Tap permits must be obtained from RVSS prior to tapping RVSS facilities.
2. The applicant must provide RVSS with a plumbing fixture plan for the determination of system development charges prior to connecting to RVSS facilities.
3. The applicant must pay sewer system development charges to RVSS prior to issuance of a building permit.

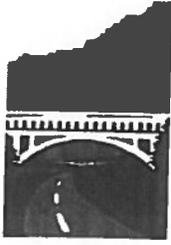
Sincerely,

*Nicholas R. Bakke*

Nicholas R. Bakke, P.E.  
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNING\LAND SUB\2018\LDS-18-037\_STOWE INDUSTRIAL.DOC

CITY OF MEDFORD  
EXHIBIT #   K    
File #   LDS-18-037



# JACKSON COUNTY

## Roads

**Roads  
Engineering**

**Mike Kuntz**  
County Engineer

200 Antelope Road  
White City, OR 97503  
Phone (541) 774-6228  
Fax (541) 774-6295  
kuntzm@jacksoncounty.org  
www.jacksoncounty.org

May 4, 2018

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

RE: Consideration of a tentative plat for a replat on Stowe Avenue – a city maintained road  
Planning File: LDS-18-037

Dear Steffen:

Thank you for the opportunity to comment on consideration of a request for tentative plat for a replat of Lot 4 & tract "A" for A Stowe Industrial Park on a 2.25 acre parcel within the Light Industrial (I-L) 175 feet south of the intersection of Stowe Avenue and Parsons Drive in Medford, (37-2W-23DA TL 127 & 170). Jackson County Roads has no comments.

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

Sincerely,

Mike Kuntz  
County Engineer

CITY OF MEDFORD  
EXHIBIT # L  
File # LDS-18-037





City of Medford

# Planning Department

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

## STAFF REPORT

for a Class D Administrative Decision: **MINOR MODIFICATION TO SITE PLAN AND ARCHITECTURAL COMMISSION APPROVAL**

PROJECT Four Light Industrial Buildings  
Applicant: Kevin Miles; Agent: Richard Stevens & Associates.  
TO Matt Brinkley, Planning Director  
FROM Steffen Roennfeldt, Planner III  
DATE June 5, 2018

### BACKGROUND

#### Proposal

Consideration of a request for a minor modification to a Site Plan and Architectural Commission (AC-07-110) approval for four light industrial buildings.

#### Related Projects

- AC-07-110 Consideration of plans for four warehouse buildings, totaling 32,400 square feet on a 2.25 acre parcel located on the west side of Stowe Avenue within an I-L/PD (Light Industrial/Planned Development) zoning district.
- LDS-07-252 Consideration of tentative approval for Stowe Industrial Park, a pad lot subdivision of four pad lots with common area, on one parcel, totaling 2.25 acres.
- LDS-18-037 Consideration of a tentative plat for a replat of Lot 4 & Tract A for Stowe Industrial Park,

#### Background/Project Information

On July 20, 2007, SPAC approved the site plan and design for four warehouses, totaling 32,400 square feet on a 2.25 acre parcel with conditions. Subsequently, the Planning Commission approved a subdivision consisting of four pad lots for the same property on January 25, 2008 with conditions.

CITY OF MEDFORD  
EXHIBIT # N

File # LDS-18-037

The applicant is asking for a revision of the approved pad lot subdivision. The applicant seeks approval to divide Pad Lot 4 into two pad lots which are slightly smaller in size. Along with the application for replat, a minor modification request to AC-07-110 (to build two smaller buildings, one for each lot, rather than one large building) was submitted. The applicable criteria are listed below.

### Applicable Criteria

*Medford Land Development Code* Section 10.294 – Minor Modification of a Site Plan and Architectural Review:

#### B. Minor Modification.

A minor modification to an approved plan may be made by the Planning Director provided the Planning Director determines that the modification does not constitute a major modification. A minor modification shall meet all of the following standards:

- (1) Meets the exemption standards of 10.031.
- (2) No increase in the number of dwelling units.
- (3) The amount of open space or landscaping is decreased by no more than 10% of the previously approved area, provided the resulting area does not drop below the minimum standards as required by the code.
- (4) No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.
- (5) No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landform), fencing and other screening material.
- (6) Modifications to facilities and utilities conform to the adopted facility plans.
- (7) Modifications to any other components of the plan conform to standards of the Land Development Code.
- (8) No modification to any condition of approval.

### **FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant's findings (Exhibit A) and determines it meets the requirements of Section 10.249(B).

### **RECOMMENDED ACTION**

Approve the request to build two smaller buildings – one for each of the new pad lots (5 & 6) – rather than one large building on Lot 4, per the Staff Report dated June 5, 2018, and Exhibit A & E.

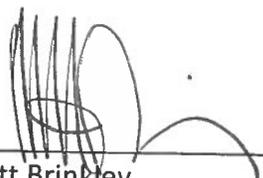
**EXHIBITS**

- A Conditions of Approval, dated June 5, 2018
  - B Tentative Plat, received April 5, 2018
  - C Site Plan, received April 5, 2018
  - D Landscape Plan, received April 5, 2018
  - E Applicant's Findings of Fact and Conclusions of Law, received April 5, 2018
- 

Planning Director Decision:

Approval per the Staff Report dated June 5, 2018

Denial

  
\_\_\_\_\_  
Matt Brinkley  
Planning Director

6-5-18  
\_\_\_\_\_  
Date

## **EXHIBIT A**

### **Minor Modification to AC-07-110 Conditions of Approval June 5, 2018**

#### **DISCRETIONARY CONDITIONS**

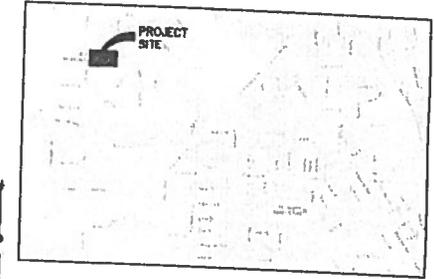
1. The approval of this Minor Modification is depending on the approval of LDS-18-037 by the Planning Commission on June 14, 2018. Should the Commission act to not approve LDS-18-037, the approval for the Minor Modification to AC-07-110 becomes null and void.

# TENTATIVE PLAT

## REPLAT OF LOT 4 & TRACT "A" OF STOWE INDUSTRIAL PARK

(A PAD LOT SUBDIVISION)

LOCATED IN:  
 LOT 7, BLOCK 3 IN NORTHWEST MEDFORD  
 LIGHT INDUSTRIAL PARK, UNIT NO. 1.  
 IN THE S.E. 1/4 OF SECTION 23, T37S, R2W, WM,  
 IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON  
 (5)



N.T.S. VICINITY MAP

**OWNER/APPLICANT:**  
 KEVIN MILES  
 3737 SCENIC AVENUE  
 CENTRAL POINT, OREGON 97502

**SURVEYOR:**  
 HOFFBUHR & ASSOCIATES, INC.  
 880 GOLF VIEW DRIVE, SUITE 201  
 MEDFORD, OREGON 97504  
 (541)779-4641

REPLAT: LOT 4 AND TRACT "A" OF STOWE INDUSTRIAL PARK  
 SCHOOL DISTRICT: 549C  
 IRRIGATION DISTRICT: MEDFORD (NOT ASSESSED)  
 SANITATION DISTRICT: MEDFORD  
 TOTAL AREA: 8,400 SQ. FT.  
 GROSS AREA: 72,221 SQ. FT.  
 ZONING: I-L  
 EXISTING USE: VACANT  
 PROPOSED USE: COMMERCIAL  
 DATUM: NAVD83  
 CONTOURS: D.O.G.A.M.I. LIDAR

**LEGEND**

- PUBLIC SEWER
- PUBLIC STORM DRAIN
- PUBLIC WATER
- PRIVATE SEWER
- PRIVATE STORM DRAIN
- PRIVATE WATER
- 1' MINOR CONTOUR
- 5' MAJOR CONTOUR
- EXISTING BUILDING

**NOTE**

LOTS 1, 2, & 3 ARE NOT A PART OF THIS REPLAT

LINE BEARING	DISTANCE
N 89° 57' 20" E	84.00'
N 89° 57' 20" W	50.00'
N 89° 57' 20" E	84.00'
N 89° 57' 20" W	50.00'

**AREA TABLE**

LOT	SQUARE FEET
LOT 5	4,200
LOT 6	4,200
TRACT "A"	83,821

**RECEIVED**  
 PLANNING DEPT.  
 05 2018  
 17-024  
 17024 REPLAT.DWG  
 November 14, 2017  
 BY: DARRELL HUCK  
 CHECKED BY:  
 DRAWING FILE NO.:  
 DATE: 11-20-17  
 REVISION NO.:  
 REVISION DATE:  
 CLASS OF BEARING: STOWE INDUSTRIAL PARK SUB  
 ELEVATION DATUM:  
 DRAWN BY:  
 REVIEWED BY:

REGISTERED PROFESSIONAL LAND SURVEYOR

ELECTRONIC COPY  
 OREGON  
 DARRELL L. HUCK  
 6/30/2017

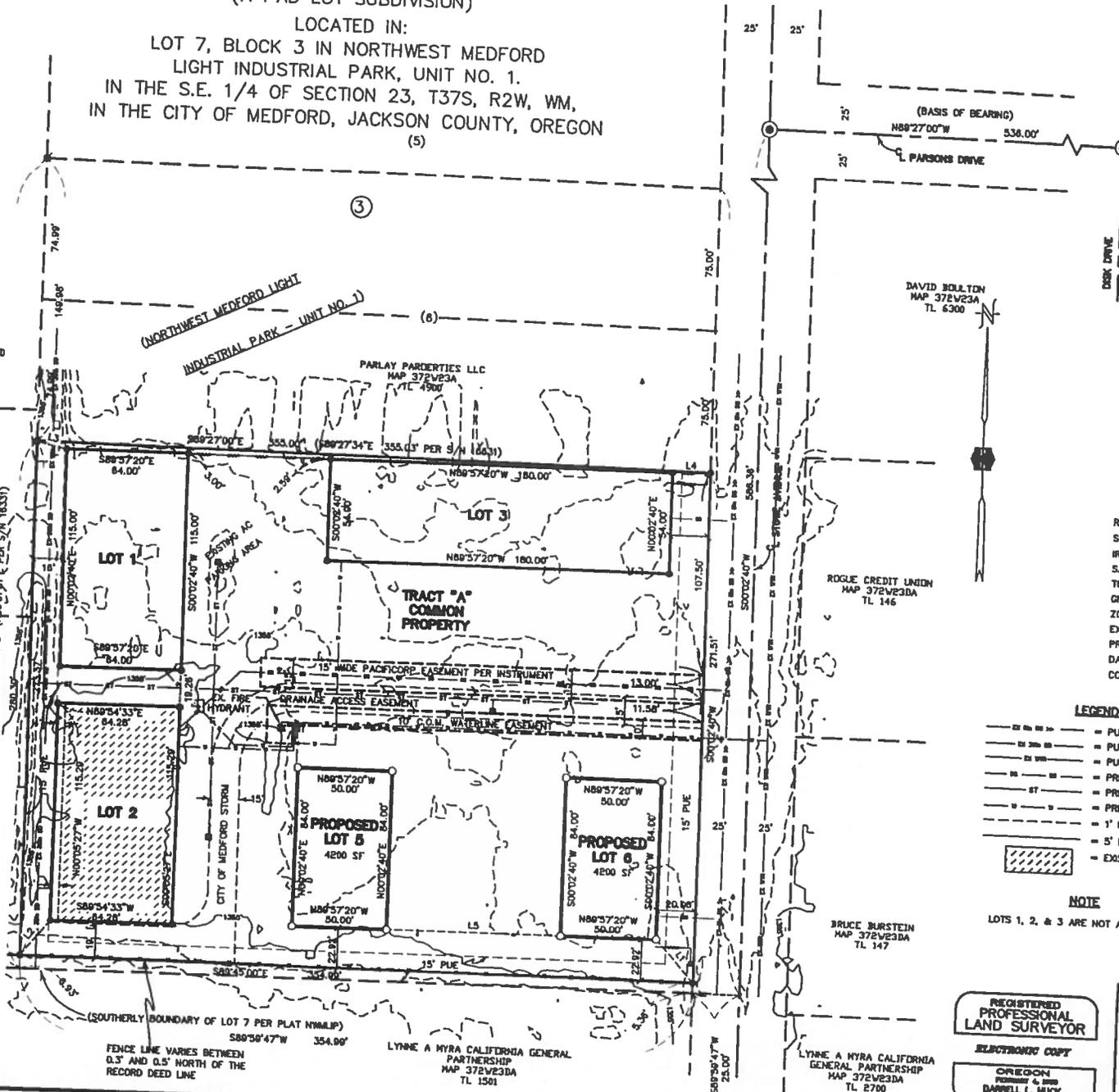


HOFFBUHR & ASSOCIATES, INC.  
 880 GOLF VIEW DRIVE, SUITE 201  
 MEDFORD, OREGON 97504  
 (541) 779-4641  
 FAX (541) 779-8070

Page 220

File # EXHIBIT # 2

2W 23DA TL 170 & 127  
 024 REPLAT.dwg



LIND MARIE BEVARD  
 MAP 372V23A  
 TL 4900

RYHANT  
 EV23DA  
 114

ALVAREZ-VILLA

(NORTHWEST MEDFORD LIGHT INDUSTRIAL PARK - UNIT NO. 1)

PARLAY PARTNERIES LLC  
 MAP 372V23A  
 TL 4900

RDGUE CREDIT UNION  
 MAP 372V23DA  
 TL 146

BRUCE BURSTEIN  
 MAP 372V23DA  
 TL 147

LYNNE A MYRA CALIFORNIA GENERAL PARTNERSHIP  
 MAP 372V23DA  
 TL 1501

LYNNE A MYRA CALIFORNIA GENERAL PARTNERSHIP  
 MAP 372V23DA  
 TL 2700

(SOUTHERLY BOUNDARY OF LOT 7 PER PLAT NWMLP)  
 589°59'47"W 354.00'

FENCE LINE VARIES BETWEEN 0.3' AND 0.5' NORTH OF THE RECORD DEED LINE

RECEIVED

APR 05 2018

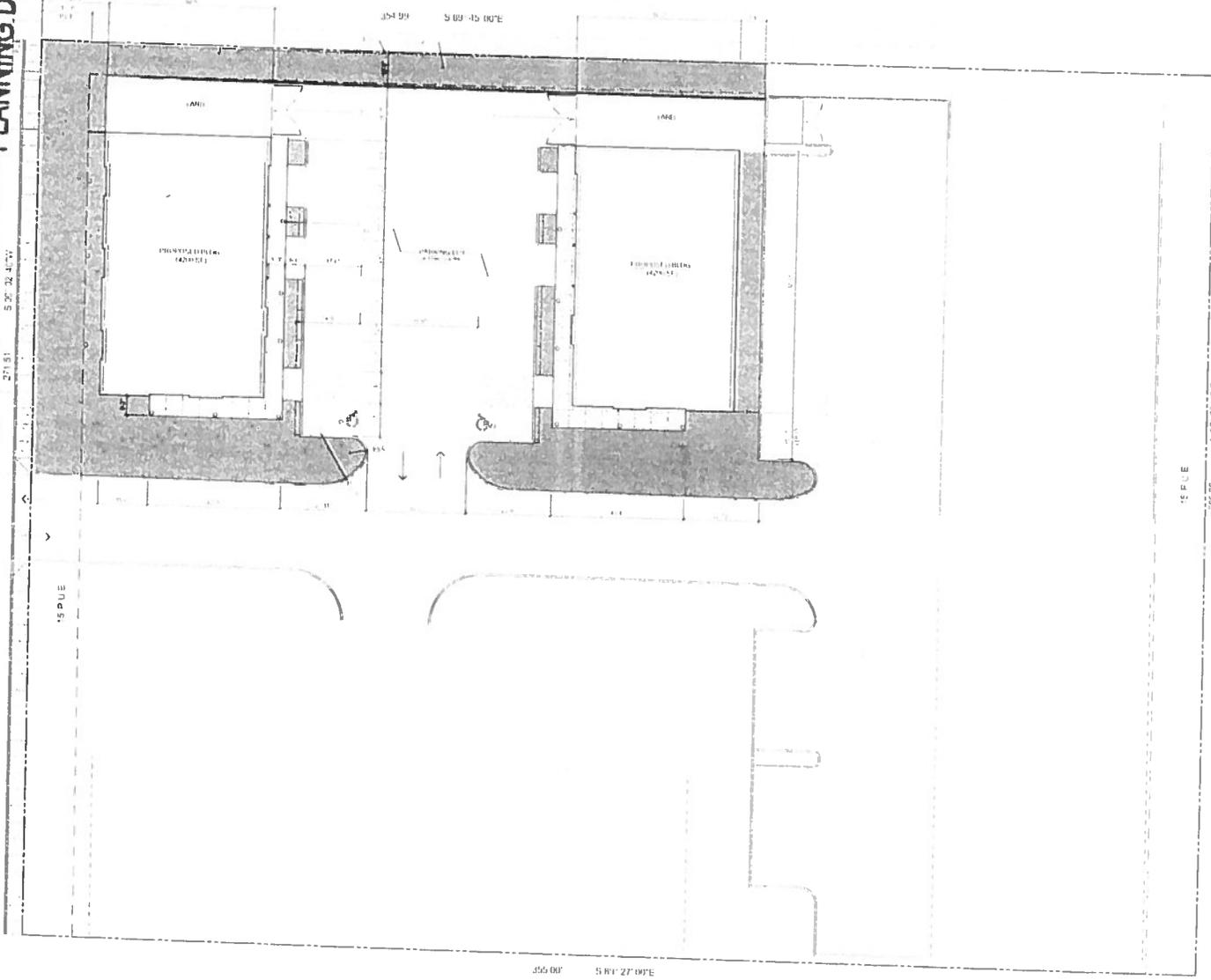
PLANNING DEPT.

STOWE AVE

271.51

5.20' 32.41"

15 P U E



355.00' 589' 27.00"

15 P U E

288.30' 100.00' 30.00'

SITE PLAN



SITE PLAN NOTES

1. EXISTING WALL
2. EXISTING PAVEMENT
3. EXISTING DRIVE
4. EXISTING SIDEWALK

A1.0



NEW COMMERCIAL DEVELOPMENT FOR  
 KEVIN MILES  
 STOWE AVE INDUSTRIAL PARK, MEDFORD OR 97504

CITY OF MEDFORD

EXHIBIT #

Page 221

File #



RECEIVED

APR 05 2018

PLANNING DEPT.

BEFORE THE PLANNING DIRECTOR  
FOR THE CITY OF MEDFORD, OREGON

IN THE MATTER OF A MINOR MODIFICATION )	
TO AN ARCHITECTURAL REVIEW APPROVAL )	
FOR A PROPOSED 5-UNIT INDUSTRIAL )	
DEVELOPMENT, ON 2.25 ACRES LOCATED )	
ON THE WEST SIDE OF STOWE AVENUE )	FINDINGS OF FACT
SOUTH OF PARSONS DRIVE; AND )	AND
DESCRIBED AS T.37S-R.2W-SEC.23DA, TAX )	CONCLUSIONS
LOTS 127 & 170; KEVIN MILES, APPLICANT; )	
RICHARD STEVENS & ASSOCIATES, INC., )	
AGENTS. )	

RECITALS:

Property Owner/ Applicant-	Kevin Miles PO Box 1728 Medford, OR 97501
Agents-	Richard Stevens & Associates, Inc. P.O. Box 4368 Medford, OR 97501 (541) 773-2646
Property Description-	T.37S-R.2W-S.23DA, Tax Lots 127 & 170
Acreage-	2.25 acres
Zoning-	I-L/PD

PROPOSAL:

The applicant is requesting approval of a minor modification to a Site Plan and Architectural Commission (SPAC) approval for four light industrial buildings. SPAC approved the industrial development through file number AC-07-110 on August 6, 2007. Subsequently, the Planning Commission approved a pad lot subdivision for the property on January 25, 2008, through file number LDS-07-252. The approved pad lot subdivision approved a total of 4 pad lots – each containing one of the 4 buildings approved by SPAC – along with associated common area.

CITY OF MEDFORD  
EXHIBIT # E  
File # \_\_\_\_\_

Along with this application for a minor modification, the applicant has submitted an application to revise the approved pad lot subdivision. Through the revised pad lot land division application, the applicant seeks to divide Pad Lot 4 into two smaller pad lots, Lots 5 and 6. Through the requested minor modification, the applicant seeks approval to build two smaller buildings – one for each of the new pad lots (5 & 6) – rather than one large building on Lot 4 as was previously approved.

#### APPROVAL CRITERIA:

Per Section 10.294(B), Medford Land Development Code (MLDC): *A minor modification to an approved plan may be made by the Planning Director provided the Planning Director determines that the modification does not constitute a major modification. A minor modification shall meet all of the following standards:*

- (1) Meets the exemption standards of 10.031.*
- (2) No increase in the number of dwelling units.*
- (3) The amount of open space or landscaping is decreased by no more than 10% of the previously approved area, provided the resulting area does not drop below the minimum standards as required by the code.*
- (4) No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.*
- (5) No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landform), fencing and other screening materials.*
- (6) Modifications to facilities and utilities conform to the adopted facilities plans.*
- (7) Modifications to any other components of the plan conform to standards of the Land Development Code.*
- (8) No modification to any condition of approval.*

#### **Minor Modification Standards**

- (1) Meets the exemption standards of 10.031(C).*

C)(1) Parking lots and parking lot additions: The existing parking area for Lot 4 is to be reconfigured to provide parking and maneuvering for the proposed pad lots 5 and 6. The road approach access will remain generally in the same location with the approved landscaping. The approval of File No. AC-07-110, did not have a requirement for the parking area to be reviewed by SPAC when associated with the building construction.

The subject property is not located within a Historic Overlay.

C)(2) Construction of a new building if it does not increase motor vehicle trip generation by more than ten (10) ADT's. There will be a net decrease in the square footage of the building footprint/pad lots (8400 sq.ft. vs. 9000 sq.ft.). Therefore, no net increase in vehicle trips is anticipated.

C)(3) A building addition similar to the existing building in architectural style and exterior building materials and that is not more than a 20 percent or 2,500 square-foot increase in gross floor area... The proposed replat has a net reduction in potential gross floor area, 8400 sq.ft. proposed vs. 9000 sq.ft. approved. The proposed structures will be of the same style and materials as was originally approved.

C)(4) An emergency measure resulting from fire, an act of God... Not Applicable.

C)(5) The reconstruction of a legal main structure or legal accessory structure which has been destroyed by fire, an act of God... Not Applicable.

C)(6) Temporary uses as identified in Section 10.840... Not Applicable.

C)(7) The erection, construction, alteration, maintenance or termination of a public utility service facility... Not Applicable.

C)(8) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot... Not Applicable.

C)(9) Solar Photovoltaic/Solarvoltaic energy systems, as defined in ORS 757.360... Not Applicable.

C)(10) One duplex dwelling divided by a lot-line or on a single lot within a final platted land division... Not Applicable.

C)(11) Airport accessory structure(s) including hangars, aircraft storage... Not Applicable.

*(2) No increase in the number of dwelling units.*

Not applicable. Stowe Industrial Park is not proposing any residential dwelling units.

*(3) The amount of open space or landscaping is decreased by no more than 10% of the previously approved area, provided the resulting area does not drop below the minimum standards as required by the code.*

There will be a net increase in the landscaping area for Pad Lots 5 and 6, compared with the original Lot 4.

- (4) No relocation of vehicle access points and parking areas where the change will generate an impact that would adversely affect off-site or on-site traffic circulation.*

There are no changes with the access onto Stowe Avenue. The private access drive will maintain two travel lanes to preserve on site traffic circulation within the project boundaries. The main change is with the parking configuration/relocation for the proposed buildings 5 and 6 that meets Code requirements.

- (5) No reduction or elimination of any project amenities such as recreational facilities, significant natural resources (streams, creeks, landform), fencing and other screening materials.*

The required buffer yard along the southern boundary will still be applicable and there are no changes proposed with the fencing and vegetation.

- (6) Modifications to facilities and utilities conform to the adopted facilities plans.*

The public facilities main lines are existing within the project boundaries. The individual connections with the proposed buildings 5 and 6 will be designed and installed consistent with the adopted facilities plans.

- (7) Modifications to any other components of the plan conform to standards of the Land Development Code.*

As demonstrated with the Findings for the land division and Pad Lot development, the proposed replat and development is consistent with the Medford Land Development Code.

- (8) No modification to any condition of approval.*

The applicants are not requesting any changes to the original conditions of approval for File Nos. LDS-07-252 or AC-07-110.

**FINDING:**

As demonstrated in the above discussions, the proposed replat and development of the subject property will be consistent with the standards of the Medford Land Development Code for the Light Industrial zoning district. There are no significant changes to the overall plan, with the only change being made to the existing Lot 4 with the proposal for Pad Lots 5 and 6 consisting of reduced floor area, appropriate scaling and massing being accomplished with architectural details and increased onsite landscaping. There are no changes to the buffer yard requirements and fencing.

**SUMMARY & CONCLUSIONS**

Based upon the above discussions regarding Section 10.294(B) the Planning Director can conclude that the proposed changes to the plan is a Minor Modification. The submitted application materials, including: tentative plat, architectural plan, landscape plan, and conceptual stormwater plan for the replat of Stowe Industrial Park, is consistent with the Public Facilities Plan and the Medford Land Development Code.

Respectfully Submitted:



RICHARD STEVENS & ASSOCIATES, INC.



City of Medford  
Planning Department

Vicinity  
Map

File Number:  
**LDS-18-037**



Project Name:

**Stowe Industrial Park**

Map/Taxlot:

**372W23DA TL 127 & 170**



04/16/2018

**Legend**

-  Subject Area
-  Medford Zoning
-  Tax Lots

