

# PLANNING COMMISSION

## AGENDA

### JUNE 27, 2019



#### Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Jared Pulver

Jeff Thomas

Regular Planning Commission meetings

are held on the second and fourth

Thursdays of every month

Meetings begin at 5:30 PM

#### City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380



## Planning Commission

# Agenda

**Public Hearing**

**June 27, 2019**

5:30 PM

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

**10. Roll Call**

**20. Consent Calendar/Written Communications (voice vote)**

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

**30. Minutes**

- 30.1 Consideration for approval of minutes from the June 13, 2019, hearing.

**40. Oral and Written Requests and Communications**

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

**50. Public Hearings**

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

**Continuance Request**

- 50.1 **ZC-18-189** Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400). Applicant: Jane Erin Griffin-Hagle; Planner: Dustin Severs. **The applicant has requested to continue this item to the July 11, 2019 Planning Commission meeting.**

**Old Business**

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

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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.

## **New Business**

- 50.3 **CUP-19-037 / E-19-037** Consideration for a Conditional Use Permit application to allow a new wireless communication facility consisting of a 100-foot support structure and associated equipment cabinets use for communication systems. The Applicant has submitted an associated Exception Application requesting relief from side and rear yard setback on a 1.44 acre parcel zoned C-H (Heavy Commercial) located on the west side of North Central Avenue at the intersection of Maple Street and North Central Avenue(372W24DD TL 4401). Applicant: New Cingular Wireless PCS LLC; Agent: SmartLink LLC; Planner: Liz Conner. **This application has been withdrawn.**
- 50.4 Consider amending the use table and require conditional use permits for gas stations in proximity to residential areas. Applicant: City of Medford; Planner: Kelly Evans.
- 50.5 **DCA-19-001** An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC) to make housekeeping corrections and other changes related to housing and density. Applicant: City of Medford; Planner: Sarah Sousa.
- 50.6 **DCA-18-180** An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC) regarding the City's transportation concurrency standards and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). Applicant: City of Medford; Planner: Kyle Kearns.
- 50.7 **DCA-18-144** An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create standards that will allow for the development of cottage housing. Applicant: City of Medford, Planner: Seth Adams.
- 50.8 **DCA-19-022** An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to allow for a wider range of projects within the Historic Preservation Overlay District that can be approved administratively under Minor Historic Review. Applicant: City of Medford; Planner: Seth Adams.

## **60. Reports**

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

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

## **80. Remarks from the City Attorney**

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

## **100. Adjournment**

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR )  
 )  
SEDONA PROPERTIES LLC [LDP-19-055] ) **ORDER**

ORDER granting approval of a request for tentative plat approval of File No. LDP-19-055, as follows:

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

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval described above, with a public hearing a matter of record of the Planning Commission on June 13, 2019; and
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare the final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Sedona Properties LLC, stands approved per the Planning Commission Report dated June 13, 2019, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated June 13, 2019.

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

Accepted and approved this 27th day of June, 2019.

CITY OF MEDFORD PLANNING COMMISSION

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

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





City of Medford

# Planning Department

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

## PLANNING COMMISSION REPORT

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

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

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

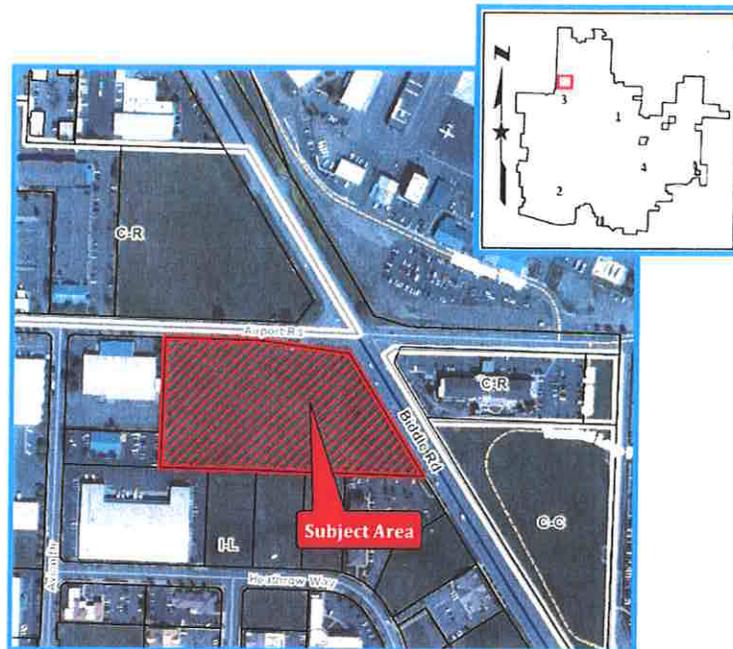
DATE June 13, 2019

### BACKGROUND

#### Proposal

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

#### Vicinity Map



Subject Site Characteristics

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

Surrounding Site Characteristics

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

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

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

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

Related Projects

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

Applicable Criteria

**MLDC 10.202(E): Land Division Criteria**

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

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

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

**Medford Land Development Code §10.204, Zone Change Criteria**

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

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

*\*\*\**

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

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

*\*\*\**

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

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

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

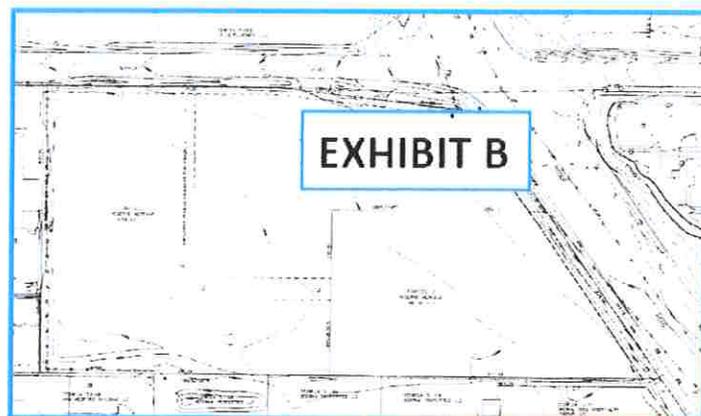
### Corporate Names

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

## ISSUES AND ANALYSIS

### Project Summary

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



Development Standards

**Site Development Table**

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

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

Reserve Acreage

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

Traffic Impact Analysis (TIA)

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

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

Public Works recommends the following condition of approval:

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

#### Sanitary Sewer Facilities

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

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

#### Facility Adequacy

Per the agency comments submitted to staff, (Exhibits K-0), including the Rogue Valley Sewer Services, it can be found that there are adequate facilities to serve the future development of the site.

#### Other Agency Comments

##### *Jackson County Roads (Exhibit P)*

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

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

#### Committee Comments

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

#### **DECISION**

**At the public hearing held on June 13, 2019, the Commission voted unanimously to approve the request, while striking condition #3, approving a revision to condition #4 (identified as condition #3 in Exhibit A-1), and approving the replacement of Exhibits N-O, at the request of staff.**

**At the public hearing, the applicant's agent, Jay Harland, requested a slight modification to condition #3: a condition requiring that the applicant comply with all requirements of Jackson County Roads prior to final plat approval. Planning staff determined that the condition was inapplicable, as the tentative plat identified the two proposed lots as Reserve acreage, which delays the construction of public improvements until the time of development. Accordingly, the Commission's motion included the removal of condition #3.**

**At the request of staff, the Commission also included in their motion the approval to revise condition #4 (identified as condition #3 in Exhibit A-1) to include language clarifying that the applicant would be required to comply with all requirements of the Medford Public Works Department, as outlined in Exhibit L.**

**At the public hearing, staff explained that Exhibits N-O were submitted in error. The Exhibits that were originally submitted with the staff report were inadvertently switched with the reports of a separate project. At the request of staff, the Commission included in their motion the approval to replace said exhibits with the correct documents.**

#### **FINDINGS AND CONCLUSIONS**

##### *Land Partition*

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

##### *Zone Change*

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the CM General Land Use Plan Map designation and the proposed trip cap stipulation (Exhibit Q) will ensure consistency with the Transportation System Plan. The Commission can find that this criterion is met.
- With regard to Criterion 2, there is adequate evidence in the record to demonstrate that the proposal meets the locational criteria for the C-R zoning district, as the subject

property, when combined with abutting properties zoned C-R, exceeds three acres in size; fronts an arterial street (Biddle Road); and does not include a neighborhood shopping center. The Commission can find that this criterion is met.

- With regard to Criterion 3, the agency comments included as Exhibits K-0, demonstrate that, with the imposition of the condition of approval contained in Exhibit A, Category A facilities can be made to be adequate to serve the property at the time it is developed in the future. The Commission can find that this criterion is met.

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

### **ACTION TAKEN**

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of LDP-19-055 & ZC-19-003 per the Planning Commission Report dated June 13, 2019, including Exhibits A-R.

### **EXHIBITS**

- A-1 Conditions of Approval (revised), dated June 13, 2019.**
  - B Tentative Plat, received May 3, 2019.
  - C Applicant's Vicinity Map, received May 3, 2019.
  - D GLUP Map, received May 3, 2019.
  - E Zoning Map (current), received May 3, 2019.
  - F Zoning Map (proposed), received May 3, 2019.
  - G Airport Overlays Map, received May 3, 2019.
  - H Assessor's Map, received May 3, 2019.
  - I Legal description and Exhibit Map, received May 3, 2019.
  - J Finding of Fact and Conclusions of Law, received May 3, 2019.
  - K Public Works report (Land Partition), received May 22, 2019.
  - L Public Works report (Zone Change), received May 22, 2019.
  - M Medford Water Commission memo and associated map, received May 22, 2019.
  - N-1 Fire Department report, received May 22, 2019.**
  - O-1 Rogue Valley Sewer Services (RVSS) report, received May 14, 2019.**
  - P-1 Jackson County Roads report, received May 14, 2019.**
  - Q Traffic Impact Analysis (Summary), received April 3, 2019.
  - R Conceptual layout for future hotel, received June 5, 2019.
- Vicinity map

### **MEDFORD PLANNING COMMISSION**

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Mark McKechnie, Chair

**PLANNING COMMISSION AGENDA:**

**JUNE 13, 2019**

**JUNE 27, 2019**

## EXHIBIT A-1

Sedona Properties  
LDP-19-055 / ZC-19-003  
Conditions of Approval  
June 13, 2019

### CODE REQUIRED CONDITIONS

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

1. Comply with all applicable conditions stipulated by the Medford Public Works Department (Exhibits K).
2. Comply with all applicable conditions stipulated by the Rogue Valley Sewer Services (RVSS) (Exhibit O-1).

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

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



## Medford Fire-Rescue Land Development Report

### Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 5/20/2019  
**Meeting Date:** 5/22/2019

**LD File #:** LDP19055    **Associated File #1:** ZC19002

**Planner:** Dustin Severs

**Applicant:** Sedona Properties

**Project Location:** 590 Airport Road (372W12A1102)

**ProjectDescription:** Consideration of a request for tentative plat approval of a proposed two-lot partition of a 6.20-acre parcel, along with a request for a change of zone from Light-Industrial (I-L) to Regional Commercial (C-R) of a 1.90-acre portion of the total 6.20-acre parcel.

### Specific Development Requirements for Access & Water Supply

#### Conditions

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

### Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

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

N-1  
LDP-19-055  
ZC-19-003



# ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005  
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

May 14, 2019

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

**Re: LDP-19-055 & ZC-19-003, Sedona Properties (Map 372W12A, Tax Lot 1102)**

ATTN: Dustin,

The subject property is within the RVSS service area. There is an 8 inch sewer main stubbed to the northwest corner of the property and a 54 inch sewer located on the northeast corner of the property as shown on the submitted site layout. There is adequate system capacity to serve the proposed partition and zone change.

Sewer service for Parcel 1 can be had by extending the existing 8 inch main east onto the property. Sewer Service for proposed Parcel 2 can be had by connecting to the 8 inch extension for Parcel 1 or by tapping the 54 inch sewer main to the east. Tap permits are issued by RVSS and sewer connection permit will be issued by the City of Medford. Sewer System Development Charges will be owed to RVSS.

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

1. All future development must be designed and constructed per RVSS standards.
2. Applicant must pay related System Development Charges to RVSS prior to issuance of building permits.

Feel free to contact me with any questions.

Sincerely,

*Nicholas R. Bakke*

Nicholas R. Bakke, P.E.  
District Engineer

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0-1  
LDP-19-055  
ZC-19-003



# JACKSON COUNTY

## Roads

Roads  
Engineering

Chuck DeJanvier  
Construction Engineer

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

www.jacksoncounty.org

May 14, 2019

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

RE: Plat approval & a zone change on  
Airport Road – a county maintained road  
and Biddle Road – a city maintained road  
Planning File: LDP-19-055 / ZC-19-003

Dear Dustin:

Thank you for the opportunity to comment on this consideration of a request for a tentative plat approval of a proposed two-lot partition on a 6.20 acre parcel, along with a request for a change of zone from Light Industrial (I-L) to Regional Commercial (C-R) of a 1.90 acre portion of the total 6.20 parcel located at the corner of Airport Road and Biddle Road (590 Airport Road) (37-2W-12A tax lot 1102). Jackson County Roads has the following comments:

1. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Airport Road. Jackson County Roads recommends that the city request jurisdiction of this road.
2. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.
3. Storm water should meet City of Medford requirements that also include water quality.
4. If frontage improvements are required off Airport Road, they shall be permitted and inspected by the City of Medford.

5. Any new or improved road approaches off Airport Road shall be permitted and inspected by the City of Medford.
6. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
7. We would like to be notified of future development proposals, as county permits may be required.
8. Airport Road is a County Minor Collector and is county-maintained. The Average Daily Traffic Count was 3,100 on the Medford 2016 Traffic Volumes map.

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

Sincerely,



Chuck DeJanvier  
Construction Engineer

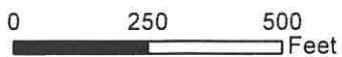


Project Name:

**Sedona Properties LLC**  
**Zone Change/Land Division**

Map/Taxlot:

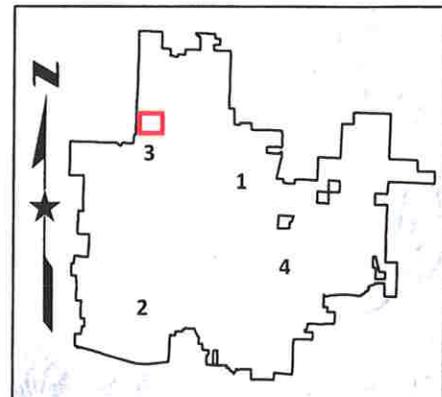
**372W12A TL 1102**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

05/08/2019



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

RECEIVED

APR 03 2019

ljfriar@charter.net

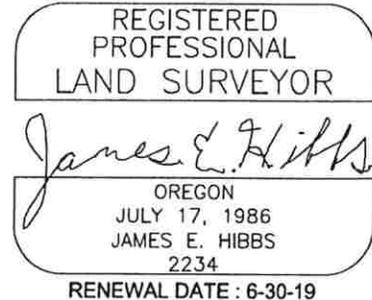
LEGAL DESCRIPTION

Exhibit "B"

PLANNING DEPT.

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

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



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

8



## Planning Commission

# Minutes

From Public Hearing on **June 13, 2019**

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

### Commissioners Present

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

### Staff Present

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

### Commissioners Absent

Patrick Miranda, Excused Absence  
Jared Pulver, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

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

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

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

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

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 7-0-0.

30. Minutes

**30.1** The minutes for May 23, 2019, were approved with the following correction. Under agenda item 60.2 Transportation Commission report there was discussion regarding the South Stage Overpass not South Medford Interchange.

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 DCA-19-001** An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC) to make housekeeping corrections and other changes related to housing and density. Applicant: City of Medford; Planner: Sarah Sousa. **Staff has requested to continue this item to the Thursday, June 27, 2019 Planning Commission meeting.**

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the June 27th hearing, please come forward and the Planning Commission will hear your testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff presents their staff report on June 27th. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued DCA-19-001, per staff's request, to Thursday, June 27, 2019, Planning Commission meeting.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 7-0-0.

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

Agent: CSA Planning Ltd.; Planner: Dustin Severs. **The applicant has requested to continue this time to the Thursday, July 11, 2019 Planning Commission meeting.**

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

Kelly Evans, Assistant Planning Director reported that at the previous meeting the public hearing was closed. The applicant has requested that the hearing be reopened at the July 11, 2019 Planning Commission meeting. Property owner notices need to be sent out again.

Motion: The Planning Commission continued LDS-19-040 and CUP-19-041, per the applicant's request, to Thursday, July 11, 2019, Planning Commission meeting.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 7-0-0.

**50.3 ZC-18-189** Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400). Applicant: Jane Erin Griffin-Hagle; Planner: Dustin Severs. **The applicant has requested to continue this item to the Thursday, June 27, 2019 Planning Commission meeting.**

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the June 27th hearing, please come forward and the Planning Commission will hear your testimony at this time. Please keep in mind that it is possible that your questions may be answered when staff presents their staff report on June 27th. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued ZC-18-189, per the applicant's request, to the Thursday, June 27, 2019, Planning Commission meeting.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 7-0-0.

**50.4 LDP-19-055 / ZC-19-003** Consideration of a request for tentative plat approval of a proposed two-lot partition of a 6.20-acre parcel, along with a request for a change of zone from Light-Industrial (I-L) to Regional Commercial (C-R) of a 1.90-acre portion of the total

6.20-acre parcel, located at 590 Airport Road (372W12A1102). Applicant: Sedona Properties, LLC; Agent: CSA Planning Ltd; Planner: Dustin Severs.

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

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

Dustin Severs, Planner III reported that Exhibits N, O and P in the agenda packet are in error. The reports from the Fire Department (Exhibit N), Rogue Valley Sewer Services (Exhibit O), and Jackson County Roads (Exhibit P) are from a previous application and were accidentally switched with the reports for the subject application. The correct Exhibits N-1, O-1 and P-1 will be submitted into the record and were emailed to the Planning Commission this afternoon.

The Land Division approval criteria can be found in the Medford Land Development Code Section 10.202(E). The Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204(B). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

Condition #4 in Exhibit A, Conditions of Approval needs to identify Exhibit L.

Also, the Public Works Zone Change report identified capacity restraints for the storm sewer. That condition will be added to the Conditions of Approval that the applicant provide a deed declaration or they do the improvements or a study done that shows the storm drain system that capacity exists to allow the proposed Zone Change. This will be submitted into the record as Exhibit E-1.

The public hearing was opened.

a. Jay Harland, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504-9173. Mr. Harland reported that the applicant is in negotiations with a hotel developer for the site. Hotels do not generate peak hour trips nor daily trips. They coordinated with Mark Dew on the storm drainage stipulation that Public Works is requesting. Mr. Dew confirmed it is feasible to implement the stipulation as proposed in Exhibit L.

Mr. Harland requested a modification to condition #3. The language in the staff report is "Comply with all applicable requirements of Jackson County Roads (Exhibit P)". It is a caveat moving forward that occasionally there are situations where there are dueling engineers with different opinions. The language that Mr. Harland would like added is

“...except that in the event of any project engineering conflict between Jackson County Roads’ review requirements and Medford Public Works’ review requirement, resolution of the engineering conflict shall be determined by the City of Medford Engineer...”

Chair McKechnie asked, will the proposed project be under the trip cap and does it leave any extra trip caps for the rest of the development? Mr. Harland responded that the trip cap is specific to the section being rezoned.

Chair McKechnie stated that it sounds like the storm drain is not an issue. Mr. Harland stated that it is feasible to do.

Commissioner McFadden asked several questions but he did not have his microphone on and were not audible.

Alex Georgevitch, City Engineer stated that Airport Road and across the frontage of the subject property is under County jurisdiction. Regardless of wherever the improvements are being made the City will have to work with the County because they have operation jurisdiction of that roadway until the City takes jurisdiction of it through a Jurisdictional Exchange.

Chair McKechnie asked, what is Public Works position on the language proposed by Mr. Harland? Mr. Georgevitch stated that the language proposes a conflict that the City and County do not want to be in. It will be a challenge for Mr. Georgevitch to override the County on their facility. The County will tell the applicant to build half plus 12 similar to what the City would tell them if it were a City facility. When it comes in for Site Plan and Architectural Commission review that is the time Public Works would be conditioning it and work out conditions between the County and City.

Mr. Mitton suggested a tweak to the language and still satisfy Mr. Harland’s desire to have a tie breaker provision. “...except in the event of any project engineering conflict between Jackson County Roads’ review requirements and Medford Public Works’ review requirements, resolution of the engineering conflict shall be determined by the entity who has jurisdiction over the facility”. Mr. Harland liked that language. The storm drainage is the issue for now but in the future it will be the road.

Ms. Evans reported that there are no improvements required so that is moot. The storm drain is not required at this time. This is a zone change and reserved acreage parcels. There are no public improvements. Condition #3 should be removed.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Orders of approval of LDP-19-055 and ZC-19-003 per the

staff report dated June 6, 2019, including Exhibits A through R, revise condition #4 in Exhibit A-1, replacing Exhibit A with Exhibit A-1, Exhibit E with Exhibit E-1 and Exhibits N, O and P that are in error with the correct Exhibits N-1, O-1 and P-1 and removing condition #3 as presented in the staff report.

Moved by: Commissioner Foley

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 7-0-0.

#### **60.1 Site Plan and Architectural Commission.**

Commissioner Culbertson reported that the Site Plan and Architectural Commission met Friday, June 7, 2019. He was out of town and deferred the report to Ms. Evans.

Ms. Evans reported that the Site Plan and Architectural Commission had six hearings. One was continued. The Commission approved a 4,000 square foot mechanics office on Table Rock south of Airport; a 3,000 square foot office in Navigator's Landing; a 15,000 square foot industrial building on Bateman at Table Rock; the continued item is a McDonald's that wants to move their store on Barnett to the vacant Liberty bank to the east; a 26,000 square foot warehouse was approved in the industrial area on Parsons and Sage.

At the Commissioner's places is a memorandum from the Site Plan and Architectural Commission requesting the Planning Commission consider amending the use table and require conditional use permits for gas stations in proximity to residential areas. This will go on the Planning Commission's June 27, 2019 meeting agenda for a formal action.

#### **60.2 Transportation Commission**

Commissioner Pulver was not in attendance to report on the Transportation Commission.

#### **60.3 Planning Department**

Ms. Evans reported that the next Planning Commission study session is scheduled for Monday, June 24, 2019. Discussion will be food trucks in the right-of-way and food pods.

There is business scheduled for Thursday, June 27, 2019, Thursday, July 11, 2019 and Thursday, July 25 2019.

Last week City Council approved the Community Development Block Grant 2019/20 Action Plan.

Next week City Council will hear a fee increase for the Planning Department. Fees have not been increased since 2006. Public Works submitted an annexation application for Lozier Lane and north Ross Lane.

The Landmarks and Historic Commission approved a mural at Vogel Plaza. Work has begun on the mural. They also approved permanent signage at 4<sup>th</sup> and Central. It is a drive-thru kiosk. They approved a fence and exterior changes to the Carnegie Library where Kids Time is moving in.

Commissioner McManus asked, is the fence around the Carnegie Library going to be around the area where Kids Time is or the perimeter of Alba Park? Ms. Evans reported it is around the Main Street side and not around the 8<sup>th</sup> Street side.

Commissioner McFadden asked, is Kids Time getting full use of the property? Ms. Evans replied yes.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 6:12 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. Richards  
Recording Secretary

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Mark McKechnie  
Planning Commission Chair

Approved: June 27, 2018



## STAFF REPORT – CONTINUANCE REQUEST

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

Project Hagle Zone Change  
Applicant: Jane Erin Griffin-Hagle

File no. ZC-18-189

To Planning Commission

*for June 27, 2019 hearing*

From Dustin Severs, Planner III

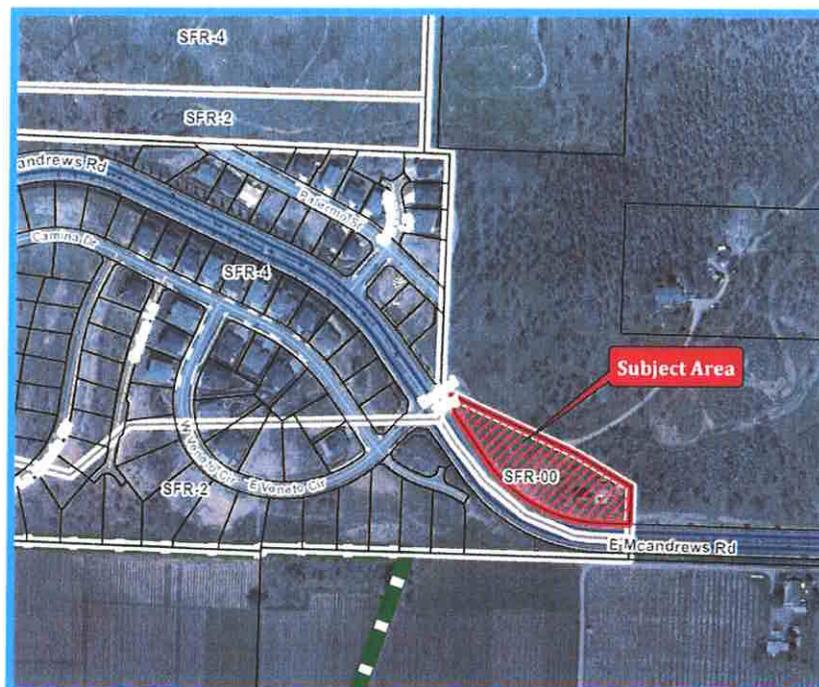
Reviewer Kelly Evans, Assistant Director

Date June 20, 2019

### BACKGROUND

#### Proposal

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



Request

The applicant has requested that the item be continued to July 11, 2019, in order to provide additional time to complete a sewer study to support the zone change request.

**EXHIBITS**

Continuance request, email received June 13, 2019.

Vicinity Map

**COMMISSION AGENDA:**

**FEBRUARY 14, 2019**

**MARCH 14, 2019**

**MARCH 28, 2019**

**April 11, 2019**

**April 25, 2019**

**May 9, 2019**

**May 23, 2019**

**June 13, 2019**

**June 20, 2019**

**Dustin J. Severs**

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**From:** Copper Griffin <jhagle01@gmail.com>  
**Sent:** Thursday, June 13, 2019 9:52 PM  
**To:** Dustin J. Severs  
**Subject:** Continuance Request - JHagle

Hi Dustin, Would you please continue my zone change application appearance to July 11, 2019?  
Thank you.  
Jane Hagle



Project Name:

**Griffin-Hagle  
 Zone Change**

Map/Taxlot:

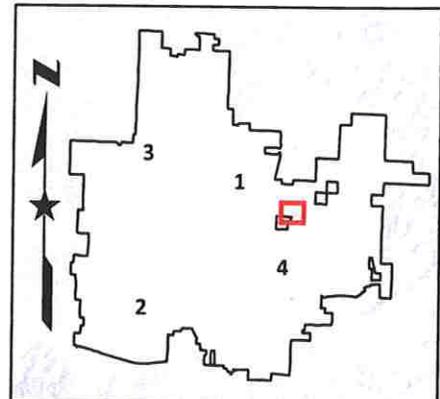
**371W22 TL 400**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

12/19/18





## REVISED STAFF REPORT

for a Type III quasi-judicial decision: **Subdivision**

Project      Ione's View  
Applicant: Gary McFarlane & Tim McFarlane; Agent: Neathamer Surveying Inc.

File no.      LDS-19-029

To            Planning Commission *for June 27, 2019 hearing*

From        Liz Conner, Planner II

Reviewer    Kelly Evans, Assistant Planning Director *h.*

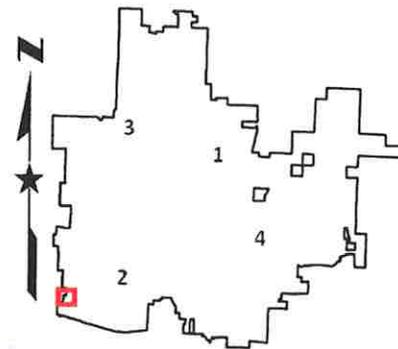
Date         June 20, 2019

### BACKGROUND

#### Proposal

Consideration of a tentative plat for an 11 lot subdivision on approximately 2 acres within the SFR-6 (Single Family Residential – 6 dwelling units per gross acre) zoning district, located on the north side of Sunset Drive approximately 415 feet west of Thomas Road. (372W35DC Tax Lot 3300)

#### Vicinity Map



Subject Site Characteristics

Zoning       SFR-6  
GLUP        UR (Urban Residential)  
Use         Single Family Residence with Outbuildings

Surrounding Site Characteristics

North	SFR-6	Single Family Residence
	EFU	Active agriculture crop
South	SFR-00/RR-2.5	Single Family Residences
East	SFR-00	Single Family Residences
West	SFR-00	Single Family Residences

Related Projects

A-04-255   Annexation  
ZC-17-006   Zone Change SFR-00 to SFR-6

Applicable Criteria

**SUBDIVISION TENTATIVE PLAT APPROVAL CRITERIA  
FROM SECTION 10.202(E) OF THE MEDFORD LAND DEVELOPMENT CODE**

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

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

divisions already approved for adjoining property, unless the Planning Commission determines it is in the public interest to modify the street pattern;

- (5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;
- (6) Will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

## ISSUES AND ANALYSIS

### Background

The site consists of approximately two acres of land that received SFR-6 zoning with ZC-17-006 approved by the Planning Commission on March 9, 2017. The applicant is now proposing a tentative plat consisting of 11 lots to be constructed in a single phase (Exhibit B).

The subject site is located in the southwest area of Medford. The property abuts the City limits and the Urban Growth Boundary in the northwest corner as well as active agricultural lands zoned EFU (Exclusive Farm Use).

The site is also located within the Southwest Medford Circulation Plan.



Code Compliance

*Density*

The density range for the SFR-6 zone is between four and six dwelling units per gross acre per Medford Land Development Code (MLDC) Section 10.710. The net parcel size is 1.92 acres; the gross parcel size, which includes the fronting half-street is 2.02 acres. Based on the gross acreage, the density ranges is between eight and 12 dwelling units (Exhibit N). The proposal is to create 11 lots meets the density requirements as shown in the table below.

**Density Table**

<b>SFR-6 Density Range</b>	<b>Allowed</b>	<b>Shown</b>
<i>4.0 to 6.0 dwelling units per gross acre</i>	8 min. / 12 max.	11 lots

*Development Standards*

**Site Development Table for the SFR-6 Zone  
 (MLDC 10.710)**

	<b>Lot Area Range (square feet)</b>	<b>Minimum Lot Width (Interior)</b>	<b>Minimum Lot Width (Corner)</b>	<b>Minimum Lot Depth</b>	<b>Minimum Lot Frontage</b>
<b>Required</b>	4,500 to 12,500	50 feet	60 feet	90 feet	30 feet
<b>Shown</b>	4,500 to 7,500	50 feet	60 feet	90 feet	50 feet

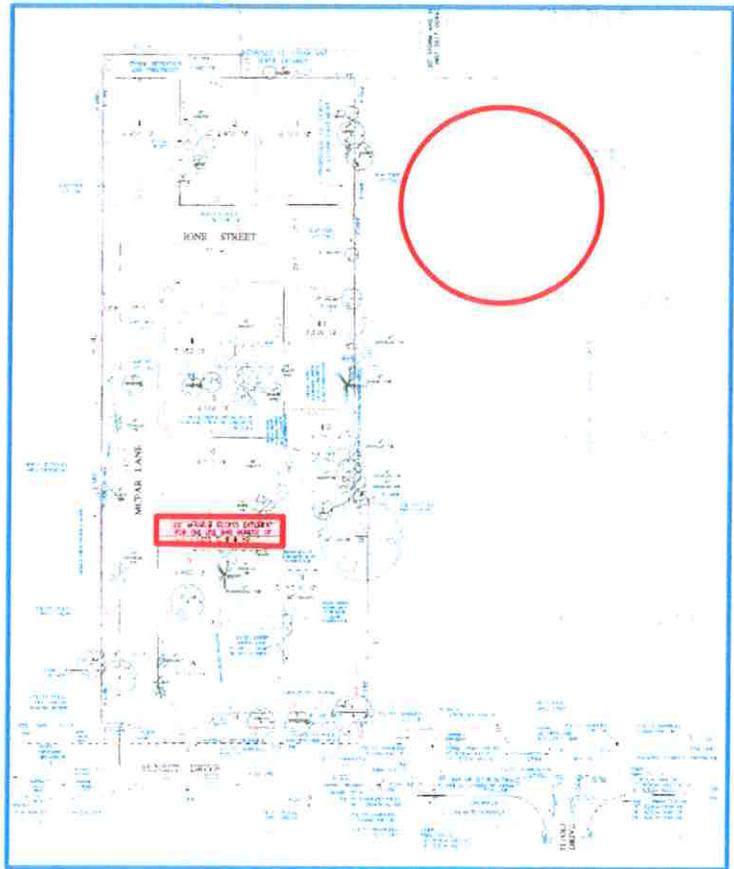
As shown in the Site Development Table above, it can be found that the 11 proposed lots identified on the submitted tentative plat meet all the dimensional standards for the SFR-6 zoning district as found in Article V of the Medford Land Development Code.

### *Street Circulation*

The subject property is within the Southwest Medford Circulation Plan (Exhibit D), and fronts Sunset Drive. The Circulation Plan does not identify streets on the subject site. The tentative plat does include two minor residential lanes, and a conceptual plan on how connection to Tivoli Drive can be accommodated.

### *Minimum Access Easement*

The applicant proposes a minimum access easement to serve Lots 7, 9 and 10. The minimum access easement shall be developed in accordance with MLDC 10.430(1) and 10.450 with property width and turn-around dimensions. Additionally, the installation of a minimum access address sign is required. Conditions of approval have been included requiring the applicant comply with the Public Works Department Staff Report (Exhibit H) and the Address Technician Staff Memo (Exhibit K).



### *Street Dedications & Improvements*

The applicant's findings (Exhibit E) state that there are steeper slopes in the area, but are not in excess of 15%. The applicant has requested pursuant to Section 10.443, that McFar Lane is improved to half street plus 8 feet standards in order to accommodate the vertical relief in the area. The Public Works Staff Report (Exhibit H), states that pursuant to MLDC Section 10.430, the developer shall construct the east half plus 8-feet west of the centerline along the frontage of this development for McFar Lane.

The applicant submitted an exhibit (Exhibit O) that identifies a parking bay along McFar Lane as well as driveway locations. The Public Works Report (Exhibit H) states that there is no objection to the parking bays along a portion of McFar Lane in place of a planter strip.

### Water Facilities

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

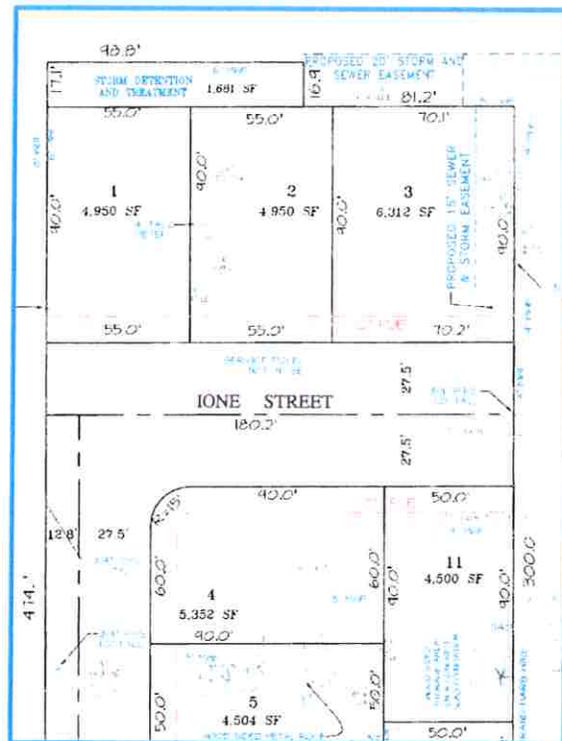
### Agricultural Impact

The subject property abuts land directly to the northwest that is outside the city limits and Urban Growth Boundary and zoned Jackson County EFU (Exclusive Farm Use).

The applicant provided an Agricultural Impact Assessment Report (Exhibit F) as required in MLDC 10.801. The abutting property was intensively farmed with cannabis plants in 2018.

MLDC 10.801(D)(2) outlines the mitigation requirements for intensive agriculture. The applicant stipulates to the following mitigation requirements:

- A six foot solid fence along the northerly boundary in accordance with Section 10.801(D)(2)(a);
- A deed declaration for all proposed lots (Lots 1, 2, 3, 4 and 11) within a 200-foot radius of the EFU lands that requires the owner and all successors in interest to recognize and accept common, customary and accepted farming practices occurring on the adjacent lands in accordance with Section 10.801(D)(2)(c);
- An eight foot strip of landscaping consisting of a row of evergreen trees along the northern portion of Lots 1 and 2 that adjoin the EFU land.



The applicant's findings (Exhibit E) state that the contours on the topographic survey that was performed demonstrate that the proposed development has higher ground than that of the EFU lands. The applicant is not proposing additional mitigation for irrigation runoff as the proposed landscaping indicated will provide a sufficient buffer from the EFU lands.

### *Street Names*

The Address Technician's Memo (Exhibit K), states that the proposed street name Ione Street is not acceptable due to an existing street with that name already in Jackson County. An alternate street name shall be proposed. A condition of approval has been included to comply with the Address Technician's Memo (Exhibit A).

### *Existing Buildings*

The tentative plat shows existing structures on Lots 5, 10 and 11. The MLDC does not permit accessory uses without a primary use established. The tentative plat (Exhibit B) general survey notes states that all structures onsite including the current pump house are to be removed during the future development. The Building Department's memo (Exhibit J) requires demolition permits for all buildings to subject to demolition. A condition of approval has been included to comply with the Building Department's memo (Exhibit A).

#### GENERAL SURVEY NOTES:

The property and right-of-way lines depicted hereon, are based on limited ties to found monuments and record subdivision plats. Said lines are approximate locations only and are not to be construed or utilized for their true locations.

Contours: 1-foot contour interval; 1-foot Index contour interval.

All existing underground utilities, as depicted hereon, were located with reasonable accuracy, as marked on the ground by affected agencies and utility companies. Oregon Administrative Rules Chapter 952, Division I, Definitions, 952-001 0010 (2), states: "reasonable accuracy" means location, within 24 inches, of the outside lateral dimensions of both sides of an underground facility.

All structures onsite including current pump house, to be removed during the future development.

### Facility Adequacy

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

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 approval of LDS-19-029 per the Revised Staff Report dated June 20, 2019, including Exhibits A through O.

**EXHIBITS**

- A Conditions of Approval, dated June 20, 2019
- B Tentative Plat received February 13, 2019
- C Conceptual Grading and Drainage Plan received February 13, 2019
- D Adopted Southwest Medford Circulation Plan adopted November 20, 2003
- E Applicant findings and conclusions received February 13, 2019
- F Agricultural Impact Assessment Report received February 13, 2019
- G Custom Soils Resource Report received February 13, 2019
- H Public Works Staff Report revised June 14, 2019
- I Medford Fire Report received March 27, 2019
- J Medford Building Department Memo received March 27, 2019
- K Address Technician Memo received March 26, 2019
- L Medford Water Commission Memo received April 4, 2019
- M Jackson County Roads Department letter dated March 15, 2019
- N Density Calculation dated March 8, 2019
- O Conceptual parking bays and driveway alignment plan received April 26, 2019  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**APRIL 25, 2019**  
**MAY 9, 2019**  
**JUNE 20, 2019**

## **EXHIBIT A**

LDS-19-029  
Conditions of Approval  
April 18, 2019

### **DISCRETIONARY CONDITIONS**

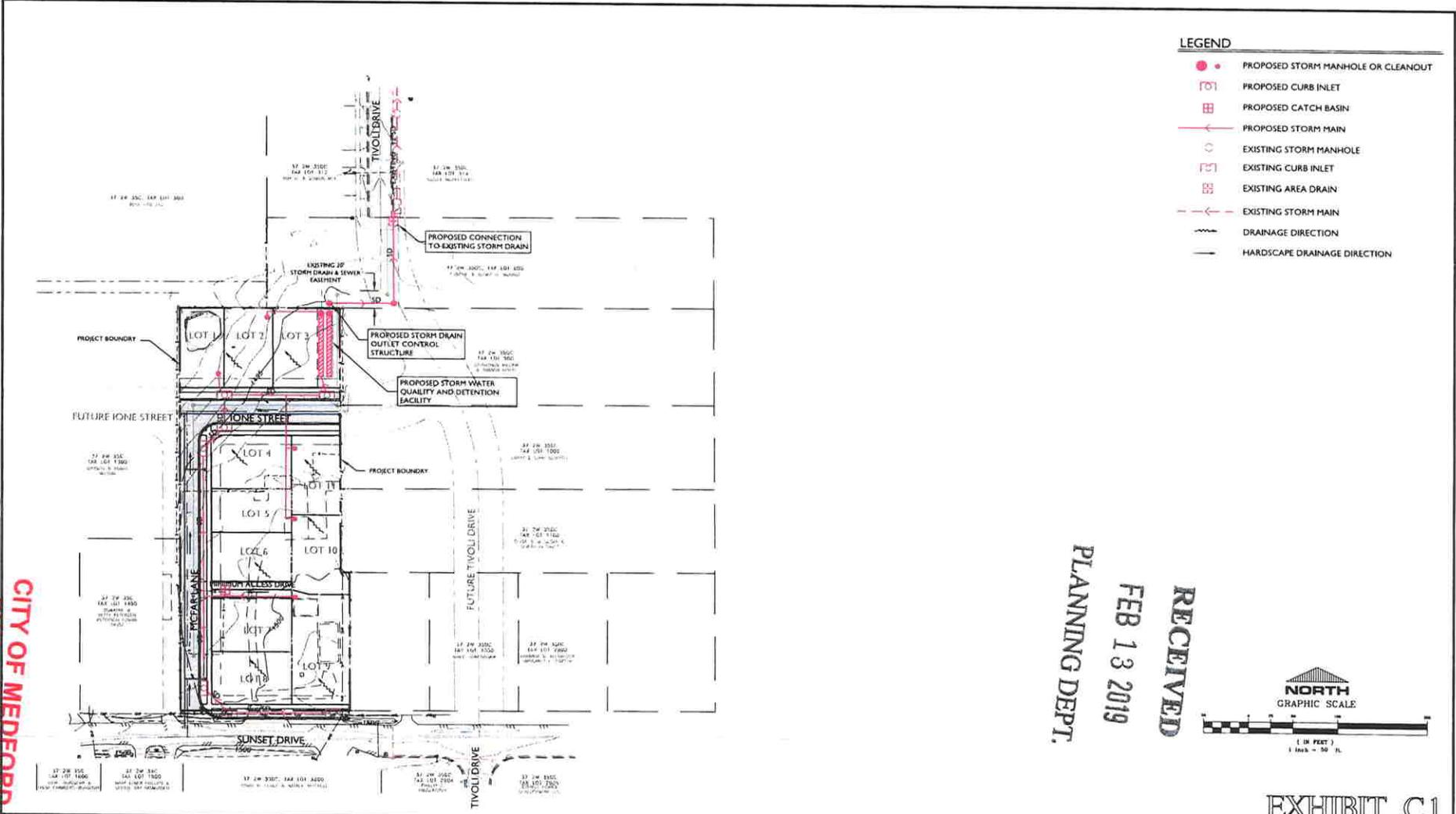
1. Prior to final plat approval, a primary use must be established on Lots 5, 10, and 11 or the accessory structures must be removed.

### **CODE REQUIREMENTS**

2. Prior to Final Plat approval, the applicant shall comply with the:
  - a. Public Works Department Staff Report dated March 27, 2019 (Exhibit H).
  - b. Medford Fire Department Report dated March 27, 2019 (Exhibit I).
  - c. Medford Building Department Memo dated March 27, 2019 (Exhibit J).
  - d. Medford Addressing Technician's Memo dated March 26, 2019 (Exhibit K).
  - e. Medford Water Commission Meme received April 4, 2019 (Exhibit L).
  - f. Jackson County Roads letter dated March 15, 2019 (Exhibit M).



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 EXHIBIT # C  
 FILE # LDS-19-029



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EXHIBIT C.1

		DRAWN BY: BRD DATE: 12/18	NO. REVISION DATE BY	DATE BY
		CHECKED BY: MJK DATE: 12/18		
CALL 48 HOURS BEFORE YOU GO		P.O. BOX 1724 - MEDFORD, OREGON 97501 PH: (541) 779-5388		CONSTRUCTION ENGINEERING CONSULTANTS, INC.
IONE'S VIEW CONCEPTUAL GRADING & DRAINAGE PLAN			PROJECT NO.	DRAWING NO.

DATE PLOTTED: 1/24/2019 10:42:11 AM



**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**BEFORE THE CITY OF MEDFORD  
PLANNING COMMISSION**

**IN THE MATTER OF AN APPLICATION  
FOR THE TENTATIVE PLAT APPROVAL  
OF IONE'S VIEW.**

**RECEIVED  
FEB 13 2019  
PLANNING DEPT.**

**APPLICANT:** Gary McFarlane and Tim McFarlane  
2214 Sunset Drive  
Medford, OR 97501

**AGENT:** Neathamer Surveying, Inc.  
P.O. Box 1584  
Medford, OR 97501

**A. BACKGROUND INFORMATION**

The subject property is located at 2214 Sunset Drive (Jackson County Assessor's Map Number 37 2W 35DC, Tax Lot 3300), being northerly of Sunset Drive and westerly of Thomas Road. The property is zoned Single Family Residential - 6 units/acre (SFR-6), has a General Land Use Map (GLUP) designation of Urban Residential (UR) and has a gross acreage of 2.10 acres.

The property currently contains a single existing residence and accessory structures, all of which will be removed during the construction of the proposed subdivision.

Surrounding the subject site are mostly single-family residences and some vacant lands. The northwesterly portion of the property is coincident with EFU lands.

There are no other applications associated with the proposed development at this time.

**B. SCOPE, PURPOSE, AND OVERVIEW OF THE APPLICATION**

The purpose of this application is for the approval of a Tentative Plat for an 11-lot residential subdivision consisting of detached, single-family dwelling units.

## C. APPROVAL CRITERIA

### CITY OF MEDFORD LAND DEVELOPMENT CODE

#### SECTION 10.270 – LAND DIVISION CRITERIA

Section 10.270 of the Medford's Land Development Code (MLDC) states that:

*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.*

## D. FINDINGS OF FACT AND CONCLUSIONS OF LAW

### CRITERION NO. 1

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

### FINDINGS OF FACT

The proposed use and development are consistent with the Comprehensive Plan, and the existing surrounding uses. Furthermore, the development is consistent with all the relevant design criteria specified in Article IV and V of the MLDC.

While the property is located within the Adopted Southwest Medford Circulation Plan, there are not designated streets located on the subject site. Additionally, there are no local wetlands or riparian areas identified on the subject property.

Pursuant to the Medford Slope Map, there are no slopes identified on the subject property that exceed 15%.

### **CRITERION NO. 2**

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

### FINDINGS OF FACT

The proposed tentative application includes the development of the property in its entirety, no remainder is being proposed. Also, access is being provided to the lands to the east by the creation of McFar Lane and Ione Street. As such, the approval of the land division contained herein will not prevent the development of the remainder of the property under the same owner, or the adjoining lands.

### **CRITERION NO. 3**

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

### FINDINGS OF FACT

The name of the subdivision, Ione's View, is a name that has been approved by the Jackson County Surveyor on August 6, 2018. No new subdivision name is being proposed.

#### CRITERION NO. 4

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

#### FINDINGS OF FACT

The project is located within the Adopted Southwest Medford Circulation plan. However, there are not any planned streets that affect the proposed development. Ione Street will eventually intersect the future extension of Tivoli Drive. A conceptual future intersection has been included on the associated Tentative Plat that demonstrates the feasibility of the street layout.

While there are not slopes in excess of 15%, there are steeper slopes located near the intersection of McFar Lane and Ione Street. Section 10.443 of the MLDC states the following:

*Upon written request by the developer at the time of development permit application, half streets plus eight (8) feet may be approved where essential to the reasonable development of a parcel when in conformity with the other requirements of these regulations, and subject to the approving agency's findings that it will be practical to require dedication of the other half when the adjoining property is developed; the other half of the street shall be platted within the adjacent tract.*

Due to the steeper slopes and pursuant to Section 10.443, the applicant requests McFar Lane to be improved to half street plus 8 feet standards, in order to accommodate the vertical relief in the area.

Additionally, the applicant is requesting the approval of parking bays along the east side of McFar Lane. The parking bays would provide additional parking while still maintaining a minimum 22-foot traveled way. A full design will be contained in the proposed construction plans to be submitted by CEC Engineering.

It should also be noted that the minimum access easement proposed across Lots 6 and 7 will provide access to Lots 7, 9 and 10. Access for Lot 6 will be provided by a separate driveway.

#### CRITERION NO. 5

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

FINDINGS OF FACT

There are no private streets or alleys that are proposed to be held for private use.

**CRITERION NO. 6**

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

FINDINGS OF FACT

Adjoining to the northwest of the subject project are lands that are zoned Exclusive Farm Use (EFU). Said EFU lands were actively farmed this past season for cannabis crops. As such, an Agricultural Impact Analysis Report included as part of the application submittal. Please refer to said report for further analysis and documentation.

CONCLUSION OF LAW

Based upon the submitted application materials and the above Findings of Facts, the Planning Commission concludes that the application complies with the applicable provisions of all city ordinances.

**E. ULTIMATE CONCLUSION**

The Planning Commission concludes that the application for Ione's View is consistent with the relevant criteria for a land division found in Section 10.270 of Medford's Land Development Code, and can therefore be approved.

Respectively Submitted,

Neathamer Surveying, Inc.



Robert V. Neathamer, President

Agent for Applicants:  
Gary McFarlane and Tim McFarlane

Dated: January 28, 2019

# AGRICULTURAL IMPACT ASSESSMENT REPORT

## BEFORE THE CITY OF MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION  
FOR THE TENTATIVE PLAT APPROVAL  
OF IONE'S VIEW.

RECEIVED  
FEB 13 2019  
PLANNING DEPT.

**APPLICANT:** Gary McFarlane and Tim McFarlane  
2214 Sunset Drive  
Medford, OR 97501

**AGENT:** Neathamer Surveying, Inc.  
P.O. Box 1584  
Medford, OR 97501

### A. BACKGROUND INFORMATION

The subject property is located at 2214 Sunset Drive (Jackson County Assessor's Map Number 37 2W 35DC, Tax Lot 3300), being northerly of Sunset Drive and westerly of Thomas Road. The property is zoned Single Family Residential - 6 units/acre (SFR-6), has a General Land Use Map (GLUP) designation of Urban Residential (UR) and has a gross acreage of 2.10 acres.

The proposed development associated with this Agricultural Impact Assessment Report (AIAR) consists of an 11-lot residential subdivision consisting of detached, single-family dwelling units.

A small portion of the northwest corner of the subject project adjoins lands that is zoned Exclusive Farm Use (EFU). According to the City of Medford Municipal Code (MLDC), Section 10.801.B states:

#### ***B. Applicability***

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

- (1) Land Divisions.
- (2) Planned Unit Developments.
- (3) Conditional Use Permits.

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EXHIBIT # F  
FILE # LDS-19-029

*(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 as dwellings or for business purposes.*

As the property adjoins EFU lands, the provisions contained in MLDC Chapter 10.801 apply to the proposed development.

## **B. SCOPE, PURPOSE, AND OVERVIEW**

The purpose of this AIAR is to demonstrate compliance with the provisions of the MLDC Chapter 10.801, in order to mitigate any potential conflicts with adjoining EFU lands and to obtain approval for the associated Tentative Plat.

## **C. APPROVAL CRITERIA**

### CITY OF MEDFORD LAND DEVELOPMENT CODE

#### SECTION 10.810.C – INFORMATION REQUIRED: AGRICULTURAL IMPACT ASSESSMENT REPORT.

Section 10.810.C of the MLDC states that:

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

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

## **D. DISCUSSIONS**

### **CRITERION NO. 1**

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

#### RESPONSE

Pursuant to the City of Medford Zoning Map, the subject property is within the SFR-6 zoning district.

There is a mixture of properties that are zoned SFR-00 and SFR-6 surrounding the site to the north, south, east and west.

To the east are also larger tract residences that have not yet been annexed into city limits.

The property adjacent to the northwest is zoned Exclusive Farm Use (EFU).

An excerpt of said zoning map has been included for reference.

### **CRITERION NO. 2**

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.*

#### RESPONSE

Information regarding the farming practices located on the EFU lands to the northwest of the subject project (Jackson County Assessor's Map Number 37 2W 35C, Tax Lot 300) are as follows:

- a) Irrigation was delivered through the use of driplines.

- b) Cannabis plants were cultivated this past 2018 season. Previously the lands were used as an orchard, although the lands were vacant for many years previous to the cannabis plants that were farmed in 2018.
- c) As of now, there is no frost protection that is being used on the property. After the cannabis plants were harvested, they were then removed.
- d) A small tractor was utilized for the installation of driplines for this past season's crops. However, the maintenance and harvesting were completed by manual labor.

It should be noted that the information contained above was provided by the applicant. Additionally, it is not known by the applicant if the EFU lands will continue to be used for cannabis cultivation in the future.

### CRITERION NO. 3

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

#### RESPONSE

The NRCS soil report for the adjacent EFU property indicates there are the following three soil types:

- (34B) Coleman loam 0 to 7 percent slopes with more than 80 inches of depth to a restrictive feature. It is a moderately well drained clay loam occurring near stream terraces. The available water storage is considered to be high at about 9.3 inches. The water table is present at depths of 18 to 24 inches.
- (76A) Gregory silty clay loam 0 to 3 percent slopes at 40 to 60 inches to paralithic bedrock. It is a poorly drained clay loam occurring near stream terraces. The available water storage is considered to be moderate at about 9.0 inches. The water table is present at depths of 0 to 12 inches.
- (127A) Medford silty clay loam 0 to 3 percent slopes with more than 80 inches of depth to a restrictive feature. It is a moderately well drained clay soil occurring on alluvial fans and stream terraces. The available water storage is considered to be high at about 9.7 inches. The water table is present at depths of 48 to 72 inches.

For reference, a copy of the NRCS soils report is included.

The property has been used in the past as an orchard and was actively farmed with cannabis plants this past season. As such, there is sufficient evidence that demonstrates the property has access to water for irrigation purposes.

#### CRITERION NO. 4

4. *Wind pattern information.*

#### RESPONSE

According to the Western Regional Climate Center, the prevailing wind direction for the Medford area is predominately West-Northwest during March through September and North/South for the remainder of the year. Please find the attached climate data summary that was used for reference.

#### CRITERION NO. 5

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

#### RESPONSE

Mitigation for intensive agriculture is outlined in MDLC Section 10.801.D(2), which states:

*(2) Mitigation - Intensive Agriculture. To minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses, the following measures shall be undertaken by the developer when urban development is proposed adjacent to land which is in intensive agricultural use:*

*(a) Fencing. A wood fence, chain link fence, masonry wall, or other comparable fence, as approved by the approving authority not less than six (6) feet in height or such greater height as may be required, shall be installed at the rear or side property boundary where the urban development property adjoins and has a common property line with land zoned EFU or EA. In no case shall a fence or wall be required within a front yard area. The fence or wall used to buffer agricultural land shall comply with the regulations regarding fencing, Sections 10.731 through 10.735. Information shall be provided regarding the long term maintenance responsibility for the fence.*

*(b) Landscaping. On the property proposed for urban development there shall be a landscaped strip adjoining the fence or wall required in subsection 10.801.D(2)(a) which shall have a width of not less than eight (8) feet within which there shall be planted a row of evergreen trees spaced not more than eight (8) feet apart. The species and variety of evergreen trees proposed shall be approved by the approving authority and shall be selected on the basis of fast growth and vegetation density. The City may compile and adopt a list of trees suitable for agricultural buffering and once adopted, only trees from the approved list may be selected to satisfy the requirements of this section. The trees shall be served by an underground irrigation system. Information shall be provided regarding the long-term responsibility for care and*

*maintenance of the landscaping.*

*(c) Deed Declaration. All urban land proposed for development which lies within two hundred (200) feet of an EFU or EA zoning district boundary shall be subject to a deed declaration that requires the owner and all successors in interest to recognize and accept common, customary and accepted farming practices. The declaration shall also provide that the perpetual maintenance of fencing, the horticultural care for and maintenance of landscaping, and the maintenance of other buffering features installed to comply with this Section shall be the sole responsibility of the owners of property subject to the deed declaration. The deed declaration shall be in a form approved by the City. After the deed declaration is signed it shall be recorded in the official records of Jackson County, and copies shall be mailed to the owners of adjacent agricultural lands zoned EFU or EA.*

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

Pursuant to Section 10.801.D(2)(a), a 6-foot solid fence along the northerly boundary is proposed to mitigate any potential conflicts with the EFU lands and the proposed development.

The deed declaration required in Section 10.801.D(2)(c) will be included for all proposed lots within a 200-foot radius of the EFU lands, being Lots 1 through 4 (inclusive) and Lot 11. The declaration will require the owner and all successors in interest to recognize and accept common, customary and accepted farming practices occurring on the adjacent lands.

An 8-foot strip of landscaping consisting of a row of evergreen trees spaced not more than eight feet apart will be planted and maintained along the northerly portion of proposed Lots 1 and 2 that adjoin the EFU lands. The continued maintenance and irrigation of the plants are to be completed by the owners of said lots, their successors and assigns.

Based on the topographic survey performed by this office, the contours demonstrate the proposed development to have the higher ground than that of the EFU lands. Furthermore, the portion of the proposed development that adjoins the EFU lands is under 100 feet in length. These factors indicate that it is highly unlikely that any adverse impacts will arise due to irrigation runoff on the proposed development. No additional mitigation is being proposed for irrigation runoff as the proposed landscaping indicated above shall provide a sufficient buffer from the EFU lands.

## CRITERION NO. 6

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

### RESPONSE

This Agricultural Impact Assessment Report was prepared by Neathamer Surveying, Inc. The individuals involved in the preparation of the AIAR include Robert V. Neathamer, PLS and Nathan Ruf, CFM.

The report was prepared with information reference from the following agencies/entities:

- City of Medford
- Natural Resources Conservation Services (NRCS)
- Western Regional Climate Center

## CRITERION NO. 7

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.*

### RESPONSE

All sources that were utilized during the preparation of this report and referenced herein are listed on the attached References page. Furthermore, copies of the referenced information are also attached.

The following attachments have been included:

- Excerpt of the City of Medford Zoning Map
- Custom Soil Resource Report for Jackson County Area (NRCS)
- Climate Data Summaries (Western Regional Climate Center)

## E. CONCLUSION

Pursuant to the information provided herein, the application for Ione's View is consistent with the relevant criteria for the Agricultural Buffering in Non-Urban Reserve Areas per Section 10.801 of Medford's Land Development Code, and can therefore be approved.

Respectively Submitted,

Neathamer Surveying, Inc.

  
Robert V. Neathamer, President

Agent for Applicants:  
Gary McFarlane and Tim McFarlane

Dated: January 28, 2019

## REFERENCES

- "Average Wind Direction | Western Regional Climate Center." *Average Wind Direction*. Western Regional Climate Center, n.d. Web. 19 Oct. 2016. <<http://www.wrcc.dri.edu/climatedata/climtables/westwinddir/>>.
- "City of Medford Zoning Map." *ArcGIS Web Application*. City of Medford, Jackson County, n.d. Web. 3 Dec. 2018. <<https://gisapps.medfordmaps.org/mli/>>.
- "Custom Soil Resource Report for Jackson County Area, Oregon, Parts of Jackson and Klamath Counties." *Web Soil Survey*. USDA Natural Resources Conservation Services, n.d. Web. 4 Dec. 2018. <<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>>.

# Custom Soil Resource Report for Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

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FEB 13 2019  
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# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require

alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

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# How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

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scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

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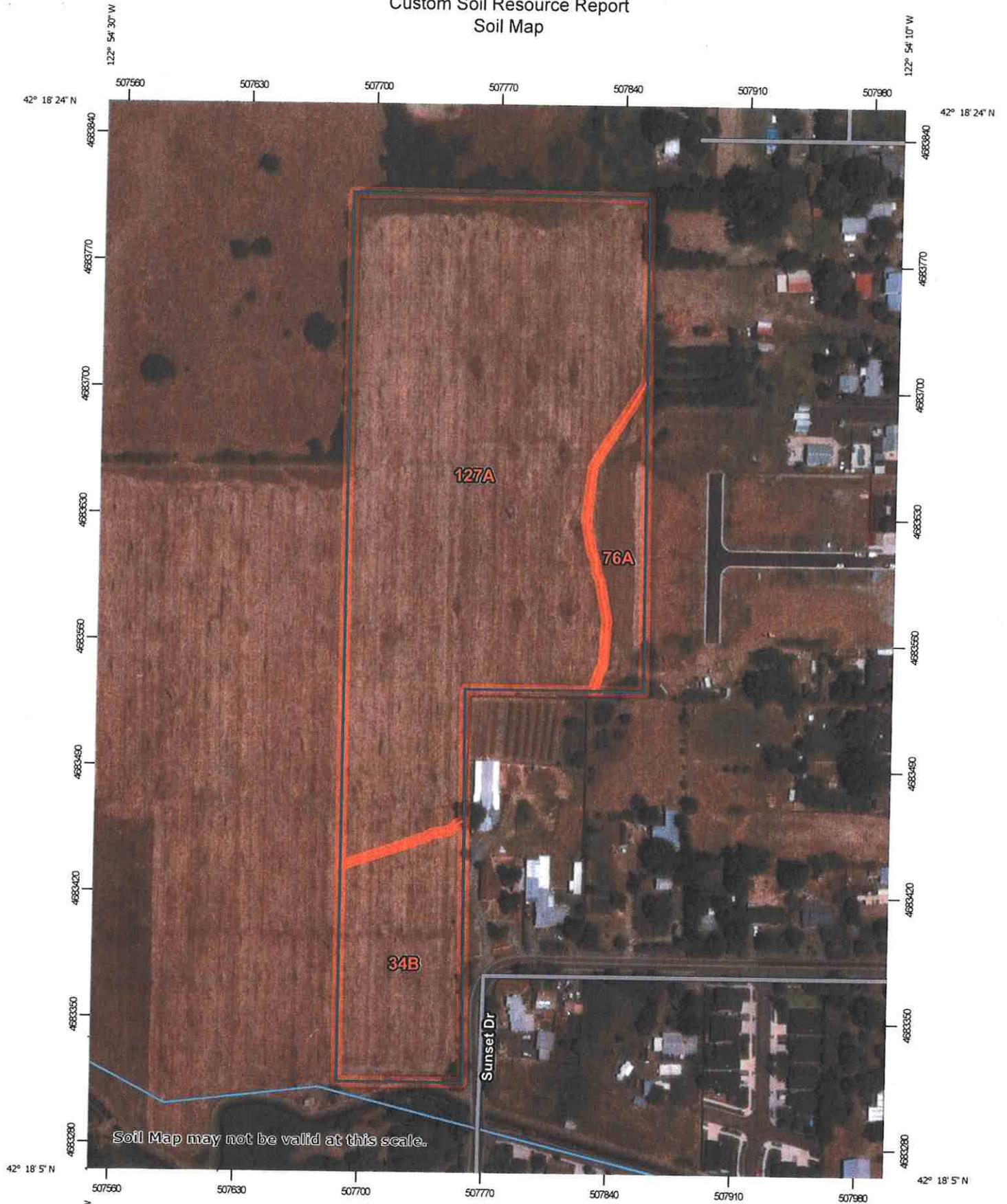
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

# Soil Map

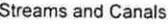
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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report  
Soil Map



### MAP LEGEND

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

### MAP INFORMATION

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

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

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

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 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 17, Sep 17, 2018

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

Date(s) aerial images were photographed: Jul 3, 2014—Sep 27, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background

**MAP LEGEND**

**MAP INFORMATION**

imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
34B	Coleman loam, 0 to 7 percent slopes	2.3	15.1%
76A	Gregory silty clay loam, 0 to 3 percent slopes	1.0	6.6%
127A	Medford silty clay loam, 0 to 3 percent slopes	11.9	78.2%
<b>Totals for Area of Interest</b>		<b>15.2</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or

## Custom Soil Resource Report

landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Jackson County Area, Oregon, Parts of Jackson and Klamath Counties

### 34B—Coleman loam, 0 to 7 percent slopes

#### Map Unit Setting

*National map unit symbol:* hrsb  
*Elevation:* 800 to 4,000 feet  
*Mean annual precipitation:* 15 to 45 inches  
*Mean annual air temperature:* 50 to 55 degrees F  
*Frost-free period:* 125 to 235 days  
*Farmland classification:* Prime farmland if drained

#### Map Unit Composition

*Coleman and similar soils:* 85 percent  
*Minor components:* 15 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Coleman

##### Setting

*Landform:* Stream terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Alluvium derived from volcanic and sedimentary rock

##### Typical profile

*H1 - 0 to 8 inches:* loam  
*H2 - 8 to 20 inches:* clay loam  
*H3 - 20 to 40 inches:* clay  
*H4 - 40 to 65 inches:* clay loam

##### Properties and qualities

*Slope:* 0 to 7 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Moderately well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)  
*Depth to water table:* About 18 to 24 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water storage in profile:* High (about 9.3 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 2e  
*Land capability classification (nonirrigated):* 4e  
*Hydrologic Soil Group:* C/D  
*Ecological site:* LOAMY HILLS 20-35 PZ (R005XY026OR)  
*Forage suitability group:* Moderately Well Drained < 15% Slopes (G005XY006OR)  
*Hydric soil rating:* No

#### Minor Components

##### Gregory

*Percent of map unit:* 4 percent  
*Landform:* Stream terraces

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*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Hydric soil rating:* Yes

### **Medford**

*Percent of map unit:* 4 percent  
*Ecological site:* DEEP LOAMY TERRACE 18-28 PZ (R005XY036OR)  
*Hydric soil rating:* No

### **Ruch**

*Percent of map unit:* 4 percent  
*Hydric soil rating:* No

### **Coleman >7%**

*Percent of map unit:* 3 percent  
*Ecological site:* LOAMY HILLS 20-35 PZ (R005XY026OR)  
*Hydric soil rating:* No

## **76A—Gregory silty clay loam, 0 to 3 percent slopes**

### **Map Unit Setting**

*National map unit symbol:* hrvc  
*Elevation:* 700 to 4,000 feet  
*Mean annual precipitation:* 15 to 45 inches  
*Mean annual air temperature:* 46 to 55 degrees F  
*Frost-free period:* 120 to 235 days  
*Farmland classification:* Prime farmland if drained

### **Map Unit Composition**

*Gregory and similar soils:* 80 percent  
*Minor components:* 20 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### **Description of Gregory**

#### **Setting**

*Landform:* Stream terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Alluvium derived from metavolcanics and metasedimentary rock

#### **Typical profile**

*H1 - 0 to 7 inches:* silty clay loam  
*H2 - 7 to 44 inches:* clay  
*H3 - 44 to 50 inches:* sandy clay loam  
*H4 - 50 to 60 inches:* weathered bedrock

#### **Properties and qualities**

*Slope:* 0 to 3 percent

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*Depth to restrictive feature:* 40 to 60 inches to paralithic bedrock  
*Natural drainage class:* Poorly drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately low to moderately high (0.06 to 0.20 in/hr)  
*Depth to water table:* About 0 to 12 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water storage in profile:* Moderate (about 9.0 inches)

### Interpretive groups

*Land capability classification (irrigated):* 2w  
*Land capability classification (nonirrigated):* 4w  
*Hydrologic Soil Group:* C/D  
*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Forage suitability group:* Poorly Drained (G005XY009OR)  
*Hydric soil rating:* Yes

### Minor Components

#### Coleman

*Percent of map unit:* 2 percent  
*Ecological site:* LOAMY HILLS 20-35 PZ (R005XY026OR)  
*Hydric soil rating:* No

#### Medford

*Percent of map unit:* 2 percent  
*Ecological site:* DEEP LOAMY TERRACE 18-28 PZ (R005XY036OR)  
*Hydric soil rating:* No

#### Brader

*Percent of map unit:* 2 percent  
*Ecological site:* LOAMY HILLS 20-35 PZ (R005XY026OR)  
*Hydric soil rating:* No

#### Debenger

*Percent of map unit:* 2 percent  
*Ecological site:* LOAMY SLOPES 18-24 PZ (R005XY034OR)  
*Hydric soil rating:* No

#### Langellain

*Percent of map unit:* 2 percent  
*Ecological site:* LOAMY HILLS 20-35 PZ (R005XY026OR)  
*Hydric soil rating:* No

#### Padigan

*Percent of map unit:* 2 percent  
*Landform:* Alluvial fans  
*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Hydric soil rating:* Yes

#### Gregory, moderately deep to bedrock

*Percent of map unit:* 2 percent  
*Landform:* Terraces  
*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Hydric soil rating:* Yes

#### Gregory, very deep

*Percent of map unit:* 2 percent  
*Landform:* Terraces

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*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Hydric soil rating:* Yes

### **Cove**

*Percent of map unit:* 2 percent  
*Landform:* Flood plains  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Hydric soil rating:* Yes

### **Gregory, 3-5% slopes**

*Percent of map unit:* 2 percent  
*Landform:* Stream terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Hydric soil rating:* Yes

## **127A—Medford silty clay loam, 0 to 3 percent slopes**

### **Map Unit Setting**

*National map unit symbol:* hrn5  
*Elevation:* 30 to 4,000 feet  
*Mean annual precipitation:* 15 to 60 inches  
*Mean annual air temperature:* 48 to 55 degrees F  
*Frost-free period:* 125 to 235 days  
*Farmland classification:* All areas are prime farmland

### **Map Unit Composition**

*Medford and similar soils:* 85 percent  
*Minor components:* 15 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

### **Description of Medford**

#### **Setting**

*Landform:* Alluvial fans, stream terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Parent material:* Alluvium derived from metavolcanics and/or metasedimentary rock

#### **Typical profile**

*H1 - 0 to 12 inches:* silty clay loam  
*H2 - 12 to 22 inches:* silty clay  
*H3 - 22 to 53 inches:* silty clay loam  
*H4 - 53 to 71 inches:* stratified sandy clay loam to silty clay loam

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### Properties and qualities

*Slope:* 0 to 3 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Moderately well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high (0.20 to 0.57 in/hr)  
*Depth to water table:* About 48 to 72 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water storage in profile:* High (about 9.7 inches)

### Interpretive groups

*Land capability classification (irrigated):* 1  
*Land capability classification (nonirrigated):* 4c  
*Hydrologic Soil Group:* C  
*Ecological site:* DEEP LOAMY TERRACE 18-28 PZ (R005XY036OR)  
*Forage suitability group:* Moderately Well Drained < 15% Slopes (G005XY006OR)  
*Hydric soil rating:* No

### Minor Components

#### Gregory

*Percent of map unit:* 2 percent  
*Landform:* Stream terraces  
*Landform position (three-dimensional):* Tread  
*Down-slope shape:* Linear  
*Across-slope shape:* Linear  
*Ecological site:* POORLY DRAINED BOTTOM (R005XY016OR)  
*Hydric soil rating:* Yes

#### Abin

*Percent of map unit:* 2 percent  
*Ecological site:* LOAMY FLOOD PLAIN 18-30 PZ (R005XY028OR)  
*Hydric soil rating:* No

#### Evans

*Percent of map unit:* 2 percent  
*Ecological site:* LOAMY FLOOD PLAIN 18-30 PZ (R005XY028OR)  
*Hydric soil rating:* No

#### Newberg

*Percent of map unit:* 2 percent  
*Ecological site:* LOAMY FLOOD PLAIN 18-30 PZ (R005XY028OR)  
*Hydric soil rating:* No

#### Camas

*Percent of map unit:* 2 percent  
*Ecological site:* LOAMY FLOOD PLAIN 18-30 PZ (R005XY028OR)  
*Hydric soil rating:* No

#### Coleman

*Percent of map unit:* 2 percent  
*Ecological site:* LOAMY HILLS 20-35 PZ (R005XY026OR)  
*Hydric soil rating:* No

#### Central point

*Percent of map unit:* 1 percent  
*Ecological site:* DEEP LOAMY TERRACE 18-28 PZ (R005XY036OR)

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*Hydric soil rating:* No

**Medford >3%**

*Percent of map unit:* 1 percent

*Ecological site:* DEEP LOAMY TERRACE 18-28 PZ (R005XY036OR)

*Hydric soil rating:* No

**Aquolls**

*Percent of map unit:* 1 percent

*Landform:* Mountains

*Hydric soil rating:* Yes

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## Average Wind Direction

Prevailing wind direction is based on the hourly data from 1992-2002 and is defined as the direction with the highest percent of frequency. Many of these locations have very close secondary maximum which can lead to noticeable differences month to month.

All directions are where the wind blows FROM.

### OREGON

#### PREVAILING WIND DIRECTION

STATION	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	ANN
ASTORIA AIRPORT, OR (KAST).	E	E	E	S	W	W	NW	NW	NW	E	E	E	E
AURORA AIRPORT, OR (KUAO).	S	S	S	S	S	S	N	N	N	S	S	S	S
BAKER CITY AP, OR (KBKE). W	ESE	ESE	ESE	N	N	NNW	NNW	NNW	NNW	N	ESE	ESE	NNW
BURNS MUNI AP, OR (KBNO). W	E	E	WNW	NW	NW	WNW	WNW	WNW	WNW	WNW	E	E	WNW
CORVALLIS AP, OR (KCVO). WI	S	S	S	S	WNW	NW	NW	NW	WNW	S	S	S	S
EUGENE AIRPORT, OR (KEUG).	S	S	S	S	N	N	N	N	N	S	S	S	N
HERMISTON MUNI AP, OR (KHRI)	WSW	S	WSW	WSW	WSW	WSW	WSW	WSW	SW	WSW	S	WSW	WSW
KLAMATH FALLS AP, OR (KLMT).	SSE	SSE	W	W	W	W	W	W	NNW	W	SSE	SSE	W
LA GRANDE AP, OR (KLGD). WI	S	S	S	NW	NW	NW	NW	NW	NW	S	S	S	S
LAKEVIEW AIRPORT, OR (KLKV).	S	S	S	N	N	N	N	N	N	N	S	S	N
MCMINNVILLE MUNI AP, OR (KMM)	N	N	S	SW	SW	SW	SW	SW	N	N	N	N	N
MEACHAM AIRPORT, OR (KMEH).	SSE	S	W	W	W	W	W	N	W	W	S	S	W
MEDFORD AIRPORT, OR (KMFR).	N	N	N	N	WNW	WNW	WNW	WNW	WNW	N	N	N	N
NEWPORT MUNI AP, OR (KONP).	E	E	S	S	NNW	NNW	NNW	NNW	N	S	S	E	S
NORTH BEND MUNI AP, OR (KOTH)	SSE	SSE	SSE	SSE	N	N	N	N	N	N	SSE	SSE	N
ONTARIO MUNI AP, OR (KONO).	W	W	W	W	W	NW	W	W	W	W	W	W	W
PENDLETON AP, OR (KPDT). WI	S	S	W	W	W	W	W	W	SE	SE	S	S	W
PORTLAND INT'L AP, OR (KPDX)	ESE	ESE	ESE	S	NNW	NNW	NNW	NNW	NW	NW	ESE	ESE	ESE
PORTLAND-HILLSBORO AP, OR (K	S	S	S	S	NW	NW	NW	NW	NW	S	S	S	S
PORTLAND-TROUTDALE AP, OR (K	E	E	E	E	W	W	W	W	W	E	E	E	E
REDMOND AIRPORT, OR (KRDM).	S	S	S	WNW	NW	NW	NNW	NNW	S	S	S	S	S
ROME, OR (KREO). WIND ROSE.	S	S	SSE	S	N	WSW	N	S	SSE	SSE	S	S	S
ROSEBURG AIRPORT, OR (KRBG).	S	S	N	N	N	N	N	N	N	N	S	SSE	N
SALEM AIRPORT, OR (KSLE). W	S	S	S	S	S	N	N	N	N	S	S	S	S
SEXTON SUMMIT, OR (KSXT). W	S	S	S	S	NNW	NNW	NNW	NNW	NNW	S	S	S	S
THE DALLES AP, OR (KDLS). W	E	NW	NW	WNW	NW	NW	NW	NW	NW	WNW	E	E	NW



Medford – A fantastic place to live, work and play

## CITY OF MEDFORD

LD Date: 3/27/2019  
Revised Date: 6/14/2019  
File Number: LDS-19-029

### PUBLIC WORKS DEPARTMENT STAFF REPORT Ione's View Subdivision (TL 3300)

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

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

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

**CITY OF MEDFORD**  
**EXHIBIT # 11**  
**FILE # LDS-19-029**

## A. STREETS

### 1. Dedications

**Sunset Drive** is classified as a Major Collector street within the Medford Land Development Code (MLDC), Section 10.428(3). The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width of right-of-way, which is 37-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

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

**Ione Street** is proposed as 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.

**McFar 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 of this development to comply with the half width of right-of-way, which is 27.5-feet, plus approximately 12.5-feet west of centerline to accommodate the half plus 8-foot street improvements to the west, which is approximately 40-feet total (as shown on the Tentative Plat).

The **Minimum Access Easement** shall be private and constructed in accordance with MLDC Section 10.430(A)(1) and have a minimum width of 20-feet.

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

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

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

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and

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

## 2. Public Improvements

### a. Public Streets

**Sunset Drive** – Is classified as a Major Collector street within the MLDC, Section 10.428. The Developer shall improve the north half plus 12-feet south of the centerline, or to the far edge of the existing pavement, whichever is greater, along the frontage of this development.

As an option, the Developer may elect to provide evidence of the existing structural section to Public Works for consideration in order to determine if the extent of construction may be reduced. Depending on the results, the Developer still may be responsible for the improvements noted above or at minimum improve the remainder of street from a point 1-foot inside the existing edge of pavement.

**Ione Street** – Shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430.

**McFar Lane** shall be constructed to Minor Residential street standards, in accordance with MLDC 10.430. The Developer shall construct the east half plus 8-feet west of the centerline along the frontage of this development. The Developer is requesting approval to construct parking bays along a portion of the east side of McFar Lane in place of a planter strip. Public works does not object to this proposal as shown on the Applicant’s Exhibit C.2 dated 4/25/19.

**Minimum Access Easement (Private)** shall be built consistent with MLDC 10.430A(1), 10.746 and improved to a minimum width of 20 feet with AC pavement. The minimum TI for the structural section shall be 3.5, the minimum AC section shall be 3” thick, and the base aggregate shall extend one foot beyond the edge of pavement. The minimum access drive shall be designed by a Civil Engineer licensed in the State of Oregon and plans submitted to the Public Works-Engineering Division for approval. A drainage system shall be incorporated into the paved access design to capture stormwater and direct it to the storm drain system.

### b. Street Lights and Signing

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

#### Street Lighting – Developer Provided & Installed:

- A. 1 – Type C-250 (LED)
- B. 3 – Type R-100 (LED)

C. 1 – Base Mounted Cabinet (BMC-1 Unmetered Cabinet\*)

\*NOTE: There is an existing BMC at the SW corner of Tivoli Drive and Sunset Drive. It has a “future” conduit for street lighting. Power should come out of this lighting system.

Traffic Signs and Devices – Developer Provided & Installed:

- A. 1 – No Outlet Sign
- B. 1 – Stop Sign
- C. 2 – Street Name Sign
- D. 2 – Barricades

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

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

**c. Pavement Moratoriums**

There is a no pavement cutting moratorium currently in effect along this frontage to Sunset Drive.

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

**d. Soils Report**

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

**e. Access to Public Street System**

Driveway access to the proposed lots shall comply with MLDC 10.550. No driveway access shall be allowed to Sunset Drive for any of the proposed lots.

**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 dedicate land for public use or provide a public improvement, the Medford Code requires a nexus and rough proportionality analysis which is essentially a codification of the constitutional provisions in Nollan and Dolan cases.

**10.668 Limitation of Exactions**

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

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

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

**1. Nexus to a legitimate government purpose**

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

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

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

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

**Sunset Drive** is classified as a Major Collector street per the adopted Circulation Plan. Sunset Drive is the primary connector from Orchard Home Drive to South Stage Road from the development. As a Major Collector, Sunset Drive will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. It will provide safe travel for vehicles, bicycles, and pedestrians. As a higher order streets, they are eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the Developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and constructing higher order streets.

**Ione Street and McFar 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 11 dwelling units and will improve approximately 508 lineal feet of roadway which equates to 46 lineal feet per dwelling unit. Also the development will dedicate approximately 22,420 square feet of right-of-way, which equates to approximately 2,038 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Franklin Place just east of this development on the west side of Kings Highway, north side of Halvorsen Street and consisted of 21 dwelling units. The previous development improved approximately 720 lineal feet of roadway and dedicated approximately 39,600 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 34 lineal feet of road per dwelling unit and approximately 1,885 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 11 new Lots within the City of Medford and increase vehicular traffic by approximately 104 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.
- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood. This will decrease emergency vehicle response times and will decrease overall vehicle miles traveled.

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

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

## **B. SANITARY SEWERS**

This site lies within the Rogue Valley Sanitary Sewer (RVSS) service area. Contact RVSS for availability and connection. A separate individual sanitary sewer lateral shall be constructed to each lot prior to approval of the Final Plat.

## **C. STORM DRAINAGE**

### **1. Hydrology**

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

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

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481.

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

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

### **3. Grading**

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

### **4. Mains and Laterals**

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

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

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

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

### **5. Erosion Control**

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

#### **D. SURVEY MONUMENTATION**

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to approval of the final plat.

Final plat shall refer to document that created the public interest in "Sunset Drive" as a public road.

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

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

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

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

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

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

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

In order to properly maintain an updated infrastructure data base, the Surveyor of Record shall submit an as-built survey prior to the Final Inspection and, the Engineer of Record shall submit mylar "as-constructed" drawings to the Engineering Division within sixty (60) calendar days of

the Final Inspection (walk through). Also, the engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

### **3. Phasing**

The proposed plans do not show any phasing.

### **4. Draft of Final Plat**

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

### **5. Easements**

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

### **6. Permits**

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

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

### **7. System Development Charges (SDCs)**

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

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

### **8. Construction and Inspection**

Contractors proposing to do work on public streets, sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division.

Any work within the County right-of-way shall require a separately issued permit from the County.

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

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

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs

## SUMMARY CONDITIONS OF APPROVAL

Ione's View Subdivision (TL 3300)

LDS-19-029

### A. Streets

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

- **Sunset Drive** – Dedicate additional right-of-way.
- Dedicate full width right-of-way (55') on **Ione Drive**.
- **McFar Lane** – Dedicate right-of-way accordingly.
- Dedicate 10-foot public utility easements (PUE).

#### 2. Improvements:

##### Public Streets

- Construct **Sunset Drive** half plus 12', to Major Collector street standards.
- Construct **Ione Drive**, full width, to Minor Residential street standards.
- Construct **McFar Lane** half plus 8', to Minor Residential street standards with parking bays if approved by the Planning Commission.
- Construct the private **Minimum Access Easement**.

##### Lighting and Signing

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

##### Access and Circulation

- Driveway access to the proposed lots shall comply with MLDC 10.550. No driveway access shall be allowed to Sunset Drive for any of the proposed lots.

##### Other

- No pavement moratorium currently in effect along this frontage to Sunset Drive.
- Provide pavement moratorium letters.
- Provide soils report.

### B. Sanitary Sewer:

- The site is situated within the RVSS area. Provide private laterals to each lot.

### C. Storm Drainage:

- Provide an investigative drainage report.
- Provide water quality and detention facilities.
- Provide Engineers certification of stormwater facility construction.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide Erosion Control Permit from DEQ.

### D. Survey Monumentation

- Provide all survey monumentation.
- Final plat shall refer to document that created the public interest in "Sunset Drive" as a public road.

### E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- Additional Site Plan to ensure fire apparatus access per MLDC 10.430(2) if project includes Minor Residential streets.
  - = 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.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 3/25/2019
Meeting Date: 3/27/2019

LD File #: LDS19029

Planner: Liz Conner

Applicant: Gary McFarlane and Timothy McFarlane

Site Name: Ione's View

Project Location: North side of Sunset Drive approximately 415 feet west of Thomas Road

Project Description: Consideration of a tentative plat for an 11 lot subdivision on approximately 2 acres within the SFR-6 (Single Family Residential - 6 dwelling units per gross acre) zoning district,

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MAR 27 2019
PLANNING DEPT.

Specific Development Requirements for Access & Water Supply

Table with 3 columns: Reference, Comments, and Description. Contains requirements for access signs, fire hydrants, and driveway specifications.

CITY OF MEDFORD
EXHIBIT # 1
FILE # LDS-19-029

into the overall design of the minor residential street, option (b) or (c) must be chosen.

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

OFC 503.2.5 Either a fire department turn-around is required to be designed into Lone Street or the homes on lot #3 and lot #11 shall be protected by fire sprinkler systems.

Dead-end Fire Apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

The Fire department turn-around area must be posted with "NO PARKING-FIRE LANE" signs. These signs shall be spaced at 50' intervals along the fire lane and at fire department designated turn-around's.

OFC 503.5 Parking shall be posted as prohibited along the unimproved side of McFar Lane, both sides of the minimum access easement driveway, and at any fire department turn-around areas.

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

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

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

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

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

### Construction General Information/Requirements

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

# Memo



RECEIVED

MAR 27 2019

PLANNING DEPT.

**To:** Elizabeth Conner, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** Gary and Timothy McFarlane, Applicant; Neathamer Surveying Inc., Agent  
**Date:** March 27, 2019  
**Re:** LDS-19-029; lone's View Subdivision; 372W35DC TL 3300

---

## Building Department:

*Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.*

1. Applicable Building Codes are 2017 ORSC; 2017 OPSC; and 2014 OMSC. 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) Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished.
5. Minimum access signs for lots per addressing and fire department.
6. Provide a letter to the building official per Section R401.4 indicating if expansive soils are present or not. If expansive soils are present then a site specific soils geotech report is required by a Geotech Engineer prior to foundation inspections. The report must contain information per Section 403.1.10 and on how you will prepare the lot for building and a report confirming the lot was prepared per their recommendations.

---

# STAFF MEMO

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**To:** Liz Conner  
**From:** Jennifer Ingram, Address Technician  
**Date:** March 26, 2019  
**Subject:** LDS-19-029

**RECEIVED**  
MAR 26 2019  
PLANNING DEPT.

- 
1. Please select an alternate street name for the proposed street *Ione Street*, as there is already a street named *Ione* in Jackson County. Per the City of Medford Municipal Code (see section 10.457), 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.
  2. A minimum access drive address sign displaying the addresses for lots 7, 9, and 10 will need to be placed at the entrance of the minimum access drive/easement.

CITY OF MEDFORD  
EXHIBIT # K  
FILE # LDS-19-029



BOARD OF WATER COMMISSIONERS  
**Staff Memo**

**TO:** Planning Department, City of Medford  
**FROM:** Rodney Grehn P.E., Water Commission Staff Engineer  
**SUBJECT:** LDS-19-029  
**PARCEL ID:** 372W35DC TL 3300  
**PROJECT:** Consideration of a tentative plat for an 11-lot subdivision on approximately 2 acres within the SFR-6 (Single Family Residential – 6 dwelling units per gross acre) zoning district, located on the north side of Sunset Drive approximately 415 feet west of Thomas Road (372W35DC Tax Lot 3300). Applicant: Gary McFarlane and Timothy McFarlane; Agent: Neathamer Surveying Inc.; Planner, Liz Conner.  
**DATE:** March 27, 2019

**RECEIVED**

APR 04 2019

**Planning Dept.**

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

**CONDITIONS**

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The installation of an "off-site" 12-inch water line in Sunset Drive is required from the existing west end of the 12-inch water line stubbed for extension at the street intersection of Sunset Drive at Tivoli Drive. The required 12-inch water line shall extend west along the north side of Sunset Drive to the west property line of TL 3300.
4. Installation of a new 8-inch water line is required in proposed McFar Lane, and Lone Street.
5. Static water pressure is expected to be between 100 and 105 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
6. Proposed water meters for Lots 7, 9, and 10 are required to be located in the McFar Lane public right-of-way. These three (3) water meters shall be grouped together on one side of the proposed MAE, with "private" water service lines extending to each lot via the proposed MAE.
7. The existing well located on this parcel is required to be abandoned per State of Oregon requirements. Applicant shall contact the Jackson County Water Master for well abandonment requirements.

*Continued to Next Page*

**CITY OF MEDFORD**  
**EXHIBIT #** 1  
**FILE #** LDS-19-029

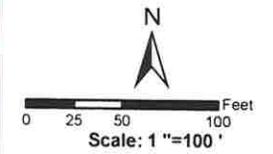
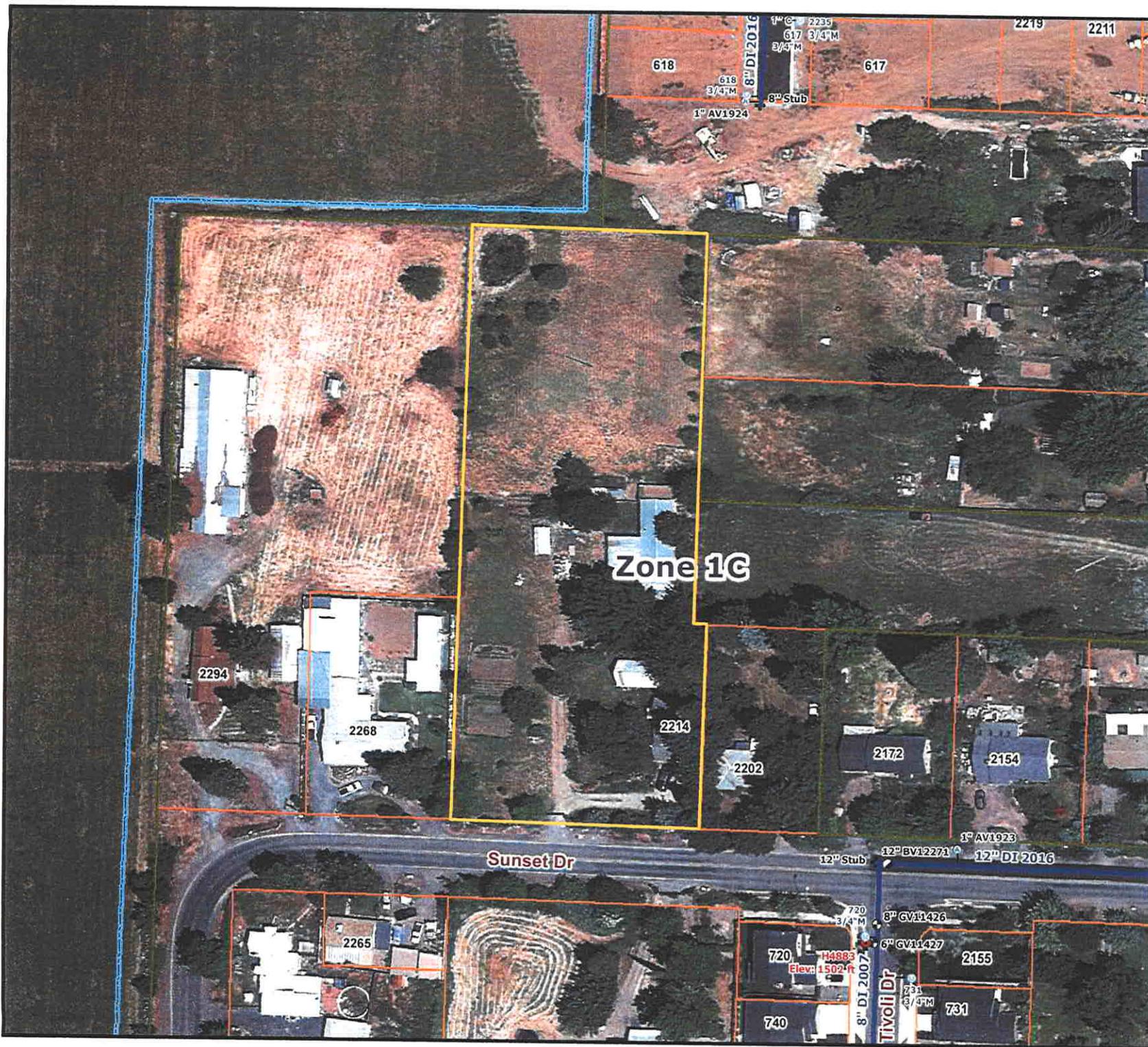


*Continued from Previous Page*

8. This parcel is located within MWC's "Southwest" pressure zone, and a System Development Charge (SDC) will be required for this project. Current SDC fee as of November 1, 2018 is \$8,781.27 per gross acre.

**COMMENTS**

1. Off-site water line installation is required. (See Condition 3 above)
2. On-site water facility construction is required. (See Condition 4 above)
3. Static water pressure is expected to be between 100 and 105 psi. (See Condition 5 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 line located at the intersection of Sunset Drive and Tivoli Drive.



**Water Facility Map**  
**City of Medford**  
**Planning Application:**  
**LDS-19-029**  
**(372W35DC3300)**  
**March 13, 2019**

**Legend**

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

**Water Meters:**

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

**Water Valves:**

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

**Water Mains:**

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

**Boundaries:**

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

**MWC Facilities:**

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



This map is based on a digital elevation model provided by Medford Water Commission. There is no warranty, expressed or implied, in the use of this map. The City of Medford, Oregon, is not responsible for any errors or omissions in this map. This map is not to be used for any other purpose.



# JACKSON COUNTY

Roads

RECEIVED

MAR 15 2019

PLANNING DEPT.

Roads  
Engineering

Chuck DeJanvier  
Construction Engineer

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

www.jacksoncounty.org

March 15, 2019

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

RE: Consideration of a tentative 11-lot subdivision on  
Sunset Drive - a County maintained road  
Planning File: LDS-19-029

Dear Elizabeth:

Thank you for the opportunity to comment on the consideration of a tentative plat for a 11-lot subdivision on approximately 2 acres within the SFR-6 (Single Family Residential six dwelling units per gross acre) zoning district at 2214 Sunset Drive (37-2W-35DC TL 3300). Jackson County has the following comments:

1. Any new or improved road approaches off Sunset Drive shall be permitted and inspected by the City of Medford. All existing approaches on Sunset Drive will be closed with sole access off the proposed new road.
2. Jackson County Roads has concerns there may be sight line issues with the location of the proposed road.
3. Utility connections shall be permitted and inspected by the City of Medford.
4. If frontage improvements are required, they shall be permitted and inspected by the City of Medford.
5. The radius for road intersection along a Collector road shall be a thirty-foot radius.
6. The applicant shall submit construction drawings to Jackson County Roads and obtain county permits if required.
7. Future construction plans shall be submitted to Jackson County Roads, so we may determine if county permits will be required.

8. Sunset Drive is a County Minor Arterial and is maintained by the County. The Average Daily Traffic was 2,776 on July 5, 2016, 150 ft. west of Thomas Road. As a comparison of capacity for Sunset Drive, the capacity of a two lane rural road with ten foot lanes and no shoulders is 5,888 ADT.
9. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). Jackson County Roads recommends that the city request jurisdiction of Sunset Drive.
10. Storm water should meet City of Medford requirements that also include water quality. Please note that there are drainage problems in this area and the City of Medford maintains the storm water system.
11. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.
12. Jackson County concurs with any right-of-way dedication required by the City of Medford.

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

Sincerely,



Chuck DeJanvier, PE  
Construction Engineer

**DENSITY CALCULATION FORM**  
For all residential LDP, LDS, PUD, and AC Application Files

SQ FT  
AC

6969.6
0.16

6969.6  
0

File No.	LDS-19-029
Planner	Liz Conner
Date	March 8, 2019

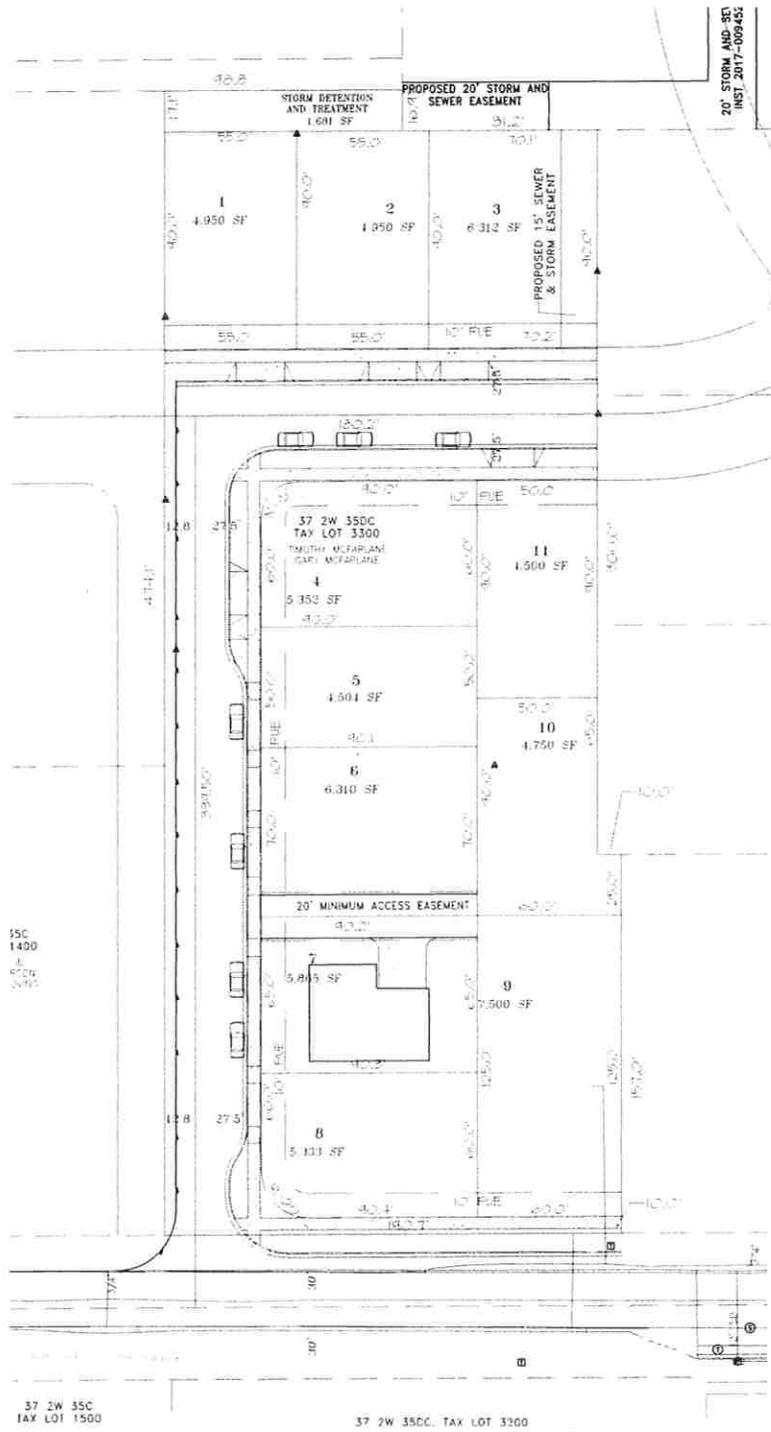
GROSS ACREAGE	
Tax Lot Numbers	
382W02AA200	1.92 AC
	AC
	AC
	AC
	AC
Existing ROW to Centerline	0.10 AC
Gross Acres	2.02 AC
Effective Acres (Gross - Subtracted)	<b>2.02</b>

SUBTRACTED ACREAGE	
Large Lots for Existing Development	AC
Reserved Acreage	AC
Other <sup>1</sup>	AC
	AC
	AC
	AC
Subtracted Acres	- AC

DENSITY RANGE	
Zoning District	SFR-6
Density Range	
Minimum	4
Maximum	6
<b>No. DU Proposed</b>	
No. DU Permitted Min.	<b>8</b>
No. DU Permitted Max.	<b>12</b>
Minimum	8.09
Maximum	12.14
Percentage of Maximum	<b>0.00%</b>

EXISTING R-O-W CALCULATION				
Street Name	LF	Width	SF	Acreage
Orchard Home Drive/Unset Drive	150.00	30.00	4,500.00	0.10
Diamond St			-	-
			-	-
			-	-
			<b>4,500.00</b>	<b>0.10</b>

<sup>1</sup> Such as future ROW dedication, resource protection areas, common open space, other dedication areas, etc.



15C  
1400  
A  
EON  
SUN

37 2W 35C  
TAX LOT 1500

37 2W 35DC, TAX LOT 3200

**NORTH**  
GRAPHIC SCALE



( IN FEET )  
1 inch = 50 ft.

EXHIBIT C.2



**CONSTRUCTION ENGINEERING CONSULTANTS**

P.O. BOX 1724 - MEDFORD, OREGON 97501  
PH. (541) 779-3268

CONSTRUCTION ENGINEERING CONSULTANTS, INC.

IONES VIEW  
SITE LAYOUT

PROJECT NO.

DRAWING NO.

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

**FILE # LDS-19-029**



Project Name:

**Ione's View  
Subdivision**

Map/Taxlot:

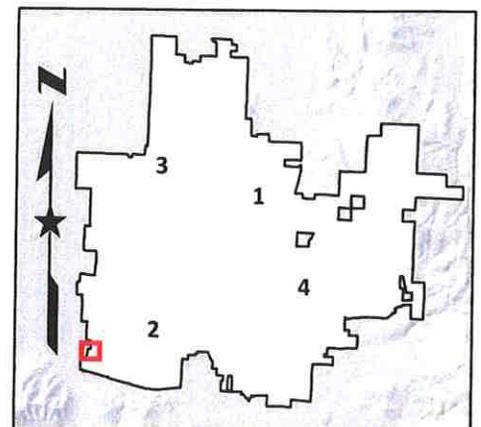
**372W35DC TL 3300**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

03/12/2019





## MEMORANDUM

Subject Gas Stations and Permitted Use Status  
To Planning Commission  
From Site Plan and Architectural Commission via Jim Quinn, Chair  
Date June 7, 2019

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The Site Plan and Architectural Commission recently heard an application to locate a convenience store with a gas station and car wash in a commercial zone but within a predominantly residential area. The use is permitted outright and not conditional. While this commission has a great deal of latitude in determining compliance with our first criterion – whether a proposed use is compatible with its neighboring uses and development – we found that the conditions we are able to place on permitted uses insufficient to mitigate anticipated impacts.

We request that the Planning Commission consider amending the use table and require conditional use permits for gas stations in proximity to residential areas. Thank you for your consideration.

:ke



**STAFF REPORT**

for a Type IV legislative decision: Development Code Amendment

Project 2019 Housekeeping and Other Regulatory Changes  
File no. DCA-19-001  
To Planning Commission *for the 6/27/19 hearing*  
From Sarah Sousa, Planner IV  
Reviewer Carla Angeli Paladino, Principal Planner  
Date June 20, 2019

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**BACKGROUND**

Proposal

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

Authority

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

History

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

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

**OVERVIEW**

The proposed project includes 28 minor changes. Exhibit B includes a complete list of the amendments including a description, code reference, and type of change. Most relate to

code corrections or clarifications. The remainder of the amendments are discussed below.

#### *Housing Advisory Committee*

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

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

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

- Adding locational criteria to SFR-4 (Single Family Residential – 4 dwelling units per gross acre) zone changes to address constraints such as steep slopes and wildfire areas (pages 7 and 8 of the draft language);
- Changing locational criteria to SFR-10 (Single Family Residential – 10 dwelling units per gross acre) zone changes to promote density (page 8 of the draft language); and
- Providing flexibility for buildings originally built as residential in the commercial zones to promote housing and mixed-use (page 1 of the draft language).

#### *Opticos Design, Inc. & Technical Advisory Committee*

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

2018 and ending in March of 2019. Staff is currently working on many of these recommendations. Three of which are included in the housekeeping amendment:

- Allowing duplexes in the SFR-4 and SFR-6 zones without the requirement to be divided by a lot line to simplify the process by eliminating the subdivision requirement (pages 17 and 18 of the draft language); and
- Changing building height measurement calculation to make it easier to administer (pages 11-15 of the draft language).

#### *Fire Department*

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

- Changing building height measurement calculation for steeper sloped properties (pages 11-15 of the draft language).

#### *Bicycle and Pedestrian Advisory Committee*

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

- Changing bike parking locational requirements (page 24 of the draft language);
- Adding bike parking rack standards (page 25 of the draft language); and
- Adding a diagram for bike parking spaces (page 25 of the draft language).

#### *Planning Staff*

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

- Eliminating one-story restrictions for attached units within 20 feet of single family zoning (pages 16 and 20 of the draft language);

- Changing setback and height allowance standards for multi-family buildings in commercial zones to match commercial standards (page 22 of the draft language); and
- Allowing duplexes in the SFR-4, SFR-6, and SFR-10 zones on lots within lot area ranges without the requirement to meet minimum density (page 18 of the draft language).

*Planning Commission (April 22, 2019 Study Session)*

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

The commission expressed concerns about the changes to the zone change locational criteria for the SFR-10 zone. The proposal is to allow properties to rezone if they are within 200 feet of a SFR-10 zone. The current standard requires properties to be abutting. The commission was concerned that if the abutting requirement is removed, the continuity of a neighborhood zoning might get disrupted. Staff has kept this amendment in the proposal for consideration as it helps make the SFR-10 zoning more attainable to increase density and diversify housing types.

The second proposed locational requirement change includes reducing the acreage size for properties that are not abutting SFR-10 from 5 acres down to 3 acres. The Commission wanted more information about how many 3 acre properties (currently zoned SFR-00) are adjacent to SFR-4. They were also concerned with how this would affect the Southeast Area.

Since the study session, staff has added a provision that allows SFR-00 properties in the Southeast to keep the current allowance of obtaining the SFR-4 zone. Also, staff has found there are 19 undeveloped properties that are 3 acres or more, zoned SFR-00, outside of the Southeast Area. Of those properties, 6 of them are between 3-5 acres and 13 of them are 5 or more acres.

*City Council (May 30, 2019 Study Session)*

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

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

*Planning Commission Study Session (June 10, 2019)*

The Planning Commission reviewed the updates to the project at a study session on June 10, 2019. The main changes related to 1) removal of the height increase proposal for the Heavy Commercial zone, 2) addition of a locational criterion for the SFR-4 zone that would allow the zone if a property is within the Southeast Area, and 3) addition of duplex standards that would allow duplexes in the SFR-4, SFR-6, and SFR-10 zones on lots that meet lot area ranges (without having to meet density). Staff also asked for the commission to consider making the SFR-10 zone more obtainable by considering the following options:

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

## **SUMMARY**

Planning staff has worked with numerous groups over the last few years as described in the overview above. These proposed changes are a direct result of their recommendations. The amendments are aligned with Comprehensive Goals relating to housing, density, and safety. The Code Amendment Approval Criteria are addressed below in the Findings and Conclusions.

## **FINDINGS AND CONCLUSIONS**

### Applicable criteria

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

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

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

### Findings

The City has been looking at ways in which to increase housing in Medford. This has included working with committees: a Housing Advisory Committee and a Technical

Advisory Committee, both made of up developers, affordable housing advocates, architects, land use consultants, Planning Commissioners, and staff. Grant funds have also helped to hire consultants to help with this work as well. Work with these groups have resulted in recommendations for promoting housing. Some of these recommendations are included in this group of amendments.

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

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

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

### Conclusions

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

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

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

### Findings

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

#### Goal 1(c)

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

The proposed amendments relate to increasing density within the City. Adding locational criteria for SFR-4 zoning will make this low density available in sensitive areas, such as wildfire hazard zones and steeper sloped properties while not allowing it in the area that can support more density. Changing the locational zone change criteria for SFR-10 will make this zoning more obtainable will also promote density.

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

#### Policy 1-C

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

- (a) Residential development standards;

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

a housing barrier to attached housing that currently requires a twenty foot setback to single family housing.

#### Conclusions

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

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

#### Findings

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

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

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

#### Conclusions

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

3. *Public comments.*

#### Findings

The following citizen groups have reviewed the proposed amendments.

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

To date, no written comments have been received.

#### Conclusions

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

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

##### Findings

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

##### Conclusions

This criterion is not applicable to this amendment.

### **RECOMMENDED ACTION**

Based on the findings and conclusions that all of the applicable criteria are satisfied or not applicable, initiate the amendment and forward a favorable recommendation for approval of DCA-19-001 to the City Council per the staff report dated June 20, 2019, including Exhibits A through H.

### **EXHIBITS**

- A Draft code amendment text
- B Code Amendments Table
- C Public Works Memo received April 3, 2019
- D Medford Water Commission Memo received April 3, 2019
- E Fire Department Memo received April 3, 2019
- F Planning Commission Study Session Minutes from April 22, 2019
- G City Council Study Session from May 30, 2019 (draft to be distributed at meeting, if completed)
- H Planning Commission Study Session Minutes from June 10, 2019

### **PLANNING COMMISSION AGENDA: JUNE 27, 2019**

## Housekeeping & Other Regulatory Changes 2019 (Draft 5)

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

### ARTICLE I

#### 10.033 Continuation of Nonconforming Development.

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

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

### ARTICLE II

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

**Exhibit A**

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

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

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

#### 10.185 Park Development Review.

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

The following uses are subject to a Conditional Use Permit:

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

##### A. Park Development Review Criteria

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

1. The proposed park or park building facility is located within the Public Park zone.
2. The proposal is substantially consistent with the Leisure Services Plan of the Comprehensive Plan.
3. The proposal complies with all applicable provisions of all city ordinances or the Planning Commission has approved an exception as provided in Section ~~10.254~~10.186.
4. The proposal addresses the mitigation of impacts as described in 10.185(B).

#### 10.188 Historic Review.

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##### (H) Historic Review Application Content

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

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

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

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

##### (C) Application for a Preliminary PUD Plan.

\*\*\*\*

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

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

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

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

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

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

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

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

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

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

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

#### 10.194 Preliminary PUD Plan – Neighborhood Meeting Requirement.

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

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

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

#### 10.204 Zone Change.

##### (A) Zone Change Initiation.

A zoning district boundary change may be initiated by the Planning Commission either on its own motion or at the request of the City Council, or by application of the property owner(s) in the area subject to the zone change.

##### (B) Zone Change Approval Criteria.

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

(1) The proposed zone is consistent with the Transportation System Plan (TSP) and the General Land Use Plan Map designation. A demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.

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

(a) For zone changes to SFR-2, the zoning shall be approved under either of the following circumstances:

(i) if at least 70% of the area proposed to be re-zoned exceeds a slope of 15%,

(ii) if other environmental constraints, such as soils, geology, wetlands, and flooding, restrict the capacity of the land to support higher densities.

(b) For zone changes to SFR-4, the zoning shall be approved under any of the following circumstances:

(i) if at least 70% of the area proposed to be re-zoned exceeds a slope of 12%; or

(ii) if area to be rezoned is within a wildfire hazard zone;

(iii) if the property to be rezoned is one gross acre or less in size; or

(iv) if the property to be rezoned is within the Southeast Area Overlay.

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

~~(i) At least one parcel that abuts the subject property is zoned SFR-10; or~~

**Options to consider:**

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

(i) At least one parcel within 200 feet of the subject property is zoned SFR-10; or

(ii) The area to be re-zoned is ~~five~~ three acre or larger; or

~~(iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five acres.~~

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

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

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

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

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

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

(i) The I-L zone may abut residential and commercial zones, and the General Industrial (I-G) zone. The I-L zone is ordinarily considered to be unsuitable when abutting the Heavy Industrial (I-H) zone, unless the applicant can show it would be suitable pursuant to (2)(e) below.

(ii) The I-G zone may abut the Heavy Commercial (C-H), Light Industrial (I-L), and the Heavy Industrial (I-H) zones. The I-G zone is ordinarily considered to be unsuitable when abutting the other commercial and residential zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.

(iii) The I-H zone may abut the General Industrial (I-G) zone. The I-H zone is ordinarily considered to be unsuitable when abutting other zones, unless the applicant can show it would be suitable pursuant to (2)(e) below.

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

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

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

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

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

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

### ARTICLE III

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

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

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

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

For duplexes, the minimum and maximum density factor...2.5 to 8.0 DU/gross acre

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

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

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

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

For duplexes, the minimum and maximum density factor.....4 to 12 DU/gross acre

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

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

For duplexes, the minimum and maximum density factor ...6 to 20 DU/gross acre

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

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

<del>(a) Duplex Dwelling- Interior Lot</del>	<del>X</del>	<del>X</del>	<del>X</del>	<del>P</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	<del>Ps</del>	
(a) Duplex Dwelling	X	X	P	P	P	P	P	P	

**ARTICLE V**

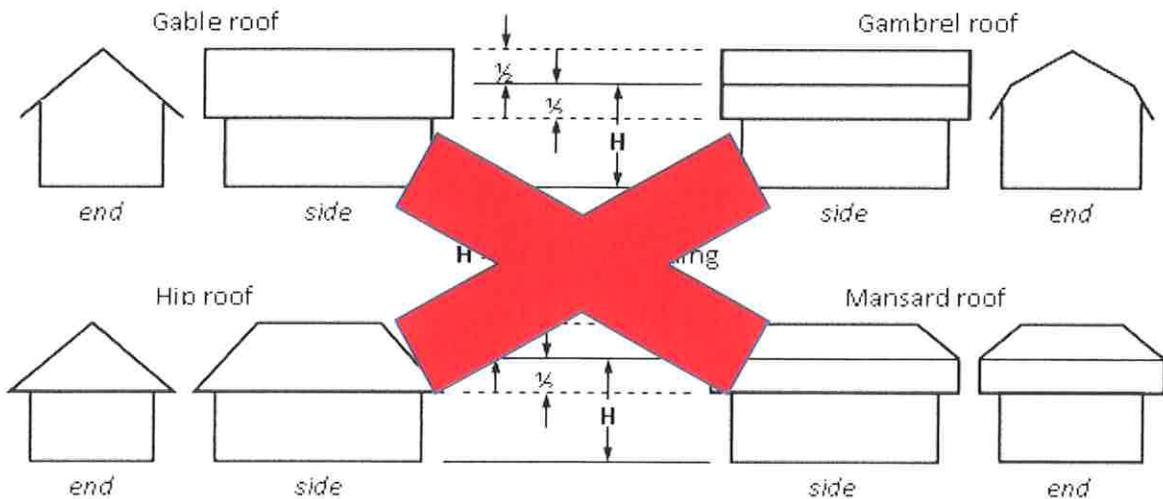
**10.705 Building Height and Side-Yard Determination**

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

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

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

- (1) Chimneys, church spires, belfries, cupolas, flag poles, antennas, support structures and antennas for amateur radio operations (as per ORS 221.295), and other similar projections that are accessory to the permitted use.
- (2) Wireless communication transmission towers, which are subject to the Special Use Standards contained in Section 10.824.
- (3) Public utility service facilities, which are subject to the Special Use Standards contained in Section 10.830.



### How to Measure Building Height



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

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

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

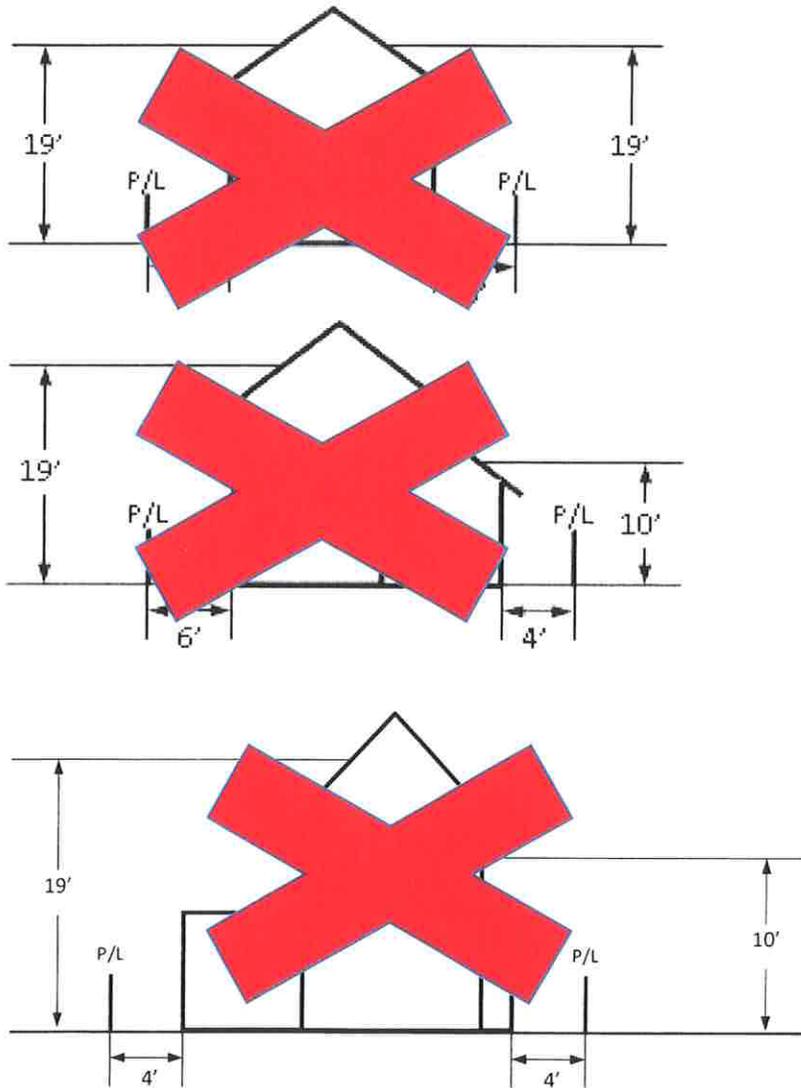
Table 10.705-1

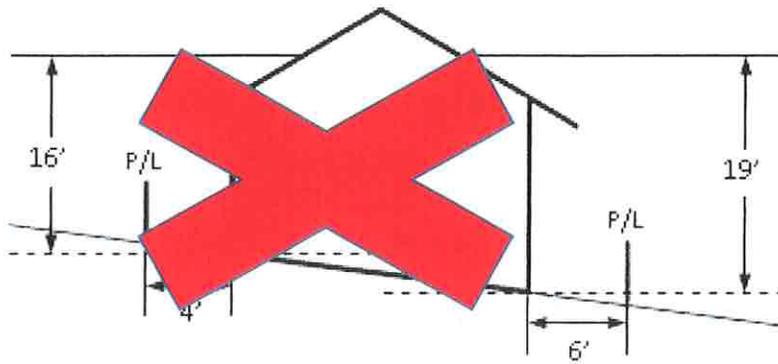
Building Height Range:	Required Yard:
0 – 18 feet	4 feet
19 – 22 feet	6 feet
23 – 26 feet	8 feet
27 – 30 feet	10 feet
31+ feet	12 feet

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

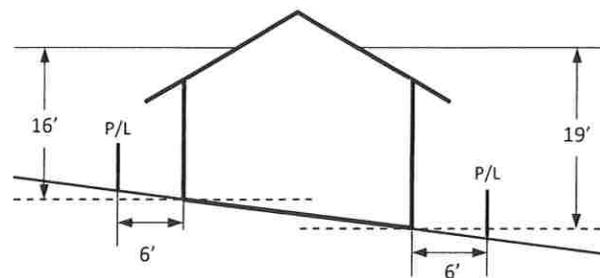
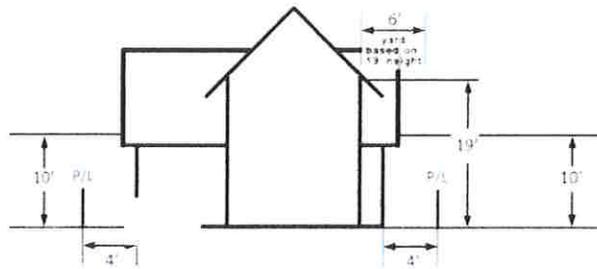
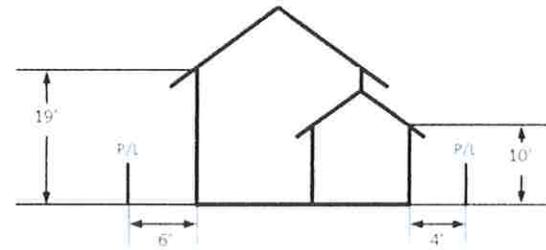
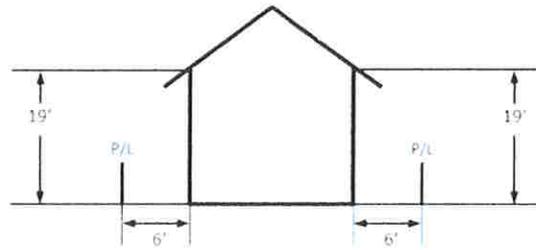
Note: Minimum required yards allow for a maximum one-foot eave overhang. Required yards for buildings with an eave overhang greater than one foot shall be increased in direct correlation. (See Section 10.707).

### Side Yard Examples





Side Yard Setback Examples



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

**10.708 Residential Density.**

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**C. General Exceptions to Residential Density Calculations.**

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

**MORE ON NEXT PAGE..**

## 10.712 Townhouse Dwellings.

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<b>TOWNHOUSE DWELLINGS</b>			
Three or more attached dwelling units, with each unit on a separate tax lot, occupying the interior space from ground to roof, and having direct access to individual private outdoor space.			
Development Standards	SFR-10	MFR-15	MFR-20
Minimum and Maximum Density Factor Range (See 10.708)	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre
Lot Area Range (Square Feet)	3,250 to 8,125	2,500 to 4,500	1,800 to 3,000
Maximum Coverage Factor (See 10.706)	50%		
Minimum Interior Lot Width	25 feet	20 feet	
Minimum Corner Lot Width	35 feet	30 feet	
Minimum Lot Depth	90 feet	90 feet	
Minimum Lot Frontage	25 feet	20 feet	
Minimum Front Yard Building Setback	15 feet ± EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Street Side Yard Building Setback	10 feet ± EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Side Yard Building Setback (side not attached to building)	4 feet for 0–18 feet building height 6 feet for 19–22 feet building height 8 feet for 23–26 feet building height 10 feet for 27–30 feet building height 12 feet for 31 feet or taller building height		
Minimum Rear Yard Building Setback	10 feet ±	10 feet ±	
Maximum Height (See 10.705)	35 feet		
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit		

### TOWNHOUSE DWELLINGS

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

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

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

**MORE ON NEXT PAGE..**

## 10.713 Duplex Dwellings.

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<b>DUPLEX DWELLINGS</b>						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
Special Standards	A duplex <del>SHALL be divided by a lot-line.</del> A duplex is permitted on a lot if it meets the lot area ranges below.	A duplex <del>SHALL be divided by a lot-line.</del> A duplex is permitted on a lot if it meets the lot area ranges below.	A duplex need not be <del>divided by a lot-line.</del> A duplex is permitted on a lot if it meets <del>the density calculation,</del> the lot area ranges below.	One or more duplexes are permitted on a single site when density is met.		
Detached Dwellings	Two detached dwelling units are permitted in lieu of an attached duplex on an individual lot.			Two detached dwellings are permitted in lieu of an attached duplex on an individual lot when the maximum density is no more than 2 units.		
Lot Line Division	A duplex may be divided by a lot line if attached. If divided by a lot line, the lot area and lot width requirements are half of the minimum shown below except for corner lots which must have a street side lot width of 40 feet and interior lot width of 30 feet.					
Minimum and Maximum Density Factor Range (See 10.708)	2.5 to 8.0 dwelling units per gross acre	4.0 to 12.0 dwelling units per gross acre	6.0 to 20.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
Lot Area Range (Square Feet)	<del>5,400</del> 8,500 to <del>18,750</del> 43,559 each half	<del>5,400</del> 6,000 to <del>12,500</del> 27,224 each half	<del>5,400</del> 6,000* to <del>12,500</del> 18,200	<del>4,500</del> 5,000* to 12,500*		
Maximum Coverage Factor (See 10.706)	50%			50%		
Minimum Interior Lot Width	<del>60</del> 75 feet each half	60 feet each half	<del>60</del> 50 feet*	50 feet*		
Minimum Corner Lot Width	<del>70</del> 75 feet each half	70 60 feet each half	<del>70</del> 60 feet*	60 feet*		

## DUPLEX DWELLINGS

Two attached dwelling units on an individual lot or divided by a lot-line.

DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
Minimum Lot Depth	90 feet					
Minimum Lot Frontage	<del>15 feet each half</del> 30 feet*					
Minimum Front Yard Building Setback	15 feet EXCEPT the garage shall be a minimum of 20 feet. If the garage door is perpendicular to the street then the minimum setback to the side wall of the garage is 15 feet (see Garage Setback Diagram in Section 10.710)					
Minimum Street Side Yard Building Setback	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports					
Minimum Side Yard Building Setback	4 feet for 0–18 feet building height 6 feet for 19–22 feet building height 8 feet for 23 –26 feet building height 10 feet for 27 –30 feet building height 12 feet for 31 feet or taller building height					
Minimum Rear Yard Building Setback	The rear yard is equal to the greater of the side yard setbacks calculated in §10.705(C), and not less than 4 feet. EXCEPTION: If the rear property line abuts a collector or arterial street, or the parcel is a through lot, then the setback is a minimum of 10 feet.					
Maximum Height (See 10.705)	35 feet					
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit					
<del>Where the duplex is REQUIRED to be divided by a lot line (SFR-4 and SFR-6), THEN the standards pertain to each half separately. For the other zoning districts, the * indicates standards that are divided in half if the duplex is to be divided by a lot line. Where the duplex is permitted without being divided by a lot line, THEN two DETACHED dwelling units are permitted in lieu of the duplex.</del>						
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>						

10.714 Multiple-Family Dwellings.

\*\*\*

<b>MULTIPLE-FAMILY DWELLINGS</b> Three or more attached dwelling units.				
Development Standards	SFR-10	MFR-15	MFR-20	MFR-30
Special Standards	Multiple-family dwellings in SFR-10 are permitted ONLY if the units can be individually owned			
Minimum and Maximum Density Factor Range (See 10.708)	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
Minimum Lot Area (Square Feet)	15,000	9,000	8,000	
Maximum Coverage Factor (See 10.707)	50%			50%
Minimum Interior Lot Width	80 feet			
Minimum Corner Lot Width	90 feet			
Minimum Lot Depth	120 feet	100 feet		
Minimum Lot Frontage	30 feet			
Minimum Front Yard Setback	20 feet <sup>±</sup> EXCEPT 15 feet IF vehicular access to the garage is parallel to the street			
Minimum Street Side Yard Setback	15 feet <sup>±</sup> EXCEPT 20 feet for vehicular entrances to garages or carports	10 feet <sup>±</sup> EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Side Yard Setback	10 feet *	4 feet PLUS 1/2 foot for each foot in building height over 15 feet *		

<b>MULTIPLE-FAMILY DWELLINGS</b> Three or more attached dwelling units.				
Development Standards	SFR-10	MFR-15	MFR-20	MFR-30
Minimum Rear Yard Setback	20 feet	4 feet PLUS 1/2 foot for each foot in building height over 15 feet EXCEPT 10 feet IF the rear property line abuts a collector or arterial street <sup>2</sup>		
Maximum Height (See 10.705)	35 feet			
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit			
<del>• Those portions of any multiple-family dwelling located within 20 feet of any property line common with property containing single-family zoning shall not exceed one story.</del>				
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>				

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

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

**10.717 Multiple-Family Dwellings, Special Development Standards.**

\*\*\*

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

**MORE ON NEXT PAGE..**

10.721 Commercial and Industrial Site Development Standards.

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

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

#### 10.747 General Provisions, Bicycle Parking.

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

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

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

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

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

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

#### 10.749 Location of Bicycle Parking Facilities.

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

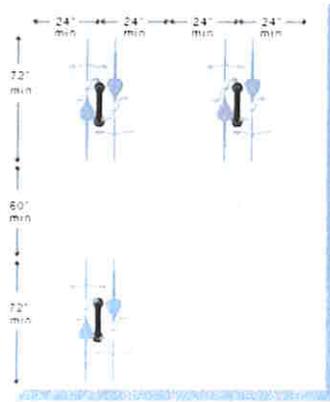
#### 10.750 General Design Requirements for Bicycle Parking.

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

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

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

### Bike Parking Dimensional Standards



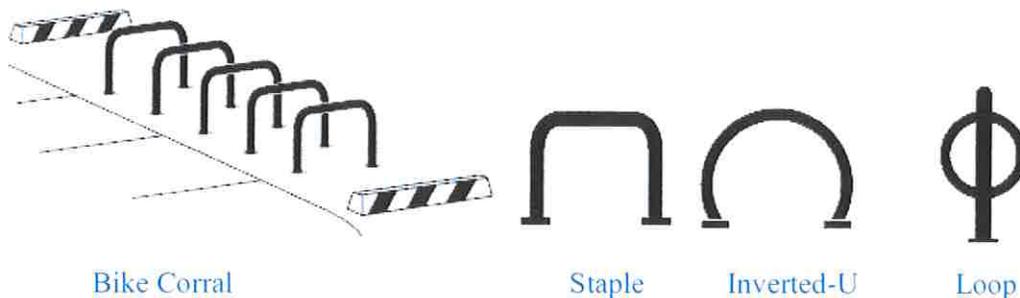
(3) Lighting: Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use.

(4) Aisles: A 5-foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.

(5) Signs: Where bicycle parking facilities are not directly visible from the public rights-of-way, entry and directional signs shall be provided to direct bicycles from the public rights-of-way to the bicycle parking facility.

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

### Examples of Acceptable Bike Rack Types



## 10.752 Noise Standards and Regulations for Commercial and Industrial Sources.

### B. New Noise Sources.

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

### 10.821 Accessory Dwelling Unit (ADU).

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

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

\*\*\*\*

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

### 10.823 Small Food Vendors.

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

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

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

#### 10.824 Wireless Communication Facilities.

\*\*\*

##### 2) General Requirements:

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

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

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

#### 10.837 Dwelling Units in Commercial Districts.

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

#### 10.933 Constraints Analysis.

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

2019 HOUSEKEEPING & OTHER REGULATORY CHANGES 2019				
	Description of Amendment	Code Section	House Keeping Change	Other Change
1.	Expanded non-conforming allowance for residential structures in commercial zones	10.033(2)		✓
2.	Added major and minor modifications for Park Development Reviews to procedure table / Corrected Code reference to final plats	10.108-1	✓	
3.	Added revisions and neighborhood meetings to PUD noticing table	10.124-1	✓	
4.	Corrected referenced to Exceptions related to Park Development Reviews	10.185	✓	
5.	Correction to referenced code section	10.188(H)(3)	✓	
6.	Directed all PUD noticing to table in Section 10.124-1	10.190(C)(e) 10.190(3) 10.194(C)	✓	
7.	Added locational criteria for SFR-4	10.204(B)(2)(b)		✓
8.	Changed locational criteria for SFR-10	10.204(B)(2)(c)		✓

Exhibit B

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

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

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



Medford – A fantastic place to live, work and play

**CITY OF MEDFORD**

**RECEIVED**

APR 03 2019

**PLANNING DEPT.**

LD Date: 4/3/2019  
File Number: DCA-19-001

**PUBLIC WORKS DEPARTMENT STAFF REPORT**

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

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

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

**Applicant:** City of Medford

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

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

Prepared by: Jodi K Cope  
Reviewed by: Doug Burroughs

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Page 1 of 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

**Exhibit C**



BOARD OF WATER COMMISSIONERS

## Staff Memo

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

**RECEIVED**  
APR 03 2019  
PLANNING DEPT.

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

### CONDITIONS

1. No Conditions

### COMMENTS

1. No Comments

**Exhibit D**



## Medford Fire-Rescue Land Development Report

### Review/Project Information

**Reviewed By:** Kleinberg, Greg

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

**LD File #:** DCA-19-001

**Planner:** Sarah Sousa

**Applicant:** City of Medford

**Project Location:** N/A

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

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

### Specific Development Requirements for Access & Water Supply

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

### Construction General Information/Requirements

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

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

**Exhibit E**

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

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

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

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



## Planning Commission

# Minutes

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

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

### Commissioners Present

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

### Staff Present

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

### Commissioners Absent

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

### Subject:

#### **20.1 DCA-19-001 Housekeeping Amendments**

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

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

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

**Exhibit F**

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

Chair McKechnie agreed that it needs to be reworded.

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

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

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

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

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

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

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

Commissioner Mansfield respectively disagrees. Mixed uses are the thing.

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

Commissioner Mansfield suggested start getting used to it.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **30. Adjournment**

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

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Submitted by:

Terri L. Richards

Recording Secretary

City Council Study Session Minutes to be distributed at meeting

**Exhibit G**



## Planning Commission

# Minutes

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

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

### Commissioners Present

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

### Staff Present

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

### Commissioners Absent

Patrick Miranda, Excused Absence

### Subject:

#### **20.1 DCA-19-001 Housekeeping Amendments**

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

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

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

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

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

**Exhibit H**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



### Commission Meetings and Study Sessions

To date, staff has reviewed the topic of concurrency with the City Council, Transportation Commission as well as the Planning Commission. Council reviewed the topic broadly at their January 31, 2019 study session (Minutes – Exhibit B), recommending that staff work through the topic of concurrency and prepare a proposal with the Transportation Commission. A need for a second Council study session was not identified. Once directed, staff began drafting text to implement action item 4-a and proposed to the Transportation Commission (TC) on the topic two times. Staff first presented to the TC, on concurrency, on April 16, 2019 (Minutes – Exhibit C); this meeting served as an informative discussion to educate the Commission. On May 22, 2019 the Transportation Commission (Minutes – Exhibit D) reviewed the proposal and ultimately gave direction to proceed forward with the proposed hearing schedule with support from the Commission.

Staff presented the proposed text (Exhibit A, A-1) to the Planning Commission on June 10, 2019 (Minutes – Exhibit E) and received some initial feedback. Majority of the study session focused on understanding the topic of concurrency and the implications of amending the municipal code in relation to the proposed text. Staff incorporated all changes discussed at the study session into the most recent proposal of DCA-18-180. Additionally, DCA-18-180 was reviewed at the June 12, 2019 Land Development (LD) Committee meeting. Only official memos of “No Comment” were provided at the LD meeting and are attached as Exhibits. Agencies present at the LD meeting included the Medford Water Commission, Building, Public Works, and Fire Departments as well as the Oregon Department of Transportation (ODOT). Jackson County Roads Department did not attend the meeting but did provide comments via email.

### Related projects

CP-16-036 – Transportation System Plan

### Authority

This proposed plan authorization is a Type IV legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.214 and 10.218.

## **ANALYSIS**

The adoption of a new Transportation System Plan was an important part of the Urban Growth Boundary expansion process and was necessary in order to update the citizen’s vision for the City’s transportation system. The plan outlines a number of goals, objectives, and action items that include incorporating the policies and principles of the plan into the Land Development Code. The proposal to amend the MLDC to become consistent with the Transportation Planning Rule (Exhibit F) aids in aligning the plan and vision with the implementing regulations.

DCA-18-180 proposes amending the MLDC to be consistent with state law in relation to providing for transportation facility adequacy; or as referred to in the MLDC “It shall be demonstrated that Category A urban services and facilities are available or can and will be provided...to adequately serve the subject property with the permitted uses allowed under the proposed zoning,” Zone Change Approval Criteria, 10.204 (B)(3). Category A urban services and facilities are further described as storm drainage, sanitary sewer, water facilities, streets and street capacity. The amendments considered in DCA-18-180 pertain only to streets and street capacity, not other Category A facilities. Furthermore, Level of Service (LOS) is the measurement used to determine whether a facility meets the Category A definition.

Currently, when a property owner wishes to develop a parcel through a rezoning application they must conduct a Transportation Impact Analysis (TIA) to determine the impacts of the increased intensity of the new zone. When the TIA shows transportation facilities, in particular intersections, not meeting the Category A definition, current municipal code requires that the impacts to the transportation system be mitigated *concurrently* with the zone change (10.204(B)(3)). This policy is commonly referred to as concurrency. As proposed in DCA-18-180, this requirement to mitigate impacts at the time of zone change is not being removed completely but rather the timing of mitigation will no longer be required to be concurrent for projects identified for construction (Tier 1 projects) in the TSP.

#### Concurrency in Action, Summerfield Subdivision

Generally, a policy like concurrency is intended to mitigate the impacts of development as it occurs. However, requiring transportation facility concurrency with zone changes can slow or stop the pace of development when the cost of the improvements needed are beyond what makes sense for any single development. When it is determined that LOS cannot be met at the time of zone change, restrictions are placed on future development until the required LOS can be met (through private or public sector improvements). One such zone change occurred in 2002 in relation to the Summerfield Subdivision in the Southeast Plan Area (ZC-02-181).

For a portion of the Summerfield subdivision, this zone change consisted of 48.84 acres proposed to change from Single-Family Residential – 1 Dwelling Unit per Lot (SFR-00) to Single-Family Residential – 4 units per gross acre (SFR-4). The new zoning allowed for a total of 195 residential units; however, due to the projected transportation impacts the development was limited to 24 units until the intersection of Cherry Ln. and N. Phoenix Rd. was signalized, and then limited to 100 residential units until the intersection of Pierce Rd. and Hillcrest Rd. was improved. These types of limitations are imposed through a Restricted Zoning (RZ) overlay. The improvement of the two intersections, per the previous TSP, cost approximately \$500,000 combined.

### Doing Things Differently in Summerfield

Had the ability to rely on the Transportation Planning Rule been in place as opposed to the aforementioned standards in 10.204, the pace of development for Summerfield could have proceeded far quicker. Per TPR, transportation facilities are "...measured at the end of the planning period identified in the adopted TSP..." (OAR 660-012-0060 (2)); or developments may analyze transportation facility adequacy using the planned projects in the TSP to determine the future condition of the impacted facilities. Both of the intersections shown as impacted in the Summerfield zone change were identified as Tier 1 projects in the 2003 TSP, which means they were identified by the City for construction.

If the concurrency requirement had not been so stringent, then this development would have been able to fully develop (producing more than 124 lots) based on the planned Tier 1 improvements identified in the TSP. The developer could have moved forward with the subdivision without having to wait for the improvements to be funded in the City's biennial budget. The City could have collected SDCs on the new homes being built to then fund the planned projects. As proposed in DCA-18-180, this type of allowance is consistent with the Transportation Planning Rule.

### **SUMMARY OF PROPOSED CODE CHANGES (SEE EXHIBITS A or A-1)**

The following section is to summarize the specific changes to the code and how they relate to the aforementioned policy discussions.

#### Proposed Additions/Changes to 10.012 Definitions, Specific

To remain clear and objective in the proposed changes to both the zone change (see Exhibit A 10.204) and the Transportation Impact Analysis (see Exhibit A 10.460-.462) criteria new and amended definitions were required.

#### Proposed Additions/Changes to 10.204 Zone Change

As discussed above, mitigation is required concurrently with the zone change. In order to be consistent with the allowances and flexibility provided by the Transportation Planning Rule staff is proposing amendments to this portion of the Land Development Code. In addition to allowing for the use of planned projects in the analyses, the TPR also allows for flexibility and alternative mitigation measures to be considered and implemented. Some examples of mitigation measures allowed in the TPR include:

- Amending the TSP or comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses including a funding plan or mechanism so that the facility, improvement, or service will be provided by the end of the planning

- period (this may include requesting projects be changed to a Tier 1 project);
- Amending the TSP to modify the planned function, capacity, or performance standards of the transportation facility (e.g. changing a LOS standard);
  - Providing other measures as a condition of development including, but not limited to, transportation system management measures or minor transportation improvements (e.g. corridor signal timing or technology upgrades);
  - Limiting the intensity or size of a development to limit the number of trips generated (e.g. trip cap through restricted zoning);
  - Providing improvements that would benefit modes other than the significantly affected mode (i.e. pedestrian over auto); improvements to facilities other than the significantly affected facility (i.e. improving other intersections to aid affected one); or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect;

#### Proposed Additions/Changes to 10.460 Transportation Impact Analysis (TIA) Purpose

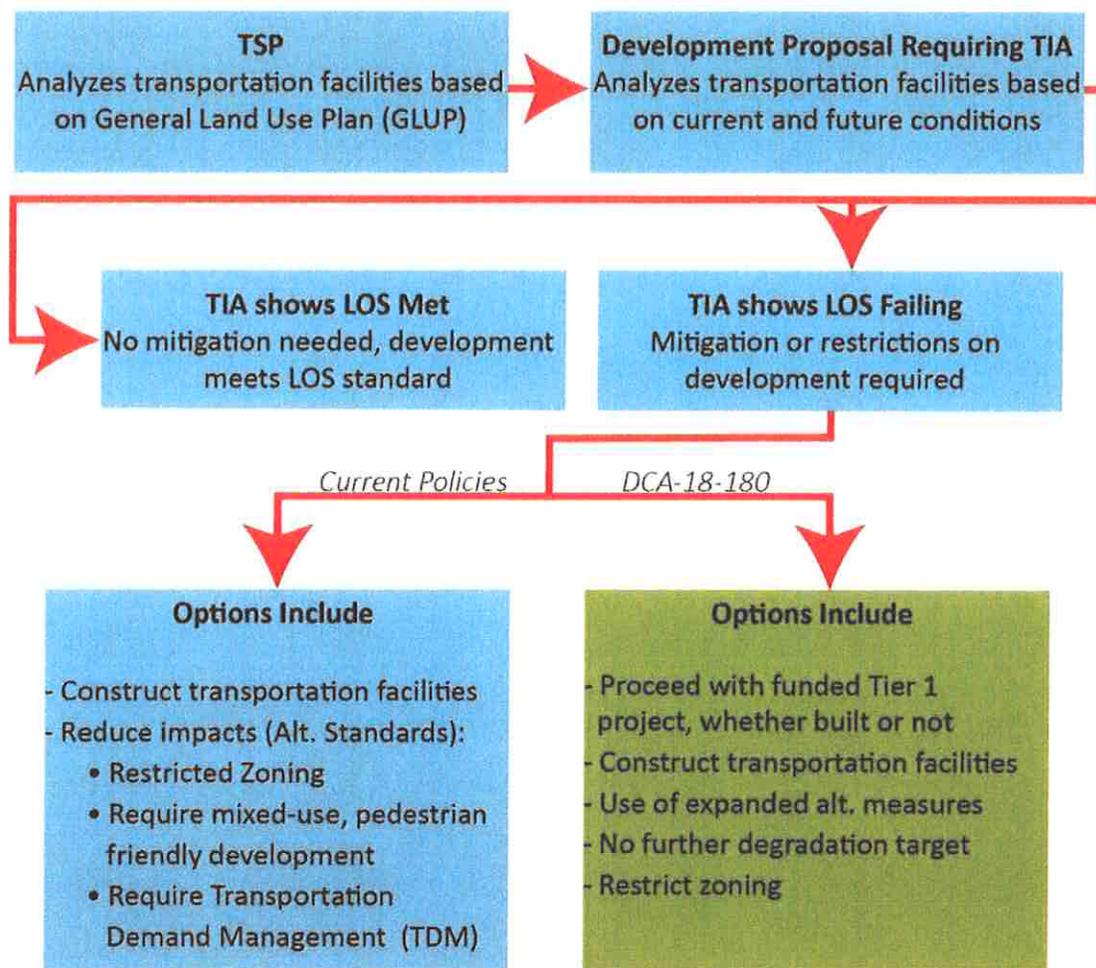
The changes proposed in this section were created to ensure consistency with current practices in the transportation planning industry.

#### Proposed Additions/Changes to 10.461 TIA Applicability and Methodology

Majority of the changes within this section are to ensure consistency with current practices in the transportation planning industry as well as with other proposed changes within DCA-18-180. The following are separately identified for added clarity of the changes.

- “10.461(E)(15) Tier 1 projects as identified in the Transportation System Plan...”
  - This addition to the TIA methodology is needed to ensure consistency with both TPR and with the funding identified in the TSP. The TPR allows for “...reasonably likely...” funded projects related to transportation facilities to be considered constructed when analyzing transportation facility adequacy. However, per the adopted TSP, projects related to the Foothill/N. Phoenix corridor and the S. Stage Overcrossing are not identified to be fully funded. As such, this addition to the proposal is needed to ensure consistency with adopted plans as well as the TPR.

- “10.461(G) Other Enhancements Required”
  - The addition of this section brings forward provisions of the TPR that allows for the use of “other performance improving actions” in conjunction with “transportation capacity increasing improvements” to meet the LOS/mobility target identified in the TSP. In other words, when a TIA shows an intersection to be below the identified LOS with improvements to the intersection, alternatives such as Transportation Demand Management (TDM) measures, transportation system connectivity improvements and/or multi-modal improvements may be conditioned on the development to meet the identified mobility target.



Proposed Additions/Changes to 10.462 Mobility Targets

Lastly, the changes proposed in this section are to create consistency with language as well as to create an allowance for flexibility in the City’s adopted

mobility targets. Overtime, transportation facilities will be at or over capacity prior to a development application being submitted. This section adds a provision to allow for approving authorities to deviate from the LOS standard when LOS is already shown to be failing prior to development occurring; the new mobility target in this case would be to maintain current facility capacity and to not allow for further degradation.

## FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.218. The criteria are rendered in italics; findings and conclusions in roman type.

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

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

### Findings

Policies like concurrency are intended to mitigate impacts to the City's transportation system providing for efficient and safe travel for the residents and visitors of Medford. The requirement to mitigate impacts to the transportation system at the time of zone change, is itself, a policy intended to support the public benefit. However, applications of this policy have brought forth its shortcomings. These shortcomings relate in large part to higher development cost early on in development, underdevelopment of parcels through restricted zoning and an inability to rely on the City's Transportation System Plan for planned infrastructure. Additionally, since not every zone change will cause an intersection to fail in meeting the LOS standards, the City's current policies put an unfair burden on developments causing the failure of an intersection; concurrency also burdens property owners with high cost construction projects prior to any vertical construction starting.

With the changes proposed in DCA-18-180 developers will be provided with more flexibility in terms of how they can mitigate impacts to the transportation system. First, and most critical, the changes proposed allow for developers to rely on Tier 1 (planned and funded) projects within the City's TSP. The City's TSP analyzed each stop-controlled intersection and used the City's General Land Use Plan (GLUP) to project where development will occur. In doing this analysis it was determined, in the year 2038, which intersections will not meet the City's LOS standard. This analysis aided in determining the Tier 1 projects the City will construct from now until 2038. Through the adoption of DCA-18-180 developers and property owners showing failing intersections at the time of zone change will not be required to construct Tier 1 projects, thus removing limitations such as restricted zones or high infrastructure cost to the areas of Medford projected to grow over the next 20 years.

Another benefit of the proposed amendment is that it creates consistency with the State’s policies on transportation facility adequacy, making Medford friendlier to development from firms outside of the area. Lastly, additional benefits of DCA-18-180 can be found in the Transportation Planning Rule (Exhibit F) that include the aforementioned alternative mitigation measures, found in the section of the staff report titled “Proposed Additions/Changes to 10.204 Zone Change.” The added alternative measures will create for more flexibility in mitigating transportation impacts, due to development, by allowing for:

- Amendments to the TSP or Comprehensive plan to change Tiers of projects, LOS standard, planned function of a roadway or funding mechanisms for projects
- Providing other measures as a condition of development including, but not limited to, transportation system management measures or minor transportation improvements (e.g. corridor signal timing or technology upgrades);
- Providing improvements that would benefit modes other than the significantly affected mode (i.e. pedestrian over auto); improvements to facilities other than the significantly affected facility (i.e. improving other intersections to aid affected one); or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect;

### Conclusions

The adoption of the TSP in December outlined action items specific to amending the Land Development Code related to creating consistency with Oregon Transportation Planning Rule. In order to bring forward the benefits of DCA-18-180 it is important to amend the Land Development Code with the changes proposed. Not only does it work in the benefit of the public but it creates consistency between the MLDC and the Comprehensive Plan. This criterion is found to be satisfied.

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

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

### Findings

The proposed code amendment supports the goals and policies found in the newly adopted 2018-2038 Transportation System Plan. Specifically the following goals, objectives and action items are relevant to this project.

**GOAL 2 – ECONOMIC DEVELOPMENT** – The transportation system shall enhance economic development and vitality within the City and throughout the Region.

**Objective 4:** Provide transportation facilities that support existing and planned land uses, consistent with the City’s Comprehensive Plan.

**Action Item 4-a.:** Balance transportation facility capacity with planned land uses by amending the City’s concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy.

**Action Item 4-b:** Ensure development throughout the City and within the Urban Growth Boundary expansion areas are consistent with the Functional Classification plan and other planned transportation improvements.

**GOAL 3 – LIVABILITY** – Design and construct transportation facilities to enhance the livability of the City’s neighborhoods and business centers.

**Objective 9:** The City will balance transportation system objectives to improve mobility against objectives to avoid disruption of existing neighborhoods and nonresidential districts, and minimize impacts to individual properties.

**Action Item 9-d:** Implement transportation demand management strategies, when appropriate, to mitigate congestion prior to roadway expansion.

**GOAL 5 – FINANCING** – Optimize funding resources so that transportation investments are fiscally sound and economically sustainable.

**Objective 16** – Amendments to the land development code and municipal code to implement the TSP shall be targeted for completion within 24 months of TSP acknowledgement.

**Action Item 16-d:** The first priority for code amendments for the TSP implementation are the amendments to implement Action Item 4-a.

The Transportation System Plan goals and objectives identify the incorporation of the updated cross sections and legacy street provisions into the Land Development Code so they can be implemented as development occurs along City roadways.

### Conclusions

The amendment is relevant to the Transportation System Plan goals, objectives, and action items. This criterion is found to be satisfied.

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

### Findings

The proposed development code amendment was distributed to internal and external agencies for review and comments in May and June of 2019. Additionally, Public Works-Engineering and Legal Department staff worked closely with Planning staff to review and make suggested changes to the language. On June 12, 2019 staff held a Land Development Committee meeting to solicit comments from applicable referral agencies. The Medford Building, Public Works and Fire-Rescue Departments submitted official “no comment” memos for the record (Exhibits G, H, & I, respectively). The Medford Water Commission also provided an official memo stating there are no additional comments (Exhibit J) as well as Jackson County Roads Department (Exhibit K). Wei (Michael) Wang, Development Review Traffic Engineer of the Oregon Department of Transportation (ODOT), was present at the LD meeting but did not provide any comments for the record.

### Conclusions

The City has reviewed and revised the draft language based on comments received from applicable referral agencies. This criterion is found to be satisfied.

3. *Public comments.*

### Findings

A draft of the proposed text was e-mailed in June 2019 to a group of 45 citizens, developers, business owners, land use consultants, and non-profit representatives who have requested notification of code amendment projects. No specific comments have been received to date. A follow up to the group will be sent a week prior to the scheduled hearing to provide them with the latest draft and remind them of the hearing schedule for the project.

The Transportation Commission (TC) was provided the draft language and presentation at their May 22, 2019 meeting. The TC recommended the draft language move forward to the Planning Commission for review and consideration at a public hearing. The Planning Commission met on June 10, 2019, during a noon study session and discussed the proposed amendment with staff (Minutes Exhibit E). Generally, the Commission was in favor of moving the amendment forward and sought clarification on a few topics including the exemptions to the TPR

allowances regarding the S. Stage, N. Phoenix, Foothill corridor. Planning Commission noted that language needed to be added to ensure that if a project was built or funded in this corridor that it no longer be exempt from the TPR allowances discussed throughout this report. This addition in the text can be found in Section 10.461(E)(15)(b).

The draft language is made available to the public on the City's webpage and two public hearings provide opportunities for the public to provide further comments.

#### Conclusions

The language was provided to members of the public interested in reviewing code amendments proposed by the City. Three of the City's citizen committee and commissions have been informed about the project and changes have been made to reflect their comments. The public is afforded an opportunity to provide additional comments through the hearing process before the Planning Commission and City Council. This criterion is found to be satisfied.

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

##### Findings

The City's transportation network in specific locations requires coordination with Jackson County and the Oregon Department of Transportation (ODOT).

The City and County have adopted an Urban Growth Management Agreement to ensure the efficient and orderly development of rural lands to urban lands within the Urban Growth Boundary. The agreement outlines the circumstances in which the City takes over jurisdiction of existing roads at the time of annexation. It also outlines the County's obligations to adhere to the City's structural road section specifications when the County proposes the construction of new roads or the widening of roads in the City's Urban Growth Boundary and Urban Reserve.

Coordination with the ODOT is not specific to an existing governmental agreement but is relevant when the ODOT is proposing improvements to state facilities within the City's jurisdictional boundaries or when public or private development may cause impacts to state facilities.

Both County and State partners have been informed about the amendment.

##### Conclusions

Specific and general coordination efforts are in place between the City and County and the City and ODOT related to transportation. The proposed code changes provide consistency with the City's Transportation System Plan and ensure all of

the jurisdictions are working under the same parameters. This criterion is found to be satisfied.

### **RECOMMENDED ACTION**

Based on the findings and conclusions that all of the applicable criteria are satisfied, forward a favorable recommendation for approval of DCA-18-180 to the City Council per the staff report dated June 20, 2019, including Exhibits A through K.

### **EXHIBITS**

- A Proposed amendment
- A-1 Proposed amendment; clean version, not edits
- B City Council Study Session Minutes – January 31, 2019
- C Transportation Commission Meeting Minutes – April 16, 2019
- D Transportation Commission Meeting Minutes – May 22, 2019
- E Planning Commission Study Session Minutes – June 10, 2019
- F Transportation Planning Rule (TPR)
- G Building Department Comments – June 10, 2019
- H Public Works Department Comments – June 12, 2019
- I Medford Fire-Rescue Department Comments – June 12, 2019
- J Medford Water Commission Comments – June 12, 2019
- K Jackson County Roads Comments – June 3, 2019

### **PLANNING COMMISSION AGENDA: JUNE 27, 2019**

## Exhibit A

### Proposed Text DCA-18-180

~~Deleted Text~~ New Text ~~Moved Text~~, Moved Text

\* \* \*

10.460 ~~Traffic~~ Transportation Impact Analysis (TIA)

\* \* \*

#### ARTICLE I - GENERAL PROVISIONS

##### 10.012 **Definitions, Specific.**

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

\* \* \*

**Development.** The improvement of a parcel of land; including changing the parcels zoning, partitioning or subdividing of any improved or unimproved real property, for any purpose, and by any person, association, or other entity.

**Mixed-use building.** A building contains one or more residential dwelling unit(s) and a commercial, institutional, or industrial use(s) in the same building. Mixed-use buildings may be vertical (uses above ground floor) or horizontal (single story, mixed-use building). When vertically mixed, the non-residential use must occupy at least 80-65 percent of the building's ground floor area. When horizontally mixed, residential uses shall be subordinate to the commercial/industrial uses.

\* \* \*

**Mobility Target(s).** See definition "Level of Service (LOS)" and Section 10.462.

\* \* \*

**Multi-Modal.** A transportation system or right-of-way that accommodates more than one mode of transportation such as driving, walking, biking and transit service rather than predominantly one mode of transportation.

\* \* \*

**Pass-by trip/traffic.** A trip made as an intermediate stop on the way from an origin to a primary trip destination without route diversion.

\* \* \*

**Pedestrian-friendly.** Features and elements of a development that encourage walking by making it safe and convenient.

\* \* \*

**Planning Period.** The twenty-year period beginning with the date of adoption of the Transportation System Plan or 15 years from the date of the scoping letter, whichever is greater.

\* \* \*

**Scoping Letter.** A letter provided by the Public Works Department that describes the methodology, limits of the ~~traffie~~ transportation impact analysis (TIA), and any approved deviations. ~~The letter is provided to the agent, applicant, and engineer after a meeting they have submitted a written request to within including sufficient detail about the proposed application to determine how to discuss apply to the application and/or met with the Public Works Department to discuss the requirements of 10.460 and 10.461.~~

\* \* \*

**Traffie Transportation Impact Analysis (TIA).** A study of the impacts a proposed use or development will have on the surrounding transportation system. See Section 10.460 for criteria and standards.

\* \* \*

## ARTICLE II - PROCEDURAL REQUIREMENTS

\* \* \*

### 10.204 Zone Change.

\* \* \*

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

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

(b) Adequate streets and street capacity must be provided in accordance with Oregon Administrative Rule 660-012-0060, commonly referred to as

~~the Transportation Planning Rule (TPR). The Public Works Department may require that planned improvements be constructed prior to issuance of building permits for reasons of public safety, one of the following ways:~~

~~(i) Streets which serve the subject property, or study area as defined in Section 10.461(2B), presently exist and are shown to have adequate capacity; or~~

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

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

~~a. the project is in the City's adopted capital improvement plan (CIP) budget, in the most current System Development Charge (SDC) fiscally constrained project list, is identified as a Tier I project in the City's most recently adopted Transportation System Plan (TSP) or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan (STIP), or any other public agencies adopted capital improvement plan budget; or~~

~~b. an applicant funds the improvement through a reimbursement local improvement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the, that the improvement must be constructed prior to issuance of building permits.~~

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

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change ~~request~~. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must

be recorded at the Jackson County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

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

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

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools, mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.

\* \* \*

#### ARTICLE IV - PUBLIC IMPROVEMENT STANDARDS AND CRITERIA

\* \* \*

##### 10.460 ~~Traffic~~ Transportation Impact Analysis (TIA) Purpose.

A ~~Traffic~~ Transportation Impact Analysis specifically identifies the generation, distribution, and assignment of all modes of traffic to and from a proposed development. The purpose is to identify the ~~traffic-transportation~~ impacts that a proposed development will have on the existing and future ~~street-transportation~~ network. It determines all improvements or mitigation measures necessary to maintain adequate level of service (LOS) at study area intersections and ensure safe pedestrian, bicycle, and vehicular ~~ingress to and egress from~~ use of the transportation system.

##### 10.461 TIA Applicability and Methodology.

~~(4A)~~ Scoping Letter. The level of detail and scope of a ~~traffic-t~~ Transportation impact analysis (TIA) will vary with the size, complexity, and location of the proposed application. -Prior to any TIA, the applicant shall submit sufficient information to the City for the Public Works Department to issue a scoping letter. The scoping letter expires 180 days after the date the letter was issued. Scoping letters may require modification if significant development is approved during the 180 days. If stipulations to reduce ~~traffic transportation impacts~~ are requested by an applicant, it must first be shown by means of an analysis that an unconditional approval is not possible without some form of mitigation to maintain an adequate LOS and level of safety. This will determine whether a stipulation is necessary.

**(2B) Extent of Study Area:**

The study area shall be defined by the Public Works Department in the scoping letter and shall address at least the following areas:

- (a1) All proposed development site access points;
- (b2) Any intersection where the proposed development can be expected to contribute 25 or more trips during the analysis peak period. Impacts of less than 25 peak period trips are not substantial and will not be included in the study area. This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and
- (e3) Any intersections directly adjacent to the subject property.

The Public Works Department may, at its discretion, waive the study of certain intersections when it is concluded that the impacts are not substantial.

**(3C) When required:**

A TIA shall be required ~~if~~ a proposed application has the potential of generating more than 250 net average daily trips (ADT) or ~~if~~ the Public Works Department has concerns due to operations or accident history; ~~a~~ TIA will be required to evaluate development impacts to the transportation system. The Public Works Department may waive a TIA if it is concluded that the impacts are not substantial.

**(4D) Submittals:**

Applicants shall ~~P~~provide two copies of the TIA for Public Works Department to review.

**(5E) Elements of Analysis:**

A TIA shall be prepared by a Traffic Engineer or Civil Engineer licensed to practice in the State of Oregon with ~~special~~ specific training and experience in traffic engineering. The TIA shall be a thorough review of the effects a proposed use and/or development will have on the transportation system. The study area shall include all streets and intersections in the analysis, as defined in subsection 10.461(2B) above. ~~Traffic-Transportation impacts~~ generated from a proposed site will be distributed throughout the transportation system using existing count data or the current transportation model used by the City; ~~—~~ Aany alternate distribution method must be based on data acceptable to the Public Works Department. ~~Incomplete reports shall be returned to the applicant for completion without review.~~ The following checklist outlines what a TIA shall contain. ~~Incomplete reports shall be returned to the applicant for completion without review:~~

- (a1) The scoping letter, as provided by the Public Works Department;
- (b2) The Final TIA shall be signed and stamped by a Professional Civil or Traffic Engineer registered in the State of Oregon;
- (e3) An executive summary, discussing the development and/or use, the major findings of the analysis, and the mitigation measures proposed;
- (d4) A vicinity map of the proposed site and study area;
- (e5) Project characteristics such as current zoning, proposed zoning, potential trip generations (unless stipulated to less than potential), proposed access(s), and other pertinent factors;
- (f6) Street characteristics within the study area including roadway functional classification (as established in the most recent Transportation System Plan (TSP)), number of travel lanes, lane width, shoulder treatment, bicycle path corridors, and traffic control at intersections;

(g7) Description of existing transportation conditions including transit accessibility, ~~accident history~~, pedestrian facilities, bicycle facilities, traffic signals, and overall traffic operations and circulation;

(h8) Peak period turning movement counts of at least two-hour minimums at study area intersections, less than ~~2-two~~ years old. These counts shall be adjusted to the ~~design study~~ year(s) of the project as defined in the scoping letter and consider seasonal traffic adjustments when required by the scoping letter;

(i9) A “~~Figures~~” showing existing peak period (AM, noon, or PM, whichever is largest) turning movement volumes at study area intersections, ~~as shown in Example 1. Approved applications obtained from the City that have not built out but will impact study area intersections shall be included as pipeline traffic.~~ An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-peak season;

(10) Figures showing existing peak period turning movement volumes at study area intersections for the project study year(s). Background traffic shall include existing counts plus pipeline traffic (Pipeline traffic includes ~~Approved applications obtained from the City that have not built out but will impact study area intersections shall be included as pipeline traffic~~).

(j110) Potential “~~Project~~” trip generation using either the potential trip generation rates kept on file by the Public Works Department for City zoning districts or the most current edition of the *ITE Trip Generation Manual*, as ~~required~~ identified by the Public Works Department ~~at the time of scoping in the scoping letter~~. Variations of trip rates will require the approval of the Public Works Department; ~~Such~~ approval will require submission of adequate supporting data prior to first submittal of the TIA;

(k124) A “~~Figures~~” illustrating project turning movement volumes at study area intersections for peak periods, ~~as shown in Example 2.~~ Adjustments made for pass-by traffic volumes shall follow the methodology outlined in the latest edition of the *ITE Trip Generation Handbook Manual*, and shall not exceed 25% unless approved by the Public Works Director;

(l132) A “~~Figures~~” illustrating the combined traffic of existing, background, and project turning movement volumes at study area intersections for peak periods, ~~as shown in Example 3;~~

(m143) Level of Service (LOS) analysis at study area intersections under the following conditions:

(a) Background conditions

Existing-Background plus pipeline traffic (Existing traffic counts + pipeline traffic + traffic count growth rates) ~~in the~~ for the existing year and project study year(s) ~~for the project~~

(b) Proposed conditions

Existing-Background plus pipeline traffic (Existing traffic counts + pipeline traffic + traffic count growth rates) and project traffic ~~in the~~ project study year(s) ~~for the project~~

A table shall be prepared which illustrates all LOS results. The table shall show LOS conditions with corresponding vehicle delays for signalized intersections and the critical movement at unsignalized intersections. ~~If the proposed use is scheduled to be~~

~~completed in phases, a LOS analysis shall be prepared for each phase;~~

~~(15) Tier 1 projects as identified in the Transportation System Plan, except for those listed below in 10.461(E)(15)(a), shall be considered reasonably likely to be provided by the end of the planning period. Tier 2 projects, as identified in the Transportation System Plan, shall not be considered to be reasonably likely to be provided by the end of the planning period.~~

~~(a) The following Tier 1 projects shall not be considered reasonably likely to be provided by the end of the planning period:~~

~~(i) Project #537b South Stage Road (South Pacific Highway to North Phoenix Road)~~

~~(ii) Project #609 Foothill Road (McAndrews to Delta Waters Road)~~

~~(iii) Project #610 Foothill Road (Delta Waters Road to North UGB)~~

~~(iv) Project #611 (N Phoenix Road from Barnett Road to Juamipero~~

~~Way)~~

~~(v) Project #721 (N Phoenix Rd (Juanipero Way to South UGB)~~

~~(b) Projects listed in 10.461(E)(15)(a) shall be considered reasonably likely to be funded when either they are constructed, in progress of construction, and/or identified for funding within the City's Capital Improvement Plan (CIP), System Development Charge (SDC) fiscally constrained project list, or is programmed in the State's current State Transportation Improvement Plan (STIP).~~

~~(164) A queuing and blocking report, based on a microsimulation software such as SimTraffic, which lists the 95<sup>th</sup>-percentile queues and any blocked facilities or exceeded storage lengths for the existing and proposed conditions described in subsection 10.461(E)(14) above;~~

~~(175) A left and right turn lane assessment where they do not currently exist for proposed conditions described in subsection 10.461(E)(14) above;~~

~~(186) Safety review of study area intersections based on the most recent available data from the Oregon Department of Transportation (ODOT) or the City of Medford;~~

~~(197) A mitigation plan if: impacts to the study area~~

~~(a) Reduce Level of service (LOS) is determined to be below minimum the mobility target identified in Section 10.462, per the analysis required of Section 10.461(E)(14);~~

~~(b) If the proposed development trips will affect an identified crash pattern or safety concern;~~

~~(c) If the turn lane assessment identifies a need; and/or-~~

~~(d) Impacts are identified that are otherwise considered a "significant effect" in accordance with Oregon Administrative Rule 660-012-060.~~

Mitigation measures may include stipulations and/or construction of necessary transportation improvements. Mitigation measures shall be required to the extent that the transportation facilities, under City jurisdiction, operate at an acceptable level of service (LOS)/mobility target with the addition of project traffic; and

~~(20) Intersections under jurisdiction of another agency, but still within the City limits, shall be evaluated by either the City's criteria or the other jurisdiction's criteria, or both, whichever is considered applicable by the Public Works Department. If any peak hour trips leave the City limits it shall be the responsibility of the applicant to coordinate~~

with the applicable jurisdictions.

~~(4921)~~ If the TIA is not consistent with the scoping letter (including any amendments), or is incomplete, then the TIA will be returned to the applicant without review.

**(6F) Analysis criteria:**

~~(a1)~~ All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are used to distribute traffic then justification must be provided and approved by the Public Works Department prior to first submittal of the TIA.

~~(b2)~~ If progression analysis is being evaluated, or queuing between intersections is a concern, the peak period used in the analysis must be the same for every intersection along the street and reflect that of the most critical intersection being evaluated. If a common peak period is not requested by the Public Works Department, then the actual peak period of every intersection shall be used.

~~(c3)~~ -Counts performed must be a minimum of two hours and include the peak period for analysis purposes. All documentation shall be included in the TIA.

~~(d4)~~ -Any assumptions used in the TIA, including but not limited too, All supporting count data, LOS analyses, pass-by deductions, growth rates, traffic distributions, or other engineering assumptions must be clearly defined and attached to the TIA when submitted in report form to the City for review.

~~(e5)~~ All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1,800 vehicles per hour, per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. ~~Actual peak hour factors should be used for each movement or lane grouping in the analysis.~~ The peak hour factor shall be 1.0.

~~(6f)~~ Signal timing used in capacity or progression analysis shall follow City timing plans and account for pedestrian crossing times, unless otherwise noted in the scoping letter.

~~(g7)~~ Arrival Type 3 (random arrivals) shall be used unless a coordinated plan is in place

during the peak period.

(8) The safety review (per 10.461(E)(18)) shall include:

(a) Total number of crashes

(b) The calculated crash rate compared to the Critical Crash Rate

(c) Discussion of crash patterns

(d) Discussion of whether the location is included within a published safety study such as, but not limited to, ODOT Safety Priority Index System (SPIS). Other published safety studies may be used, at the City's discretion, for all study intersections.

(9) When mitigation is needed at an intersection, roundabouts shall be evaluated as an alternative to traffic signals according to the current procedures of the Public Works department.

(10) Residential dwelling units when within a vertically, mixed-use building, shall not be considered in trip generation calculations.

**(G) Other Enhancements Required**

If through the TIA analysis it is determined that transportation capacity increasing improvements will not be sufficient to meet the mobility targets, then the approving authority may require that the applicant implement other performance improving actions sufficient to meet the mobility target. Potential performance improving actions may include, but are not limited to:

- (1) Transportation system connectivity improvements for vehicles, bicycles and pedestrians
- (2) Transportation demand management (TDM) methods to reduce the need for additional capacity, such as mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.
- (3) Multi-modal (bicycle, pedestrian, transit) improvements to reduce vehicle demand.
- (4) Operational improvements to maximize use of the existing system.
- (5) Land use techniques (e.g. restricted zones, trip caps/budgets to manage trip generation).

**10.462 Maintenance of Level of Service - DMobility Targets.**

**(A) Adopted Mobility Targets.** Whenever the Level of Service (LOS) is determined to be below the mobility target listed below for arterials or collectors, development is not permitted unless the developer makes the roadway, or other improvements necessary to maintain level of service the mobility target. Level of service LOS criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode. The following are the level of service standards for intersections in the City of Medford.

<b>Level of Service Minimum</b>	<b>Intersection</b>
D	Citywide (unless otherwise listed)
E	Barnett Road & Highland Drive South Pacific Highway (Hwy. 99) & Stewart Avenue

**(B) No Further Degradation.** In some cases a Transportation Impact Analysis shows transportation facilities not meeting the mobility target, identified in 10.462(A), under the TIA's background conditions.

- (1) When the LOS is shown to be below the mobility target identified in 10.462(A), under the TIA's background conditions, then no further degradation of the transportation facility shall be the mobility target. Further degradation shall be measured in volume-to-capacity (v/c) ratio, not LOS. V/c ratio criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode.
- (2) Once reasonable levels of mitigation have been identified, calculated v/c ratios that are within 0.03 of the target are considered in compliance with the target. The adopted mobility target still applies for determining significant affect.

# Exhibit A-1

## Proposed Text DCA-18-180

Clean Version. Shown as if adopted as proposed.

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\* \* \*

10.460 Transportation Impact Analysis (TIA)

\* \* \*

### ARTICLE I - GENERAL PROVISIONS

10.012 **Definitions, Specific.**

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

\* \* \*

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\* \* \*

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\* \* \*

**Mobility Target(s).** See definition "Level of Service (LOS)" and Section 10.462.

\* \* \*

**Multi-Modal.** A transportation system or right-of-way that accommodates more than one mode of transportation such as driving, walking, biking and transit service rather than predominantly one mode of transportation.

\* \* \*

**Pass-by trip/traffic.** A trip made as an intermediate stop on the way from an origin to a primary trip destination without route diversion.

\* \* \*

**Pedestrian-friendly.** Features and elements of a development that encourage walking by making it safe and convenient.

\* \* \*

**Planning Period.** The twenty-year period beginning with the date of adoption of the Transportation System Plan or 15 years from the date of the scoping letter, whichever is greater.

\* \* \*

**Scoping Letter.** A letter provided by the Public Works Department that describes the methodology, limits of the transportation impact analysis (TIA), and any approved deviations.

\* \* \*

**Transportation Impact Analysis (TIA).** A study of the impacts a proposed use or development will have on the surrounding transportation system. See Section 10.460 for criteria and standards.

\* \* \*

## ARTICLE II - PROCEDURAL REQUIREMENTS

\* \* \*

### 10.204 Zone Change.

\* \* \*

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

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

(b) Adequate streets and street capacity must be provided in accordance with Oregon Administrative Rule 660-012-0060, commonly referred to as the Transportation Planning Rule (TPR). The Public Works Department may require that planned improvements be constructed prior to issuance of building permits for reasons of public safety.

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the

zone change. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the Jackson County Recorder’s office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

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

\* \* \*

#### **ARTICLE IV - PUBLIC IMPROVEMENT STANDARDS AND CRITERIA**

\* \* \*

##### **10.460 Transportation Impact Analysis (TIA) Purpose.**

A Transportation Impact Analysis specifically identifies the generation, distribution, and assignment of all modes of traffic to and from a proposed development. The purpose is to identify the transportation impacts that a proposed development will have on the existing and future transportation network. It determines all improvements or mitigation measures necessary to maintain adequate level of service (LOS) at study area intersections and ensure safe pedestrian, bicycle, and vehicular use of the transportation system.

##### **10.461 TIA Applicability and Methodology.**

**(A) Scoping Letter.** The level of detail and scope of a Transportation Impact Analysis (TIA) will vary with the size, complexity, and location of the proposed application. Prior to any TIA, the applicant shall submit sufficient information to the City for the Public Works Department to issue a scoping letter. The scoping letter expires 180 days after the date the letter was issued. Scoping letters may require modification if significant development is approved during the 180 days. If stipulations to reduce transportation impacts are requested by an applicant, it must first be shown by means of an analysis that an unconditional approval is not possible without some form of mitigation to maintain an adequate LOS and level of safety. This will determine whether a stipulation is necessary.

**(B) Extent of Study Area:**

The study area shall be defined by the Public Works Department in the scoping letter and shall address at least the following areas:

- (1) All proposed development site access points;
- (2) Any intersection where the proposed development can be expected to contribute 25 or more trips during the analysis peak period. Impacts of less than 25 peak period trips are not substantial and will not be included in the study area. This volume may be adjusted, at the discretion of the Public Works Department, for safety or unusual situations; and
- (3) Any intersections directly adjacent to the subject property.

The Public Works Department may, at its discretion, waive the study of certain intersections when it is concluded that the impacts are not substantial.

**(C) When required:**

A TIA shall be required if a proposed application has the potential of generating more than 250 net average daily trips (ADT) or if the Public Works Department has concerns due to operations or accident history A TIA will be required to evaluate development impacts to the transportation system. The Public Works Department may waive a TIA if it is concluded that the impacts are not substantial.

**(D) Submittals:**

Applicants shall provide two copies of the TIA for Public Works Department to review.

**(E) Elements of Analysis:**

A TIA shall be prepared by a Traffic Engineer or Civil Engineer licensed to practice in the State of Oregon with specific training and experience in traffic engineering. The TIA shall be a thorough review of the effects a proposed use and/or development will have on the transportation system. The study area shall include all streets and intersections in the analysis, as defined in subsection 10.461(B) above. Transportation impacts generated from a proposed site will be distributed throughout the transportation system using existing count data or the current transportation model used by the City; any alternate distribution method must be based on data acceptable to the Public Works Department. Incomplete reports shall be returned to the applicant for completion without review. The following checklist outlines what a TIA shall contain. :

- (1) The scoping letter, as provided by the Public Works Department;
- (2) The Final TIA shall be signed and stamped by a Professional Civil or Traffic Engineer registered in the State of Oregon;
- (3) An executive summary discussing the development and/or use, the major findings of the analysis, and the mitigation measures proposed;
- (4) A vicinity map of the proposed site and study area;
- (5) Project characteristics such as current zoning, proposed zoning, potential trip generations (unless stipulated to less than potential), proposed access(s), and other pertinent factors;
- (6) Street characteristics within the study area including roadway functional classification (as established in the most recent Transportation System Plan (TSP)), number of travel lanes, lane width, shoulder treatment, bicycle path corridors, and traffic control at intersections;
- (7) Description of existing transportation conditions including transit accessibility,

pedestrian facilities, bicycle facilities, traffic signals, and overall traffic operations and circulation;

(8) Peak period turning movement counts of at least two-hour minimums at study area intersections, less than two years old. These counts shall be adjusted to the study year(s) of the project as defined in the scoping letter and consider seasonal traffic adjustments when required by the scoping letter;

9) Figures showing existing peak period (AM, noon, or PM, whichever is largest) turning movement volumes at study area intersections. An appropriate adjustment factor shall be applied to existing count data if counts were taken during the off-peak season;

(10) Figures showing existing peak period turning movement volumes at study area intersections for the project study year(s). Background traffic shall include existing counts plus pipeline traffic (Pipeline traffic includes approved applications obtained from the City that have not built out but will impact study area intersections).

(11) Potential Project trip generation using either the potential trip generation rates kept on file by the Public Works Department for City zoning districts or the most current edition of the *ITE Trip Generation Manual*, as identified by the Public Works Department in the scoping letter. Variations of trip rates will require the approval of the Public Works Department; such approval will require submission of adequate supporting data prior to first submittal of the TIA;

(12) Figures illustrating project turning movement volumes at study area intersections for peak periods. Adjustments made for pass-by traffic volumes shall follow the methodology outlined in the latest edition of the *ITE Trip Generation Manual*, and shall not exceed 25% unless approved by the Public Works Director;

(13) Figures illustrating the combined traffic of existing, background, and project turning movement volumes at study area intersections for peak periods;

(14) Level of Service (LOS) analysis at study area intersections under the following conditions:

(a) Background conditions

Background traffic (Existing traffic counts + pipeline traffic + traffic count growth rates) for the existing year and project study year(s)

(b) Proposed conditions

Background traffic (Existing traffic counts + pipeline traffic + traffic count growth rates) and project traffic in the project study year(s)

A table shall be prepared which illustrates all LOS results. The table shall show LOS conditions with corresponding vehicle delays for signalized intersections and the critical movement at unsignalized intersections;

(15) Tier 1 projects as identified in the Transportation System Plan, except for those listed below in 10.461(E)(15)(a), shall be considered reasonably likely to be provided by the end of the planning period. Tier 2 projects, as identified in the Transportation System Plan, shall not be considered to be reasonably likely to be provided by the end of the planning period.

(a) The following Tier 1 projects shall not be considered reasonably likely to be provided by the end of the planning period:

- (i) Project #537b South Stage Road (South Pacific Highway to North Phoenix Road)
  - (ii) Project #609 Foothill Road (McAndrews to Delta Waters Road)
  - (iii) Project #610 Foothill Road (Delta Waters Road to North UGB)
  - (iv) Project #611 (N Phoenix Road from Barnett Road to Juamipero Way)
  - (v) Project #721 (N Phoenix Rd (Juanipero Way to South UGB)
- (b) Projects listed in 10.461(E)(15)(a) shall be considered reasonably likely to be funded when either they are constructed, in progress of construction, and/or identified for funding within the City’s Capital Improvement Plan (CIP), System Development Charge (SDC) fiscally constrained project list, or is programmed in the State’s current State Transportation Improvement Plan (STIP).
- (16) A queuing and blocking report, based on a microsimulation software such as SimTraffic, which lists the 95<sup>th</sup>-percentile queues and any blocked facilities or exceeded storage lengths for the existing and proposed conditions described in subsection 10.461(E)(14) above;
- (17) A left and right turn lane assessment where they do not currently exist for proposed conditions described in subsection 10.461(E)(14) above;
- (18) Safety review of study area intersections based on the most recent available data from the Oregon Department of Transportation (ODOT) or the City of Medford;
- (19) A mitigation plan if:
- (a) Level of service (LOS) is determined to be below the mobility target identified in Section 10.462, per the analysis required of Section 10.461(E)(14);
  - (b) The proposed development trips will affect an identified crash pattern or safety concern;
  - (c) The turn lane assessment identifies a need; and/or
  - (d) Impacts are identified that are otherwise considered a “significant effect” in accordance with Oregon Administrative Rule 660-012-060.

Mitigation measures may include stipulations and/or construction of necessary transportation improvements. Mitigation measures shall be required to the extent that the transportation facilities, under City jurisdiction, operate at an acceptable level of service (LOS)/mobility target with the addition of project traffic; and

(20) Intersections under jurisdiction of another agency, but still within the City limits, shall be evaluated by either the City’s criteria or the other jurisdiction’s criteria, or both, whichever is considered applicable by the Public Works Department. If any peak hour trips leave the City limits it shall be the responsibility of the applicant to coordinate with the applicable jurisdictions.

(21) If the TIA is not consistent with the scoping letter (including any amendments), or is incomplete, then the TIA will be returned to the applicant without review.

**(F) Analysis criteria:**

(1) All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are used to distribute traffic then justification must be provided and approved by the Public Works Department prior to first submittal of the TIA.

- (2) If progression analysis is being evaluated, or queuing between intersections is a concern, the peak period used in the analysis must be the same for every intersection along the street and reflect that of the most critical intersection being evaluated. If a common peak period is not requested by the Public Works Department, then the actual peak period of every intersection shall be used.
- (3) Counts performed must be a minimum of two hours and include the peak period for analysis purposes. All documentation shall be included in the TIA.
- (4) Any assumptions used in the TIA, including but not limited to, all supporting count data, LOS analyses, pass-by deductions, growth rates, traffic distributions, or other engineering assumptions must be clearly defined and attached to the TIA when submitted in report form to the City for review.
- (5) All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1,800 vehicles per hour, per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. The peak hour factor shall be 1.0.
- (6) Signal timing used in capacity or progression analysis shall follow City timing plans and account for pedestrian crossing times, unless otherwise noted in the scoping letter.
- (7) Arrival Type 3 (random arrivals) shall be used unless a coordinated plan is in place during the peak period.
- (8) The safety review (per 10.461(E)(18)) shall include:
  - (a) Total number of crashes
  - (b) The calculated crash rate compared to the Critical Crash Rate
  - (c) Discussion of crash patterns
  - (d) Discussion of whether the location is included within a published safety study such as, but not limited to, ODOT Safety Priority Index System (SPIS). Other published safety studies may be used, at the City's discretion, for all study intersections.
- 9) When mitigation is needed at an intersection, roundabouts shall be evaluated as an alternative to traffic signals according to the current procedures of the Public Works department.
- (10) Residential dwelling units when within a vertically, mixed-use building, shall not be considered in trip generation calculations.

**(G) Other Enhancements Required**

- (1) If through the TIA analysis it is determined that transportation capacity increasing improvements will not be sufficient to meet the mobility targets, then the approving authority may require that the applicant implement other performance improving actions sufficient to meet the mobility target. Potential performance improving actions may include, but are not limited to: Transportation system connectivity improvements for vehicles, bicycles and pedestrians
- (2) Transportation demand management (TDM) methods to reduce the need for additional capacity, such as mandatory carsharing programs, alternative work schedules, employer provided transit passes or other measures that incentivize transportation options other than single-occupancy vehicles.

- (3) Multi-modal (bicycle, pedestrian, transit) improvements to reduce vehicle demand.
- (4) Operational improvements to maximize use of the existing system.
- (5) Land use techniques (e.g. restricted zones, trip caps/budgets to manage trip generation).

**10.462 Mobility Targets.**

**(A) Adopted Mobility Targets.** Whenever Level of Service (LOS) is determined to be below the mobility target listed below for arterials or collectors, development is not permitted unless the developer makes the roadway, or other improvements necessary to maintain the mobility target. LOS criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode. The following are the level of service standards for intersections in the City of Medford.

Level of Service Minimum	Intersection
D	Citywide (unless otherwise listed)
E	Barnett Road & Highland Drive South Pacific Highway (Hwy. 99) & Stewart Avenue

**(B) No Further Degradation.** In some cases a Transportation Impact Analysis shows transportation facilities not meeting the mobility target, identified in 10.462(A), under the TIA’s background conditions.

- (1) When the LOS is shown to be below the mobility target identified in 10.462(A), under the TIA’s background conditions, then no further degradation of the transportation facility shall be the mobility target. Further degradation shall be measured in volume-to-capacity (v/c) ratio, not LOS. V/c ratio criteria shall be based on the latest edition of the Highway Capacity Manual for the motorized vehicle mode.
- (2) Once reasonable levels of mitigation have been identified, calculated v/c ratios that are within 0.03 of the target are considered in compliance with the target. The adopted mobility target still applies for determining significant affect.

## Exhibit B

# City Council Study Session Minutes – January 31, 2019

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### MINUTES

January 31, 2019

IMMEDIATELY FOLLOWING COUNCIL MEETING

Approximately 6:15 p.m.

City Hall, Medford Room

411 W. 8<sup>th</sup> Street, Medford, Oregon

The Medford City Council Study Session was called to order at 6:25 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, Kay Brooks Tim D'Alessandro, Dick Gordon, Alex Poythress, Kevin Stine and Michael Zarosinski; City Manager Brian Sjothun, Deputy City Attorney Eric Milton, Parks, Recreation and Facilities Director Rich Rosenthal, Public Works Director Cory Crebbin, Transportation Manager Karl MacNair, and Deputy City Recorder Winnie Shepard

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### Concurrency

Transportation Manager Karl MacNair explained that per Council instruction, the concurrency requirement will be removed from the Transportation System Plan (TSP) and staff will rely on the State Transportation Planning Rule (TPR) for determining transportation facility adequacy. Staff is looking for direction on projects surrounding the North Phoenix/ South Stage mega corridor, as it is not a fully-funded project.

He defined "concurrency" as the requirement that developments have adequate transportation facilities available at the time of development (zone change). If not, they are required to build the capacity prior to vertical development.

When concurrency is removed, staff will rely on the TPR. This allows developers to assume that all Tier 1 (funded) projects planned in the TSP over the next 20 years will occur. It could cause increase in congestion in the short term, but allows development to proceed so the City can collect development fees to fund transportation system improvements.

The City dedicated partial funds toward the South Stage overcrossing and classified it as a Tier 1 project. However, Medford does not have the estimated \$50 million dollars needed to actually build it. Without adequate funding, ODOT will likely appeal zone changes that are based upon the project's completion as it does not seem "reasonably likely" the overcrossing will be constructed during the future year analysis period. This would impact a portion of property recently annexed into the Urban Growth Boundary.

Council and staff discussed potential funding options for the South Stage overcrossing:

- Surcharge on SDC and street utility fees
- Gas tax
- General fund dollars
- Local improvement district
- Location specific SDC fees

Staff recommends pursuing funding sources for the mega corridor and/or the South Stage overcrossing and working work with Transportation Commission to develop recommendations.

Council discussion/answers to questions:

- MURA funds could pay for transportation facilities, if they were within the district
- ODOT's opposition will not impact the City's ability to receive grants
- City will apply for grants to help fund the project
- EDA was discussed. To use this option, the City would need to be in control of the property through donation or a long-term easement. If this option is reviewed, City could partner with other employment agencies

Mr. MacNair clarified that the timeline for the change to the concurrency expecting new code language in June for approval. Then, development can move forward based on our Tier 1 projects.

ODOT will continue looking at capacity as development occurs. Eventually, the South Medford Interchange will reach the maximum allowed V/C (volume/capacity) ratio and further development will not be able to proceed. Developers are aware of this situation.

Mayor clarified that staff should work with the Transportation Commission to research funding options. There were no objections.

Planning Director Matt Brinkley provided a brief update on the TSP. We are currently in the appeal period; one notice of appeal was received. The appellant did not object to our record and has about a week to submit the actual appeal. If LUBA hears the appeal, it will be completed in about 77 days. Unless the appellant asks for a stay from LUBA and until LUBA grants that stay, the City will continue to accept annexation applications.

The meeting adjourned at 8:45 p.m.

Winnie Shepard, CMC  
Deputy City Record

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## Exhibit C

# Transportation Commission Meeting Minutes – April 16, 2019

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### MINUTES

April 24, 2019 – 12:30pm

City Hall, 411

W 8<sup>th</sup> St,

Medford, OR

Room 330

The regular meeting of the Transportation Commission was called to order at 12:32 p.m.

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#### 10. Roll Call

##### Commissioners Present:

Al Densmore,  
Chair Dennie  
Conrad, Vice  
Chair Jaime  
Jordan  
Kim  
Parducci  
Peggy  
Penland  
Jared  
Pulver

##### Commissioners Absent

Suzanne Schroeder

##### Staff Present

Cory Crebbin, Public Works  
Director Karl MacNair,  
Transportation Manager  
Kyle Kearns, Planner II  
Sheila Giorgetti, Recording Secretary

##### Others Present

Paige West, RVT  
Lance Ussery, Siskiyou Velo

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#### 40.2 Concurrency Code Amendment

Karl MacNair, Transportation Manager, gave a PowerPoint presentation on Transportation Concurrency. Transportation concurrency is the requirement that developments must mitigate transportation impacts at the time of development. A development has transportation impacts if it contributes traffic to an intersection that is shown to operate below the City's level of service (LOS) standard with the project traffic.

During the Transportation System Plan process, concurrency came into question. One idea was to remove concurrency in the Medford Municipal Code (MMC) and rely on the Transportation Planning Rule (TPR) to determine whether capacity is present in the system.

The TPR requires that future capacity is planned, while the MMC requires that capacity is available now (concurrency), which is at the time of zone change. TSP advisory groups determined three options:

- 1) Concurrency at Zone Change
- 2) Concurrency at Site Plan
- 3) No concurrency

Of these options, the advisory group consensus was that no concurrency was the best option.

Commissioner Pulver questioned whether a change to no concurrency means that Public Works would receive System Development Charges (SDCs) that would go into a pool that would fix problems; would the developer build a project, would SDCs be enough to solve the problem. Mr. MacNair responded that the future condition is what gets looked at. For current Tier 1 projects, any impacts of development that aren't planned in the TSP would still need to be mitigated by the developer.

Commissioner Pulver asked about the frequency of updating the TSP. Mr. MacNair stated the State of Oregon would like cities to update the plan every five years. Staff would like to establish a regular update cycle.

Among other things, the TPR:

- Requires analysis of the horizon year of the adopted TSP
- Allows "planned" facilities, improvements or services to be included as built in the analysis (Tier 1 projects)
- Allows for alternative mitigation measures
- Provides for "no further degradation" allowance at already failing facilities

Chair Densmore stated that he hopes this commission will anticipate failing and/or unfixable areas in the TSP and shine a light on issues for the community to avoid significant economic consequences.

Mr. MacNair briefed on the "mega corridor," which includes Foothill Road, North Phoenix Road, and South Stage Road. City Council has long said this is a high priority and will be an important corridor. This is a Tier 1 project that has a large funding gap, despite

the fact this is a regional partnership project. Grant opportunities are being explored, but even if received the city will still have to raise additional funds.

Commissioner Pulver questioned how the mega corridor project relates to concurrency. Mr. MacNair responded that as a Tier 1 project with a giant funding gap, the TPR requires that it must be reasonably likely to be funded by the end of the planning period. Removal of concurrency will dramatically increase existing issues around intersections under ODOT jurisdiction; the city anticipates a challenge from ODOT if South Stage Road is included in Traffic Impact Analyses without a better defined funding plan.

Chair Densmore clarified that part of the commission's task this summer is to figure out how to make this project viable. Mr. MacNair agreed and stated that in the meantime code language that will change concurrency is being updated; this will be discussed at the May meeting.

Commissioner Jordan questioned the percentage of Tier 1 projects that actually get completed and how often are they pushed back. Cory Crebbin, Public Works Director, responded that it is hard to predict which projects will be completed. Commissioner Parducci asked if the projects not completed under the 2003 TSP could be counted. Mr. Crebbin stated that some of those were dropped because things changed and the projects were no longer needed.

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#### **90. Adjournment**

The meeting adjourned at 2:08 p.m.

# Exhibit D

## Transportation Commission Meeting Minutes – May 22, 2019 (DRAFT)

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### MINUTES

May 22, 2019 – 12:30pm

Lausmann Annex, 200 S. Ivy Street Medford, OR  
Room 151

The regular meeting of the Transportation Commission was called to order at 12:37 p.m.

#### 10. Roll Call

##### Commissioners Present:

Al Densmore, Chair  
Dennie Conrad, Vice Chair  
Jaime Jordan  
Jared Pulver  
Suzanne Schroeder  
Kay Brooks, Alternate Council Liaison

##### Commissioners Absent

Kim Parducci  
Peggy Penland

##### Staff Present

Eric Zimmerman, Deputy City Manager  
Cory Crebbin, Public Works Director  
Alex Georgevitch, Deputy Public Works Director / City Engineer  
Karl MacNair, Transportation Manager  
Kyle Kearns, Planner II  
Bonnie Glidewell, Recording Secretary

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#### 40. Agenda Items

##### 40.1 Concurrency Code Amendment

Kyle Kearns, Planner II, gave a PowerPoint presentation on Transportation System Plan (TSP) Code Updates on Concurrency and Traffic Impact Analysis (TIA). He discussed the hearing schedule for presenting to City Council and Planning Commission, next steps, project objectives and the desired outcomes of the Transportation Commission meeting.

Staff is proposing Medford Land Development Code (MLDC) changes that allow for use of the Transportation Planning Rule (TPR) as the determinant of transportation facility

adequacy. The changes proposed would allow for developments to include transportation projects, planned for construction by the City or other public agencies, as built projects in future year analysis for TIA's for development proposals such as a zone change. Benefits of these proposed changes include allowing for the use of planned projects in development proposals, allowing development to proceed prior to transportation improvements being built (good for development), and the changes align with Oregon Department of Transportation (ODOT) requirements.

Cons of the proposed changes would make it more critical for the City to deliver the planned transportation projects over the 20-year planning period, allowing development to proceed prior to improvements being built (more congestion), and more reliance on a regional traffic model of which the City does not have direct control.

Questions and comments were had along with clarification by Mr. Crebbin of why this came about. Commissioner Pulver asked about planned projects, forecasting and other impactful development and/or traffic flow that would also potentially change the concurrency. He is concerned with a con showing a lot of forecasting is happening and there are many variables that affect the plan as opposed to what is forecasted. He posed the question that if developers bring a plan and do not follow that plan, how does it affect concurrency? Mr. MacNair answered that the change would be that Tier one projects in the TSP would be accounted for.

Mr. Zimmerman asked staff to explain the difference between the new recommendation processes versus how it happens now. Mr. MacNair, explained that it depends on where development actually happens compared to what is modeled and that projects will be built where traffic indicates they are needed. Mr. Crebbin explained that in about 6 years we will be working on the new TSP and will work with the data that is best available at the time, but the numbers are not meant to be stagnant. Amendments will be made if needed for the 20 year plan. Chair Densmore posed the question if staff thought it would create a smoother workflow. Mr. MacNair answered it probably will not turn into a smoother process for staff, but it will be smoother for developers. Mr. Zimmerman asked how it might affect developers and what reasons the Council posed this. What were the reasons that Council brought this up? Councilor Brooks answered that she hears from the public that it would provide more streamlined planning and developing. Mr. Crebbin commented it will contribute to more orderly development due to trip cap stipulations around people wanting to develop their properties. Commissioner Pulver noted that the TSP will likely be visited more than in the past and asked if projects that are not Tier one might fall off, or Tier two projects might move up. Mr. Crebbin noted this may happen. Mr. Kearns noted that the TPR allows for people to apply for changes to the TSP and potentially allow for a change to the comprehensive plan. Chair Densmore asked if we needed more deliberation or not.

MOTION: Recommendation to move this to the Planning Commission.

MOVED by: Commissioner Conrad. SECONDED by Commissioner Schroeder.

MOTION was approved unanimously.

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## 90. Adjournment

The meeting adjourned at 2:33 p.m.

# Exhibit E

## Planning Commission Study Session Minutes – June 10, 2019

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

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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**

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

**Staff Present**

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

**Commissioners Absent**

Patrick Miranda, Excused Absence

**Subject:**

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**20.3 DCA-18-180 Concurrency Amendments**

Kyle Kearns, Planner II reported that transportation concurrency is the requirement that developments must mitigate transportation impacts at the time of development.

A development has transportation impacts if it contributes traffic to an intersection that is shown to operate below the City's level of service standard with the project traffic.

State law requires future capacity is planned. Medford required capacity be done at the time of Zone Change. There are three options of how to change how it is done now:

- 1) Concurrency at Zone Change
- 2) Concurrency at Site Plan

3) Remove concurrency (Staff's recommendation)

Commissioner Mansfield asked, why is staff recommending eliminating all of it? Would it not violate the State Rule? Mr. Kearns stated that the details have not been fully explained yet in the presentation.

When stating remove concurrency it is not removing the requirement to mitigate impacts of the transportation system. The proposal is allowing the use of planned documents, such as the TSP and others, that have budgeted for projects and analysis to assume construction of that project. If a particular facility has not been planned that requirement for that to be mitigated is still required. It is not removing concurrency but it is removing the timing of when they can do it.

Karl MacNair, Transportation Manager, reported that it is also looking at the plan horizon year that is 2038 and saying at that time transportation capacity will be there as opposed to the way it works right now. One cannot build until that capacity is there.

In 2002 the Zone Change for Summerfield Subdivision came in. When doing their Traffic Impact Analysis two intersections, one at North Phoenix Road and Chery Ln and the other at Hillcrest and Pierce, were shown to fail without improvements. In order to prevent that from happening the Planning Commission at that time limited the development to 124 units until intersections were improved.

Commissioner McFadden asked, is staff saying that is the State option? Mr. Kearns replied that is what the City does now.

The assumption is that the City collects SDCs from the homes in the subdivision they can then build the intersections planned for construction. Doing it the way the City does it now they do not collect SDCs limiting the development of what they can build and the intersection does not get built.

Commissioner McFadden asked, is staff saying that the City charges the new property owners the cost versus the developer the cost? Commissioner Foley responded no. That did not change.

Mr. MacNair commented that the City does not collect SDCs until the house is built.

Commissioner Foley is concerned with the target year of 2038. No one is going to write plans that far out, they will change. Is there a better horizon that makes more sense? Mr. Kearns stated that the TPR allows applicants to change the Tiers of projects by going to City Council for a Comprehensive Plan change.

Mr. MacNair reported that part of the TSP and the Tier 1 is showing that all the studied intersections work in the future. If it gets bumped off the Tier 1 list it would have to be an intersection that meets the standard.

Also, projects on the Tier 1 list that do not end up being built are usually projects that are not a priority because development is not happening in that area or traffic patterns change. Staff will need to revisit the plan more frequently with this because projects will need to be moved around and reanalyzed. Internally, staff has talked about every five to six years doing TSP updates as opposed waiting until the end of the twenty year planning horizon.

Commissioner Pulver asked, a couple of projects related to both the South Stage Overpass and North Phoenix Super Corridor, is it the same mechanism in terms of modifying the TSP of shifting projects around? Looking at a couple of projects that were excluded it seemed plausible that some portions of those could get built such as Juanipero to the south border of Medford. Is there an easy mechanism to remove it from excluded projects? Mr. Kearns reported the language itself within there should be enough. The language is the same as used in the TPR.

Mr. MacNair stated that if it is something that is built it would be in the existing conditions when doing the traffic impact analysis. Tier 1 projects are included in the analysis as built in the future. The grey area is if it gets funding.

Mr. Kearns reported that understanding the process of exactly how this comes together might be helpful. Analyzing everything, figuring out what intersections will work and what can be budgeted. When developments come in they analyze the traffic impact analysis and how their development will impact that. That gets into the changes staff is proposing. The timing of the when the TIA is needed. How one can look at that TIA and development proposal is what staff is changing. The third step in the process would be how to proceed forward.

Staff is proposing amending the land development code to allow for use of TPR (i.e. in zone change and Transportation Impact Analysis criteria); TPR allows for:

- “Planned” facilities in TSP may be used in project analysis
- Use of alternative mitigation measures
- Already failing intersections to be reviewed with a “no further degradation target”

Alternative Measures is signaling timing improvements, multi-modal improvements (transit or bicycle facilities), or street connectivity that would improve the system as a whole.

Commissioner Pulver asked, does the alternative measures have to be related to the intersection in question? Mr. Kearns stated that it has to show how it will fix the problem.

Pros:

- Planned projects can be included in the analysis
- Allows development to proceed prior to improvements being built
- No pipeline trips
- Aligns with ODOT requirements

Cons:

- More critical for the City to deliver the planned projects over the 20 year planning period
- Allows development to proceed prior to improvements being built
- More reliant on a regional traffic model of which the City does not have direct control
- The Mega Corridor

### 30. Adjournment

The meeting was adjourned at 1:16 p.m.



Submitted by:

Terri L. Richards

Recording Secretary

# Exhibit F

## Transportation Planning Rule (TPR)

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Link for entire Oregon Administrative Rule (OAR):

<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3062>

Only sections most pertinent to DCA-18-180 have been provided as an exhibit. Other sections of TPR pertain to transportation more broadly, requirements for transportation system plans and transportation planning on rural lands.

\* \* \*

Chapter 660

Division 12

TRANSPORTATION PLANNING

\* \* \*

### **660-012-0060**

#### **Plan and Land Use Regulation Amendments**

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand

management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

(2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local

governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if:

(A) The provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards;

(B) The providers of facilities being improved at other locations provide written statements of approval; and

(C) The local jurisdictions where facilities are being improved provide written statements of approval.

(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:

(a) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;

(b) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;

(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and

(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local

government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.

(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:

(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.

(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.

(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.

(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.

(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a

written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.

(c) Within interstate interchange areas, the improvements included in (b)(A)–(C) are considered planned facilities, improvements and services, except where:

(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or

(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.

(d) As used in this section and section (3):

(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;

(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and

(C) Interstate interchange area means:

(i) Property within one-quarter mile of the ramp terminal intersection of an existing or planned interchange on an Interstate Highway; or

(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.

(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)–(C) to determine whether there is a significant effect that requires application of the remedies in section (2).

(5) The presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under this division or OAR 660-004-0022 and 660-004-0028.

(6) In determining whether proposed land uses would affect or be consistent with planned transportation facilities as provided in sections (1) and (2), local governments shall give full credit for potential reduction in vehicle trips for uses located in mixed-use, pedestrian-friendly centers, and neighborhoods as provided in subsections (a)–(d) below;

(a) Absent adopted local standards or detailed information about the vehicle trip reduction benefits of mixed-use, pedestrian-friendly development, local governments shall assume that uses located within a mixed-use, pedestrian-friendly center, or neighborhood, will generate 10% fewer daily and peak hour trips than are specified in available published estimates, such as those provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual that do not specifically account for the effects of mixed-use, pedestrian-friendly development. The 10% reduction allowed for by this section shall be available only if uses which rely solely on auto trips, such as gas stations, car washes, storage facilities, and motels are prohibited;

(b) Local governments shall use detailed or local information about the trip reduction benefits of mixed-use, pedestrian-friendly development where such information is available and presented to the local government. Local governments may, based on such information, allow reductions greater than the 10% reduction required in subsection (a) above;

(c) Where a local government assumes or estimates lower vehicle trip generation as provided in subsection (a) or (b) above, it shall assure through conditions of approval, site plans, or approval standards that subsequent development approvals support the development of a mixed-use, pedestrian-friendly center or neighborhood and provide for on-site bike and pedestrian connectivity and access to transit as provided for in OAR 660-012-0045(3) and (4). The provision of on-site bike and pedestrian connectivity and access to transit may be accomplished through application of acknowledged ordinance provisions which comply with 660-012-0045(3) and (4) or through conditions of approval or findings adopted with the plan amendment that assure compliance with these rule requirements at the time of development approval; and

(d) The purpose of this section is to provide an incentive for the designation and implementation of pedestrian-friendly, mixed-use centers and neighborhoods by lowering the regulatory barriers to plan amendments which accomplish this type of development. The actual trip reduction benefits of mixed-use, pedestrian-friendly development will vary from case to case and may be somewhat higher or lower than

presumed pursuant to subsection (a) above. The Commission concludes that this assumption is warranted given general information about the expected effects of mixed-use, pedestrian-friendly development and its intent to encourage changes to plans and development patterns. Nothing in this section is intended to affect the application of provisions in local plans or ordinances which provide for the calculation or assessment of systems development charges or in preparing conformity determinations required under the federal Clean Air Act.

(7) Amendments to acknowledged comprehensive plans and land use regulations which meet all of the criteria listed in subsections (a)–(c) below shall include an amendment to the comprehensive plan, transportation system plan the adoption of a local street plan, access management plan, future street plan or other binding local transportation plan to provide for on-site alignment of streets or accessways with existing and planned arterial, collector, and local streets surrounding the site as necessary to implement the requirements in OAR 660-012-0020(2)(b) and 660-012-0045(3):

(a) The plan or land use regulation amendment results in designation of two or more acres of land for commercial use;

(b) The local government has not adopted a TSP or local street plan which complies with OAR 660-012-0020(2)(b) or, in the Portland Metropolitan Area, has not complied with Metro's requirement for street connectivity as contained in Title 6, Section 3 of the Urban Growth Management Functional Plan; and

(c) The proposed amendment would significantly affect a transportation facility as provided in section (1).

(8) A "mixed-use, pedestrian-friendly center or neighborhood" for the purposes of this rule, means:

(a) Any one of the following:

(A) An existing central business district or downtown;

(B) An area designated as a central city, regional center, town center or main street in the Portland Metro 2040 Regional Growth Concept;

(C) An area designated in an acknowledged comprehensive plan as a transit oriented development or a pedestrian district; or

(D) An area designated as a special transportation area as provided for in the Oregon Highway Plan.

(b) An area other than those listed in subsection (a) above which includes or is planned to include the following characteristics:

(A) A concentration of a variety of land uses in a well-defined area, including the following:

(i) Medium to high density residential development (12 or more units per acre);

(ii) Offices or office buildings;

(iii) Retail stores and services;

(iv) Restaurants; and

(v) Public open space or private open space which is available for public use, such as a park or plaza.

(B) Generally include civic or cultural uses;

(C) A core commercial area where multi-story buildings are permitted;

(D) Buildings and building entrances oriented to streets;

(E) Street connections and crossings that make the center safe and conveniently accessible from adjacent areas;

(F) A network of streets and, where appropriate, accessways and major driveways that make it attractive and highly convenient for people to walk between uses within the center or neighborhood, including streets and major driveways within the center with wide sidewalks and other features, including pedestrian-oriented street crossings, street trees, pedestrian-scale lighting and on-street parking;

(G) One or more transit stops (in urban areas with fixed route transit service); and

(H) Limit or do not allow low-intensity or land extensive uses, such as most industrial uses, automobile sales and services, and drive-through services.

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

(10) Notwithstanding sections (1) and (2) of this rule, a local government may amend a functional plan, a comprehensive plan or a land use regulation without applying performance standards related to motor vehicle traffic congestion (e.g. volume to capacity ratio or V/C), delay or travel time if the amendment meets the requirements of subsection (a) of this section. This section does not exempt a proposed amendment from other transportation performance standards or policies that may apply including, but not limited to, safety for all modes, network connectivity for all modes (e.g. sidewalks, bicycle lanes) and accessibility for freight vehicles of a size and frequency required by the development.

(a) A proposed amendment qualifies for this section if it:

(A) Is a map or text amendment affecting only land entirely within a multimodal mixed-use area (MMA); and

(B) Is consistent with the definition of an MMA and consistent with the function of the MMA as described in the findings designating the MMA.

(b) For the purpose of this rule, “multimodal mixed-use area” or “MMA” means an area:

(A) With a boundary adopted by a local government as provided in subsection (d) or (e) of this section and that has been acknowledged;

(B) Entirely within an urban growth boundary;

(C) With adopted plans and development regulations that allow the uses listed in paragraphs (8)(b)(A) through (C) of this rule and that require new development to be consistent with the characteristics listed in paragraphs (8)(b)(D) through (H) of this rule;

(D) With land use regulations that do not require the provision of off-street parking, or regulations that require lower levels of off-street parking than required in other areas and allow flexibility to meet the parking requirements (e.g. count on-street parking, allow long-term leases, allow shared parking); and

(E) Located in one or more of the categories below:

(i) At least one-quarter mile from any ramp terminal intersection of existing or planned interchanges;

(ii) Within the area of an adopted Interchange Area Management Plan (IAMP) and consistent with the IAMP; or

(iii) Within one-quarter mile of a ramp terminal intersection of an existing or planned interchange if the mainline facility provider has provided written concurrence with the MMA designation as provided in subsection (c) of this section.

(c) When a mainline facility provider reviews an MMA designation as provided in subparagraph (b)(E)(iii) of this section, the provider must consider the factors listed in paragraph (A) of this subsection.

(A) The potential for operational or safety effects to the interchange area and the mainline highway, specifically considering:

(i) Whether the interchange area has a crash rate that is higher than the statewide crash rate for similar facilities;

(ii) Whether the interchange area is in the top ten percent of locations identified by the safety priority index system (SPIS) developed by ODOT; and

(iii) Whether existing or potential future traffic queues on the interchange exit ramps extend onto the mainline highway or the portion of the ramp needed to safely accommodate deceleration.

(B) If there are operational or safety effects as described in paragraph (A) of this subsection, the effects may be addressed by an agreement between the local government and the facility provider regarding traffic management plans favoring traffic movements away from the interchange, particularly those facilitating clearing traffic queues on the interchange exit ramps.

(d) A local government may designate an MMA by adopting an amendment to the comprehensive plan or land use regulations to delineate the boundary following an

existing zone, multiple existing zones, an urban renewal area, other existing boundary, or establishing a new boundary. The designation must be accompanied by findings showing how the area meets the definition of an MMA. Designation of an MMA is not subject to the requirements in sections (1) and (2) of this rule.

(e) A local government may designate an MMA on an area where comprehensive plan map designations or land use regulations do not meet the definition, if all of the other elements meet the definition, by concurrently adopting comprehensive plan or land use regulation amendments necessary to meet the definition. Such amendments are not subject to performance standards related to motor vehicle traffic congestion, delay or travel time.

(11) A local government may approve an amendment with partial mitigation as provided in section (2) of this rule if the amendment complies with subsection (a) of this section, the amendment meets the balancing test in subsection (b) of this section, and the local government coordinates as provided in subsection (c) of this section.

(a) The amendment must meet paragraphs (A) and (B) of this subsection or meet paragraph (D) of this subsection.

(A) Create direct benefits in terms of industrial or traded-sector jobs created or retained by limiting uses to industrial or traded-sector industries.

(B) Not allow retail uses, except limited retail incidental to industrial or traded sector development, not to exceed five percent of the net developable area.

(C) For the purpose of this section:

(i) "Industrial" means employment activities generating income from the production, handling or distribution of goods including, but not limited to, manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution and transshipment and research and development.

(ii) "Traded-sector" means industries in which member firms sell their goods or services into markets for which national or international competition exists.

(D) Notwithstanding paragraphs (A) and (B) of this subsection, an amendment complies with subsection (a) if all of the following conditions are met:

(i) The amendment is within a city with a population less than 10,000 and outside of a Metropolitan Planning Organization.

(ii) The amendment would provide land for “Other Employment Use” or “Prime Industrial Land” as those terms are defined in OAR 660-009-0005.

(iii) The amendment is located outside of the Willamette Valley as defined in ORS 215.010.

(E) The provisions of paragraph (D) of this subsection are repealed on January 1, 2017.

(b) A local government may accept partial mitigation only if the local government determines that the benefits outweigh the negative effects on local transportation facilities and the local government receives from the provider of any transportation facility that would be significantly affected written concurrence that the benefits outweigh the negative effects on their transportation facilities. If the amendment significantly affects a state highway, then ODOT must coordinate with the Oregon Business Development Department regarding the economic and job creation benefits of the proposed amendment as defined in subsection (a) of this section. The requirement to obtain concurrence from a provider is satisfied if the local government provides notice as required by subsection (c) of this section and the provider does not respond in writing (either concurring or non-concurring) within forty-five days.

(c) A local government that proposes to use this section must coordinate with Oregon Business Development Department, Department of Land Conservation and Development, area commission on transportation, metropolitan planning organization, and transportation providers and local governments directly impacted by the proposal to allow opportunities for comments on whether the proposed amendment meets the definition of economic development, how it would affect transportation facilities and the adequacy of proposed mitigation. Informal consultation is encouraged throughout the process starting with pre-application meetings. Coordination has the meaning given in ORS 197.015 and Goal 2 and must include notice at least 45 days before the first evidentiary hearing. Notice must include the following:

(A) Proposed amendment.

(B) Proposed mitigating actions from section (2) of this rule.

(C) Analysis and projections of the extent to which the proposed amendment in combination with proposed mitigating actions would fall short of being consistent with the function, capacity, and performance standards of transportation facilities.

(D) Findings showing how the proposed amendment meets the requirements of subsection (a) of this section.

(E) Findings showing that the benefits of the proposed amendment outweigh the negative effects on transportation facilities.

\* \* \*

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## Exhibit G

### Building Department Comments – June 10, 2019

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# Memo

**To:** Kyle Kearns, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** N/A  
**Date:** **June 10, 2019**  
**Re:** DCA-18-180\_2018 TSP Updates Concurrency and TIA

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#### **Building Department:**

*Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.*

1. Applicable Building Codes are 2017 ORSC; 2017 OPSC; and 2014 OMSC. 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) Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Building Department has no comments.

# Exhibit H

## Public Works Department Comments – June 12, 2019



*Medford – A fantastic place to live, work and play*

### CITY OF MEDFORD

LD Date: 6/12/2019  
File Number: DCA-18-180

#### PUBLIC WORKS DEPARTMENT STAFF REPORT

##### Development Code Amendment 2018 TSP Updates – Concurrency & TIA

**Project:** Staff is preparing updates to the Medford Land Development Code (MLDC) regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Objective 4, Action Item a:

4-a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy

**Applicant:** City of Medford

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

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

Prepared by: Jodi K Cope  
Reviewed by: Doug Burroughs

# Exhibit I

## Medford Fire-Rescue Department

### Comments – June 12, 2019



#### Medford Fire-Rescue Land Development Report

#### Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 6/3/2019  
Meeting Date: 6/15/2019

LD File #: DCA18180

Planner: Kyle Kearns

Applicant: City of Medford

Project Location: N/A

**Project Description:** Staff is preparing updates to the Medford Land Development Code (MLDC) regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analysis (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Objective 4, Action Item 2

4-a: Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy. Planner, Kyle Kearns.

#### Specific Development Requirements for Access & Water Supply

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

#### Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in effect 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 reviews shall not prevent the correction of errors or violations that are found to exist during construction. This plan reviews 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)

# Exhibit J

## Medford Water Commission Comments – June 12, 2019



BOARD OF WATER COMMISSIONERS

### Staff Memo

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

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

**SUBJECT:** DCA-19-180

**PARCEL ID:** 371W30AC TL 2500

**PROJECT:** Staff is preparing updates to the Medford Land Development Code (MLDC) regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Objective 4, Action Item a

4-a Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy. Planner, Kyle Kearns

**DATE:** June 12, 2019

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

#### CONDITIONS

1. No comments.

#### COMMENTS

1. No comments.

# Exhibit K

## Jackson County Roads Comments – June 3, 2019



**JACKSON COUNTY**  
*Roads*

Roads  
Engineering

Chuck DeJanvier  
Construction Engineer

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

June 3, 2019

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

RE: 2018 TSP Updates – Concurrency and TIA  
Various city maintained roads.  
Planning File: DCA-18-180.

Dear Kyle:

Thank you for the opportunity to comment on consideration of updates to the Medford Land Development Code regarding the City's transportation concurrency standards ("concurrency" is the requirement that transportation facilities be constructed, if they are found to be inadequate, at the time of zone change) and Transportation Impact Analyses (TIAs) to implement the adopted 2018-2038 Transportation System Plan (TSP). The TSP goals, objectives and action items are driving these updates, specifically Goal 1, Action Item a:  
4-a Balance transportation facility capacity with planned land uses by amending the City's concurrency and transportation facility adequacy requirements by adopting local procedures that apply the Oregon Transportation Planning Rule as the determinant of facility adequacy. Jackson County Roads has the following comment:

1. Jackson County Roads supports these updates to the City of Medford Land Development Code regarding the City's transportation concurrency standards.

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

Sincerely,



Chuck DeJanvier, PE  
Construction Engineer



**STAFF REPORT**

for a Type IV Land Use Action: **Development Code Amendment**

Project Cottage Cluster Development Code Amendment  
File no. DCA-18-144  
To Planning Commission *for 6/27/2019 hearing*  
From Seth Adams, AICP, Planner III  
Reviewer Carla Angeli Paladino, Principal Planner  
Date June 20, 2018

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**BACKGROUND**

Proposal

DCA-18-144 is a legislative amendment to portions of Chapter 10 of the Medford Municipal Code, to create standards that will allow for the development of cottage cluster housing (Exhibit A).

Authority

This proposal is a Type IV land use action to amend the Land Development Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Land Development Code under Medford Municipal Code §§10.214 and 10.218.

History

Staff was directed at the February 15, 2018 City Council meeting to begin working on the recommendations of the Housing Advisory Committee. Among those recommendations, amending the Land Development Code to allow for the development of cottage cluster housing was rated as a high priority item. The topic of cottage cluster housing was discussed at a joint study session of the City Council and Planning Commission in September 2018, and draft cottage cluster development standards were presented to the Planning Commission at study sessions on March 25, 2019 and May 13, 2019 (Exhibits B and C).

## **OVERVIEW**

### Introduction

One way to address housing affordability is to simply allow for a wider variety of housing types. Cottage cluster developments consist of small, (typically) detached, single-family dwelling units that are clustered around a central outdoor common space within a coordinated site plan (Exhibit D).

Cottage cluster housing is commonly built as infill development, and while the coordinated site plan and smaller unit sizes allow for densities that are higher than the typical single-family neighborhood, the impacts (both real and perceived) are minimized due to the smaller overall bulk and scale. The site design of cottage cluster housing also encourages neighborhood interaction and safety by orienting homes around a functional community space that is usable and can be tailored to the needs of the residents. Cottage cluster housing is ideal for retirees and empty-nesters that wish to downsize yet remain in a single-family home and neighborhood, as well as small families and single parent households that desire homeownership, but do not desire a larger size home, or perhaps cannot afford the price of a standard single-family residence.

### Proposed Code Text – Key Provisions

The full text of the proposed code amendment is attached for review as Exhibit A. The proposal creates a new and distinct set of development standards that apply only to cottage cluster housing developments, similar to how the MLDC contains unique standards for the development of townhouses, duplexes, etc. The proposed code amendment includes standards for the minimum and maximum number of units in a development, minimum lot area, density, parking, unit types and sizes, and required open space, among other things. Ownership could be held as a common lot (i.e. for rental units), fee simple lots (i.e. pad lots with a homeowner's association holding common areas), or through a condominium association for the whole development.

### Permitted Zones

The proposal would permit cottage cluster housing development in the SFR-4 through SFR-10 zones, as well as MFR-15 and MFR-20. Some members of the Planning Commission expressed concern over allowing cottage cluster housing in the SFR-4 zone; however, part of the strategy behind allowing for cottage cluster development is that it can provide a way for people to give up their large home while staying in, or close to their current neighborhood. Many people hold onto larger single-family residences well after they need or want the additional bedrooms and private yard, simply because they desire to stay in a familiar area and there are no alternative single-family housing types for them to consider.

Cottage cluster developments afford empty-nesters, seniors, small families, and newly single people the opportunity to get the equity out of their larger house and move to

another detached home in a neighborhood or area they are familiar with and feel comfortable in. The small size of cottage units also means that the purchase price will be less than that of more traditionally sized homes, and therefore they are affordable to a wider range of the population.

#### Number of Units – Density - Lot Area

As proposed, the code amendment requires a minimum of four, and a maximum of twelve units per cottage cluster development (larger cottage developments are permitted, but the units must be arranged in clusters of four to twelve units), and the density could reach up to two times the maximum of the underlying zoning district. The minimum lot area is proposed to be 15,000 square feet in the SFR-4 zone, and 10,000 square feet in the other permitted zones. These minimum lot areas were selected to ensure at least four cottage units per development (at two times the maximum density of the underlying zone).

#### Parking

Based on a recommendation from the Planning Commission, the parking requirement is based on the number of bedrooms per unit, whereas the parking requirement for a standard single-family residence is two spaces per unit irrespective of size or number of bedrooms. It is anticipated that cottage cluster development will primarily be used as an infill strategy on smaller sites, and due to its somewhat unique nature and the demographic groups most commonly drawn to cottage cluster housing, staff is of the opinion that a reduced parking requirement of 1 space for studio and one bedroom cottages, and 1.5 spaces for cottages with two or more bedrooms, is adequate. A reduced parking requirement for cottage cluster housing is also supported by AARP Oregon (Exhibit E) and used by many other communities.

#### Unit Types & Sizes

The proposal allows for three distinct types of units:

- Individual, detached cottages
- Two cottage units (attached)
- Carriage units (one cottage unit located above a common parking structure)

As proposed, the code would limit individual cottages to a maximum ground floor area of 1,000 square feet, and an overall maximum of 1,200 square feet. Second story elements would be limited to 50% of the ground floor area. Units built to current ANSI "Type A" accessibility standards would be permitted to have the full 1,200 square feet on a single floor level (also supported by AARP Oregon). Two cottages could also be attached as one structure, with each half having the same floor area limitations as individual cottages. Carriage units would be limited to a maximum of 800 square feet, with a maximum of one carriage unit being permitted for every four cottages.

### Open Space

As a shared outdoor amenity, a central common open space in a minimum amount of 400 square feet per unit would be required under the proposal. As originally conceived, an additional 200 square feet of required private open space per unit was proposed, but based on comments heard and received, staff is now proposing that private open space be encouraged as opposed to being required. This change in the proposal is intended to provide developers with some additional flexibility when working with smaller infill sites, as well as to help balance the needs between open space, housing, and overall costs. As proposed, all cottages, with the exception of carriage units, would be required to have a minimum 60 square foot covered porch that will ensure some access to outdoor private space. Carriage units are also encouraged to have a patio or deck.

### **FINDINGS AND CONCLUSIONS**

The criteria that apply to code amendments are in Medford Municipal Code §10.218. The criteria are rendered in italics; findings and conclusions in roman type.

*10.218 Land Development Code Amendment Approval Criteria.*

*The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:*

*(A) Explanation of the public benefit of the amendment.*

#### Findings

The majority of the single-family residential development built within Medford over the past several decades has consisted of larger homes on individual lots, leaving few housing type options for residents. Cottage cluster housing is ideal for retirees and empty-nesters that wish to downsize yet remain in a single-family home and neighborhood, as well as small families and single parent households that desire homeownership, but do not desire a larger size home, or perhaps cannot afford the price of a standard single-family residence.

#### Conclusions

The proposed code amendment is intended to benefit the public in that it will allow for a wider variety of residential developments within the City of Medford, thereby providing residents with new housing options. This criterion is satisfied.

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

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

### Findings

The following are the goals, policies, and implementation strategies of the Comprehensive Plan applicable to DCA-18-144.

### **Housing Element**

***Goal: To provide for the housing needs of the citizens of Medford.***

**Policy 1:** The City of Medford shall assess the housing needs of current and prospective residents, including the elderly, disabled, active retirees, and other groups with special housing needs, to determine development priorities and to formulate specific strategies and activities to meet those needs.

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

- a) Residential development standards;
- e) Assuring a mix of income levels and dwelling types, including multi-family, group, affordable, and assisted housing, throughout the City.

**Policy 5:** The City of Medford shall provide opportunities for alternative housing types and patterns, such as planned unit developments, mixed-uses, and other techniques that reduce development costs, increase density, and achieve projects that are flexible and responsive to the site and surroundings, including the conservation and enhancement of areas having special scenic, historic, architectural, or cultural value.

### Conclusions

The proposed cottage cluster housing code amendment will allow for a new and alternative type of single-family residential development that is well suited to certain groups of the population, including the elderly, disabled, retirees, singles and small families, and persons who are unable to afford the cost of a traditionally sized home. Cottage cluster housing developments are also well suited to infill sites, and are designed to fit in with the surrounding development while allowing for an increase in the standard density. This criterion is satisfied.

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

Findings

The proposed amendment was provided to the applicable referral agencies per the code requirements in May 2019. The Fire Department, Building Department, and Public Works Department provided official “no comment” statements, and the Medford Water Commission (MWC) provided comments specifying that water meters shall be located within the public right-of-way or an easement dedicated to the MWC, and that water metering configuration for proposed cottage housing developments shall be coordinated with MWC Engineering staff.

Conclusions

The proposed code amendment text was revised to include the requirements of the Medford Water Commission, which was the only referral agency to provide comments. This criterion has been satisfied.

*(3) Public comments.*

Findings

The City Council and the Planning Commission provided feedback at an initial study session in the fall of 2018, and the Planning Commission subsequently provided feedback over two study sessions in March and May of 2019. Notification of the study sessions were posted to the City website in accordance with the City’s practice, and no public comments have been received to date as a result of those study sessions. An outline of draft key code provisions was also sent to members of the local community who are directly involved or interested in residential development. This staff report and the proposed code amendment language will also be posted on the City’s website, which may generate future public comments.

Conclusions

The proposed amendment has been made available for public review and comments through the course of three public meetings, and additional public comments may be provided during the public hearings process. This criterion has been satisfied.

*(4) Applicable governmental agreements.*

Findings

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

Conclusions

This criterion is not applicable.

### **RECOMMENDED ACTION**

Based on the Findings and Conclusions that all of the approval criteria are met, forward a favorable recommendation for adoption of DCA-18-144 to the City Council per the staff report dated June 20, 2019, including Exhibits A through I.

### **EXHIBITS**

- A Proposed amendment
- B Planning Commission Study Session minutes of March 25, 2019
- C Planning Commission Study Session minutes of May 13, 2019
- D Illustration of typical cottage housing development
- E AARP Oregon Comment Letter – May 13, 2019
- F Medford Water Commission Comments – June 12, 2019
- G Medford Building Department Comments – June 12, 2019
- H Medford Fire-Rescue Department Comments – June 12, 2019
- I Medford Public Works Department Comments – June 12, 2019

**PLANNING COMMISSION AGENDA:**

**JUNE 27, 2019**

\* \* \*

**10.012 Definitions, Specific.**

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

Cottage Unit. A single-family dwelling unit located within a cottage cluster development.

Cottage Cluster Development. A grouping of four to twelve cottage units developed around a common open space area.

**Pad Lot Development.** A non-residential or cottage cluster development created by a land division that provides tax lots within a common area where the lot-lines of such tax lots are located near common or exterior building walls.

\* \* \*

Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Annexation	IV	Urbanization, 10.216	City Council	No
Appeal of Final PUD Plan Decision	I	10.140(F)(3)	Planning Commission	No
Appeal of Minor Historic Review Decision	I	10.140(F)(4)	LHPC	No
Appeal of Type II Decision	III	10.140(G)	Planning Commission	Yes
Appeal of Type III Decision	IV	10.140(H)	City Council	Yes
Appeal of Type IV Decision	IV	10.140(I)	LUBA	No
Comprehensive Plan Amendment, Major	IV	Review & Amendment, 10.220	City Council	No
Comprehensive Plan Amendment, Minor	IV	Review & Amendment, 10.222	City Council	No
Conditional Use Permit	III	10.184	Planning Commission	Yes
<u>Cottage Cluster Development</u>	<u>III</u>	<u>10.818A</u>	<u>SPAC</u>	<u>Yes</u>
De Minimis Revision(s) to an Approved PUD Plan	I	10.198	Planning Director	No
Exception	III	10.186	PC/LHPC/SPAC	Yes
Final PUD Plan	I	10.196	Planning Director	No
Final Plat, Subdivision or Partition	I	10.160	Planning Director	No
General Land Use Map Amendment, Major	IV	GLUP, Review & Amendment, 10.220	City Council	No
General Land Use Map	IV	GLUP, Review &	City Council	

Amendment, Minor		Amendment, 10.222		No
Historic	III	10.188	LHPC	Yes
Land Development Code Amendment	IV	10.218	City Council	No
Minor Historic Review	I	10.148	Planning Director	No
Major Modification to a Site Plan & Architectural Review Approval	III	10.200(H)(1)	SPAC	Yes

\* \* \*

**10.200 Site Plan and Architectural Review.**

**(A) Purpose of Site Plan and Architectural Review.**

The Site Plan and Architectural Review process is established in order to provide for review of the functional and aesthetic adequacy of commercial, industrial, cottage cluster, and multi-family developments; and, to assure compliance with the standards and criteria set forth in this chapter for the development of property as applied to the improvement of individual lots or parcels of land as required by this code. Site Plan and Architectural Review considers consistency in the aesthetic design, site planning and general placement of related facilities such as street improvements, off-street parking, loading and unloading areas, points of ingress and egress as related to bordering traffic flow patterns, the design, placement and arrangement of buildings as well as any other subjects included in the code which are essential to the best utilization of land in order to preserve the public safety and general welfare, and which will encourage development and use of lands in harmony with the character of the neighborhood within which the development is proposed.

\* \* \*

**(C) Exemptions from the Site Plan and Architectural Commission Review Requirement.**

(1) An exemption from Site Plan and Architectural Commission (SPAC) review does not exempt the use or development from compliance with the applicable standards of this chapter, including but not limited to access, parking, riparian protection, and landscaping. Exemptions under this section do not apply to uses subject to a conditional use permit or park development review or major modification thereof.

(2) The following uses or developments do not require SPAC review.

\* \* \*

(d) Detached single-family residential development on a lot within a final platted land division or on an otherwise legally created lot, unless within a Cottage Cluster Development pursuant to Section 10.818A, or within a Historic Overlay, in which case, SPAC review or Historic Review, respectively, is required for all single-family residential development. (Effective Dec. 1, 2013.)

\* \* \*

**(E) Site Plan and Architectural Review Approval Criteria.**

\* \* \*

(2) The Site Plan and Architectural Commission shall approve a site plan and architectural review application for a residential development if the proposed development complies with the applicable provisions of all city ordinances, or if the Site Plan and Architectural Commission has approved either of the following:

(a) Any Exceptions, as provided for in MLDC Section 10.186, which resolve(s) any instances of non-compliance with those provisions.

(b) Any Adjustments or Exceptions from the Special Development Standards for Multiple-Family Dwellings, as provided for in MLDC Section 10.715A through 10.717.

(c) Any Adjustments or Exceptions from the Development Standards for a Cottage Cluster Development, as provided for in MLDC Section 10.818A.

\* \* \*

(F) Site Plan and Architectural Review Conditions of Approval. In approving a site plan and architectural review application, the Site Plan and Architectural Commission may impose, in addition to those standards expressly specified in this code, conditions determined to be reasonably necessary to ensure compliance with the standards of the code and the criteria in Subsection (E) above, and to otherwise protect the health, safety and general welfare of the surrounding area and community as a whole. These conditions may include, but are not limited to the following:

(1) Limiting the number, height, location and size of signs;

(2) Requiring the installation of appropriate public facilities and services and dedication of land to accommodate public facilities when needed;

(3) Limiting the visibility of mechanical equipment through screening or other appropriate measures;

(4) Requiring the installation or modification of irrigated landscaping, walls, fences or other methods of screening and buffering;

(5) Limiting or altering the location, height, bulk, configuration or setback of commercial and industrial buildings, structures and improvements.

(6) Requiring the improvement of an existing, dedicated alley which will be used for ingress or egress for a development;

(7) Controlling the number and location of parking and loading facilities, points of ingress and egress and providing for the internal circulation of motorized vehicles, bicycles, public transit and pedestrians;

(8) Requiring the retention of existing natural features;

(9) Modifying architectural design elements of commercial and industrial buildings. Such modifications may include, but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures;

(10) Modifying architectural design elements of multiple-family dwelling buildings when the applicant has affirmatively elected to request an adjustment from the Special Development Standards in MLDC Sections 10.715A through 10.717. Such modifications may include but are not necessarily limited to: exterior construction materials and their colors, roofline, and fenestration; and, restricting openings in the exterior walls of structures;

(11) Modifying elements of Cottage Cluster Developments when the applicant has

affirmatively elected to request an adjustment from the Development Standards for a Cottage Cluster Development, as provided for in MLDC Section 10.818A.

~~(H12)~~ Restricting the height, directional orientation and intensity of exterior lighting

\* \* \*

**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>3. SPECIAL RESIDENTIAL DEVELOPMENTS</b>									
(a) Planned Unit Development	X	PD	10.230-245 & 10.412						
(b) Mobile Home Park	X	X	X	Cs	Cs	Cs	X	X	10.860-896
<u>(c) Cottage Cluster Development</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>	<u>10.818A</u>

\* \* \*

**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 and for certain residential uses as specified below. This Section is not intended to provide relief from the strict standards elsewhere established in this Code.

B. Development Standards.

(1) A residential pad lot development shall only be permitted for a Cottage Cluster Development pursuant to Section 10.818A.

(2) For non-residential uses, 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. For Cottage Cluster Developments where the cottage units will be owned in fee simple, all lots created within the common area shall include the building footprint, roof eaves, and any private open space area.

(23) For non-residential uses The parent parcel shall meet the site development standards established in Section 10.721. For Cottage Cluster Developments the parent parcel shall meet the site development standards established in Section 10.818A

(34) All pad lot developments shall obtain Site Plan and Architectural Review approval prior to

the tentative plat application being accepted for review by the Planning Commission.

(45) 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.

\* \* \*

#### 10.818A Cottage Cluster Development.

##### A. Purpose.

The purpose of this section is to establish standards for cottage cluster developments, and to encourage innovation and variety in housing types and site planning as a response to changing household sizes and demographics, as well as to ensure compatibility with surrounding neighborhoods.

##### B. Applicability.

Cottage Cluster Developments are permitted in the following zoning districts:

(1) SFR-4, SFR-6, and SFR-10 zones.

(2) MFR-15 and MFR-20 zones.

Where the regulations of this section are not specific, the standards of the underlying zoning district shall apply.

##### C. Process and Application.

Cottage Cluster Developments shall be subject to Site Plan and Architectural Review pursuant to Section 10.200. The application for a Cottage Cluster Development shall contain all of the plans and documents specified for Site Plan and Architectural Review in Section 10.200(J).

##### D. Development Standards.

(1) Minimum Lot Area. The minimum lot area of the parent parcel shall be as follows:

(a) SFR-4: 15,000 square feet

(b) SFR-6, SFR-10, MFR-15, MFR-20, MFR-30: 10,000 square feet.

(2) Pad Lot Development. Pursuant to the provisions of Section 10.703, the lot may be subdivided for the creation of individual cottage unit lots within the common area.

(3) Density. A Cottage Cluster Development may reach a maximum of two times the maximum density permitted in the underlying zoning district.

(4) Maximum Lot Coverage Factor. Lot coverage for a Cottage Cluster Development shall not exceed 60% of the parent parcel.

- (5) **Number of Units.** A Cottage Cluster Development shall contain a minimum of four (4) cottages and a maximum of twelve (12) units arranged in a cluster. A Cottage Cluster Development may contain more than one cluster.
- (6) **Cottage Unit Size.** Cottage units shall have a maximum total floor area of 1,200 square feet; however, the ground floor area shall not exceed 1,000 square feet, and second story elements shall not exceed 50% of the ground floor area.
- (a) Spaces with a ceiling height of six feet or less measured to the exterior walls, such as a second floor area under the slope of a roof, are not included in the total floor area.
  - (b) Units that are built to Type A accessibility standards under the current ANSI A117.1 regulations are permitted to have the full 1,200 square feet on a single floor level.
  - (c) Two cottage units may be attached as one structure in the SFR-6 and SFR-10 zones, and in the MFR-15 and MFR-20 zones.
  - (d) Carriage units (one cottage unit constructed above a common parking structure) are permitted, up to a maximum floor area of 800 square feet. A maximum of one carriage unit is permitted for every four cottages.
- (7) **Building Height.** The maximum building height is 20 feet. Building height shall be calculated pursuant to Section 10.705.
- (8) **Minimum Setbacks.** Building setbacks for a Cottage Cluster Development are measured from the exterior property lines of the parent parcel. Cottage units and common buildings shall be setback a minimum of 15 feet from the front property line, and a minimum of 5 feet from side and rear property lines. Detached garage or carport structures shall be setback a minimum of 4 feet from side and rear property lines.
- (9) **Building Separation.** Cottage units shall be separated by a minimum of 6 feet between eaves. Structures other than cottages shall meet minimum Building Code separation requirements.
- (10) **Parking.** All parking for a Cottage Cluster Development shall be located on-site and shall meet the following minimum standards:
- (a) 1 parking space for studio or 1 bedroom cottages; and, 1.5 spaces for cottages with 2 or more bedrooms.
  - (b) Parking may be located within an enclosed garage, carport, or unenclosed parking space.
  - (c) Parking areas and/or structures shall be located behind or to the side of the residential area(s) and open space.
  - (d) A minimum of 20 feet shall be provided for maneuvering and backing movements. This may be reduced to no less than 10 feet for a one-way vehicle circulation pattern.
- (13) **Required Common Open Space.** Common open space is intended to be a shared amenity amongst all residents of a Cottage Housing Development. Common open space shall be provided as follows:
- (a) A minimum of 400 square feet of central common open space per unit shall be provided.
  - (b) Common open space should be in one contiguous area, but no more than two separate areas shall be permitted.
  - (c) Common open space areas shall have a minimum width dimension of 20 feet.

(d) At least 50 percent of the cottages shall be oriented around and have their main entrance facing the common open space.

(e) Each cottage shall be connected to the common open space by a pedestrian walkway.

(f) Areas such as utility vaults, exterior setbacks and common parking areas and driveways are not counted in the common open space requirements.

(g) Common open space may contain a drainage swale area, provided the area is usable open space.

(h) Required common open space shall be provided at ground level in a contiguous commonly-owned tract.

(i) The common open space areas shall be constructed and landscaped prior to completion of 75% of the units in the development.

(j) The common open space shall be recorded as a perpetual open space to benefit all residents of the cottage housing development prior to filing a final plat or prior to obtaining a building permit.

(14) **Private Open Space.** The provision of private open space adjacent to each cottage is strongly encouraged, but not required.

(15) **Porches.** Each cottage unit shall have an attached, covered porch with a minimum area of 60 square feet and a minimum dimension of 6 feet on any side. Carriage units are not required to have porches, but are encouraged to have an outdoor patio or deck.

(16) **Common Buildings.** Common buildings are intended as a shared amenity for the use of the cottage housing development residents and to help promote a sense of community. They may include a multi-purpose entertainment space, a small kitchen, library, or other similar amenities. Community buildings shall not exceed 1,000 square feet of total floor area.

(17) **Accessory Buildings.** Accessory buildings for common usage (e.g. garden/tool sheds) are permitted in the common open space area(s) if clearly incidental in size and use. Other types of accessory buildings, except for garages and carports, are prohibited.

(18) **Existing Dwellings.** An existing single-family dwelling located on a Cottage Housing Development site may be incorporated into the development as a residence or community building, and may be non-conforming to standards; however, non-conformities may not be increased and the non-conforming dwelling shall be included in the maximum permitted cottage density.

(19) **Pedestrian Pathways.** Pedestrian pathways shall connect all cottage units to a public street, shared amenities (e.g. common open space, community buildings), and parking areas.

(20) **Fencing.** Fence height is limited to 3 feet on interior areas adjacent to common open space(s). Fencing in front and side yards that abut a public street, and fencing on the perimeter of a cottage housing development shall be subject to the standards of Sections 10.731-10.733.

(21) **Utilities.** Utilities shall be installed in accordance with the following:

(a) **Water.** Water meters shall be installed within the public right-of-way, or within an easement dedicated to the Medford Water Commission that completely encompasses the water service lines and meters. Water metering configuration shall be coordinated with the Medford Water Commission Engineering staff.

(b) **Sewer.** Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual lots.

(c) Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or they may be extended in circulation areas in a public utility easement, and extended across common areas to individual lots.

(22) Ownership. Ownership may be held as a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development.

(23) Covenants, Conditions and Restrictions. Subsequent to final plat approval, but prior to issuance of a building permit for any structure in a Cottage Housing Development where the cottage units are to be held in fee simple ownership, a set of covenants, conditions and restrictions (CC&Rs) for the Cottage Housing Development shall be reviewed and, if approved by the City, recorded with the County. The CC&Rs shall create an association of owners responsible for the permanent maintenance of all common areas. Although property owners are responsible for maintaining their properties and the associated common areas, the CC&Rs shall also authorize the City to enforce their provisions, and provide for lien rights and reimbursement to the City for any costs incurred thereby, including City liens against residences for actions the City must take to maintain the common areas.

**F. Optional Adjustment of Development Standards.** Applicants may seek approval of innovative and/or unconventional cottage housing developments that may not precisely satisfy the development standards set forth in this section. The Site Plan and Architectural Commission may approve a site plan and architectural review application for a cottage housing development if it can find that the proposed development conforms, or can be made to conform through the imposition of conditions, with the following criteria:

(a) The proposed development is consistent with the overall purpose and intent of Section 10.818A(A); and

(b) The requested adjustment will allow the project to achieve an equivalent or higher quality design than would otherwise result through strict adherence to the standards. Factors that may be considered include, but are not limited to such things as: enhanced architectural details, and enhanced common or private open spaces that contribute positively to the site, streetscape, or adjoining properties.

\* \* \*



## Planning Commission

# Minutes

From Study Session on **March 25, 2019**

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

### Commissioners Present

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

### Staff Present

Matt Brinkley, Planning Director  
Kelly Evans, Assistant Planning Director  
Carla Paladino, Principal Planner  
Eric Mitton, Deputy City Attorney  
Seth Adams, Planner III

### Commissioners Absent

Patrick Miranda, Excused Absence  
Jeff Thomas, Excused Absence

### Subject:

#### **20.1 DCA-18-144 Cottage Housing Code Amendment**

Carla Paladino, Principal Planner reported that Seth Adams will present the Cottage Housing development. Staff would like to get feedback from the Planning Commission on what standards would work. Staff will also get developers opinions on whether this is a product that they will do.

Commissioner McFadden commented that the staff report states nobody has done it yet. Ms. Paladino stated that there are old ones. The code does not allow cottage housing.

Seth Adams, Planner III reported staff was directed by the City Council to begin working on the various recommendations of the Housing Advisory Committee. Among the Committee's recommendations, amending the Land Development Code to allow for the development of cottage housing was considered to be a high priority item.

Cottage housing developments are generally defined as a development of small, detached, single-family dwelling units that are clustered around a central outdoor common space within a coordinated site plan.

Cottage housing is typically built as infill development, and while the coordinated design plan and smaller unit sizes allow for densities that are higher than the typical single-

family neighborhood, their impacts (both real and perceived) are minimized because of their smaller overall bulk and scale.

Ashland Planning Commission approved a cottage housing development several weeks ago. They adopted their cottage housing code in December of 2017. The site is approximately 0.7 acres. Units range from 733 to 799 square feet. Six of the units are duplexes. There is one parking space per unit per Ashland's code.

Commissioner Mansfield, in reading the Tidings there was a lot of neighborhood opposition. Does staff expect that here? Mr. Adams agreed there was a lot of opposition recorded in the Tidings. Mountain View Drive is a narrow street. There were concerns of people already parking on the street with it being narrow and emergency vehicle access. That neighborhood is already impacted with on-street parking and they were concerned about the overflow. At this point no one knows about Medford.

Chair McKechnie stated that the one difference between Ashland and Medford is that Ashland allows part of the on-street parking as meeting parking requirements for development. Medford has to have 100% off-street parking.

The purpose and intent is:

- Provide housing types that are responsive to changing household sizes and demographics.
- Encourage affordability, innovation, and variety in housing design and site development.
- Support growth management through the efficient use of urban residential land.
- Ensure compatibility with surrounding uses.

The proposed code amendment would allow for cottage housing developments within the SFR-4, SFR-6, SFR-10, MFR-15, and MFR-20 zones. The minimum lot size would be 10,000 square feet, and assuming all of the development standards are adhered to, a cottage housing development would have the ability to reach a maximum of 2 times the maximum density permitted in the underlying zoning district. A cottage housing development would be required to have a minimum of 4 cottages and a maximum of 12. Larger developments would be permitted, but units would need to be clustered in groups of 4 to 12 cottages.

Cottage housing development projects meeting all of the development standards would be reviewed by the Planning Director as a Type II land use action. Type II is publically noticed and a notification sign on the property that it is proposed for review. If a developer wanted to deviate from the standards it would be a Type III land use action reviewed by the Site Plan and Architectural Commission with public notice and public hearing.

All of the development standards are open for discussion, staff is especially interested in hearing the Commission's questions and comments on the following topics:

- Permitted densities – Some communities that have cottage housing code allow for a density bonus. Staff has proposed 2 times the maximum density of the underlying zoning district.

Chair McKechnie likes the idea of 2 times the minimum density. Is SFR-4 four to six units or 2 to 4 units? Ms. Paladino reported it is 2.5 up to 4.

Chair McKechnie stated some of that has to do with the lot size. Doesn't staff have a 60% maximum lot coverage? Mr. Adams replied that is the base coverage allowance but there could be an increase in that too.

Commissioner McFadden asked, is that with or without parking? Mr. Adams reported everything is with the required parking on site.

Matt Brinkley, Planning Director stated the coverage does not include impervious surface from parking. It is just the buildings.

Chair McKechnie stated that it may not be critical at the SFR-4 level but the higher density zones should allow 2 times the maximum density.

Vice Chair Foley thinks it needs something like that to entice people to want to do it, otherwise, why take it on? There is no real advantage if no incentive.

Commissioner Pulver is not in favor of that. Maybe 1.25% of the allowed maximum. The zoning district needs to be protected. There will be all sorts of objections if there were 10 units per acre in an SFR-4 zoning district.

Commissioner Pulver suggested this not be a permitted use in SFR-4 and SFR-6 zones.

Commissioner Mansfield respectfully disagrees. He believes it should be pushed to the fullest. His question to the industry is does free enterprise have any interest in any of these projects? Commissioner Culbertson replied possibly. Commissioner Pulver stated that the Housing Advisory Committee pushed it on the basis of affordability. Which he thinks is misconstrued.

Chair McKechnie thinks that there will be people wanting to buy or rent them. It is market driven. He likes the idea of mixing them throughout all zones. History has shown diversity is better than uniformity.

Commissioner McFadden asked, is there a proposal to get rid of all zoning? Mr. Brinkley reported that HB 2001 does not get rid of all zoning. It will require all cities to allow for one of a range of different housing types to go into single family zones including duplexes, cottage housing, and townhouses. The City of Medford already complies. It is based on zoning.

Chair McKechnie asked, is this bill the one under consideration that they revised for towns bigger than 25,000? Mr. Brinkley replied yes.

Commissioner McFadden was first against cottage housing because it is retro and scary. When he drove by the ones on 11<sup>th</sup> Street, which probably does not fit any of this code, everything is too tight. He looks at it versus the two or three apartment complexes across the street and it has a better look and feel than those concrete and two story apartment complexes. There is no comparison. How do we get that feel into more places?

Commissioner Culbertson is an advocate for more housing. He believes that if this was built out as 12 units on one lot as rentals, then someone has to buy all 12 units as one and maintain as rentals. They will probably not be owner occupied, and they will not meet the lending criteria to buy as owner occupied over 4 units. He sees it as creating a problem. If the City is able to crack into pad lots and allow individual ownership then he thinks the community where those houses are built will be kept up. Very few people own their own home and have too much deferred maintenance. They take care of them. They show pride of ownership. It would create community and affordability. The smaller the house, the lower cost to purchase. Someone that can afford \$150,000 or 175,000 maximum on a FHA loan are priced out in this current market even on a 1,000 square foot home because that is \$200,000. A 1,000 square foot home is functional. They did it in the 1960s. You can build a comfortable 1,000 square foot home with three bedrooms, two baths, living room and galley kitchen. If these were at 900 square feet you may have to sacrifice the master bathroom or do two master suites. If they are able to build a good product you will create good community within those units. He would be an advocate for figuring out how to do it. Parking is a separate conversation. He is not in favor of having one parking space for an ADU.

Chair McKechnie suggested increasing the minimum size for the lot area. Mr. Adams stated there is a minimum of 4 units. Someone might be able to squeeze 4 units into a 10,000 square foot lot. Staff is proposing two story. Staff will look at the lot sizes for each zone.

Vice Chair Foley asked, can the private space be a patio on the second floor? Mr. Adams replied that it could be.

- Maximum unit sizes – Cottage units shall have a maximum total floor area of 1,200 square feet and many have a second story. Ground floor area shall not exceed 1,000 square feet.
  - Carriage houses (one cottage unit located above a common parking structure) are permitted up to a maximum floor area of 800 square feet.
  - Duplexes are limited to a maximum total floor area of 1,000 square feet. Ground floor area not to exceed 800 square feet.

Commissioner McFadden asked, will the fire department have a problem with carriage houses and flammable fluids? Chair McKechnie replied yes. Single family not so much, but if it goes into commercial it would require two sprinklers. If there are more than 3 units they are going to want to see sprinklers as well unless there is more separation between the units.

Commissioner Pulver asked, are the setbacks smaller on the cottage housing than single family homes? Mr. Adams replied fire zoning code yes, but not building code.

Mr. Brinkley reported that the threshold where it goes into the commercial code is three units and above. Chair McKechnie stated not necessarily. Depending on how close they are or how they are constructed it can be looked at as a commercial development and actually if it is one unit over a garage it would require it to be fire sprinkled.

Commissioner McFadden stated that as far as separation there was a comment in the report that the eaves have to be 6 feet apart. Chair McKechnie reported that if it is built like an apartment where there are more than three units on the property it would have to follow commercial code. The lots would have to be created in advance and then construct the units. The closest they could be is 6 feet.

Commissioner Pulver does not know why they need to be capped at a certain size. The market will determine the size. To him, the Ashland plan accommodates what cottages should accomplish. Instead of having a dozen individual backyards there is a shared common space in the middle. That would be a positive. To get something in MFR-20 and MFR-30 without going vertical would be difficult. Chair McKechnie stated anything in MFR-15, MFR-20 and MFR-30 would have to be a townhouse situation.

Commissioner Pulver commented that to him, 400 square feet of common area does not seem like a lot for a residential unit. If you have 12 units and 12,400 square feet of common area put together maybe that is a substantial amount of open space. He does not know that can be assumed.

Commissioner McFadden asked, should style be a requirement?

Commissioner Mansfield asked, does the Planning Commission have any business dictating taste? Commissioner McFadden said no but he can see someone buying metal shipping containers, weld a door into them and have a square box sitting there.

Eric Mitton, Deputy City Attorney stated there may be building code issues that would prevent people from using shipping containers.

Ms. Paladino stated that design standards could be added to the amendment.

- Parking
- 2 spaces per unit in SFR-4 and SFR-6 zones.
- 1.5 spaces per unit in SFR-10, MFR-15, and MFR-20 zones.

Chair McKechnie stated that it is common to calculate the parking by bedrooms. Ashland does it by size.

Commissioner Pulver thinks some of the other mechanisms may make more sense, whether it be the size or by bedrooms.

Chair McKechnie stated that as long as they do not count the spaces on the street it gives room for overflow.

- Required open space (both common and private)
  - Minimum of 400 square feet per unit.
- Porches – Each cottage unit shall have an attached covered porch with a minimum area of 60 square feet and a minimum dimension of 6 feet on any side. Carriage units are not required to have porches, but are encouraged to have an outdoor patio or deck.

Chair McKechnie thinks it is a good idea to require porches. He does not think the porch should be included in the private space. The 400 square feet common area needs to be accessible by a number of units or all the units. That way there are no dead corners that count as the common area that no one can get to.

Vice Chair Foley is a fan of porches and likes them a lot. It should be encouraged rather than required. It should be left up to the market to figure out what makes the most sense.

- Ownership (creation of pad lots for fee simple ownership of units) – May be held as one common lot, fee simple lots for the cottages with a HOA holding ownership of the common areas, or condominium ownership of the whole development. If individual cottage lots are created the lots shall not be subject to the minimum lot sizes by the underlying zone; however, they must include the building footprint and private yard areas for the individual cottages.

There was a consensus of home ownership.

Commissioner Pulver thinks that with the ownership there should be a required organizational structure to manage the common area.

Commissioner Mansfield has a bad feeling of HOA's and maintenance agreements. The cost of attorneys is greater than what is being argued.

Commissioner Pulver asked, if the common area is not being maintained then what is the City's action? Mr. Mitton stated that if there were to be an unlawful accumulation of junk in someone's yard the property owner is cited. He does not know how the code would deal with it if it were a similar accumulation of junk, garbage, etc. in a common area not owned by any of the surrounding houses. The City may have to adjust their code enforcement ordinance.

Commissioner Culbertson stated that staff might be able to call Commercial Property Management (CPM). They handle the vast majority of the larger HOA's and ask how they are operated, what is the function of them and what are the minimum requirements once they put the CC&R's and HOA's in place on the subdivisions and developments. If there is a problem how is it dealt with? That may give the groundwork that staff can incorporate in the code that if implemented it is handled appropriately.

Commissioner McFadden commented that the City does not get too much into that with any of those associations. Mr. Mitton reported that if an HOA had never collected any money from any of its members for a number of years and had deferred maintenance it is a dysfunctional situation because there is no money to do the maintenance. No individual is going to dip in their pockets to do it. The City is not in a position to monitor HOA's to make sure they are doing what they say they are going to do on paper. When they don't it is a situation where nobody is going to be the winner. Mr. Brinkley stated if it becomes an infrastructure facility like a sidewalk or storm water management facility then the City does get involved.

- Optional adjustments process for deviations – Applicants may elect to seek approval of innovation and/or unconventional cottage housing developments that may not precisely satisfy the development standards of this section. In such cases the project would be a Type III Land Use Review by the Site Plan and Architectural Commission. Project would need to demonstrate consistency with purpose and intent section of Cottage Housing regulations, and achieve an equivalent or higher quality design than would otherwise result through strict adherence to the development standards.

There was an affirmative consensus among the Planning Commissioners.

After this meeting staff is going out to the development community and planning consultants to get their feedback as well. Staff wants this to be a successful code. If all goes according to plan it will come before the Planning Commission public hearing on Thursday, May 9, 2019 and City Council on Thursday, June 20, 2019.

The Planning Commission would like to see this again before the May 9, 2019 public hearing.

**30. Adjournment**

The meeting was adjourned at 12:55 p.m.



Submitted by:

Terri L. Richards

Recording Secretary



## Planning Commission

# Minutes

From Study Session on **May 13, 2019**

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

### Commissioners Present

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

### Staff Present

Kelly Evans, Assistant Planning Director  
Carla Paladino, Principal Planner  
Katie Zerkel, Senior Assistant City Attorney  
Seth Adams, Planner III

### Commissioners Absent

David McFadden, Unexcused Absence  
Patrick Miranda, Excused Absence

### Subject:

#### **20.1 DCA-18-144 Cottage Housing Code Amendment**

Seth Adams, Planner III reported that this was identified as a "high priority" amendment by the Housing Advisory Committee. Today is the third time the Planning Commission has discussed this subject.

Cottage housing developments are generally defined as a development of small, detached, single-family dwelling units that are clustered around a central outdoor common space within a coordinated site plan. Cottage units are smaller than the standard single-family residence, and while the units are typically oriented towards the central outdoor common space, each cottage also has its own private yard and a roofed porch.

Commissioner Mansfield asked, is it contemplated that people will individually buy a cottage house like condominiums or is it contemplated that a developer will own them and rent them out or both? Mr. Adams responded that staff's proposal is for both ownership and rental options.

Commissioner Mansfield commented that the last time the Planning Commission discussed this subject that Commissioner Culbertson thought there might be some entrepreneurs willing to develop something like this. Commissioner Culbertson replied there is a marketplace for it, particularly with the escalating price of new housing developments. It is hard to buy a 1,500 square foot that is \$375,000. As they go up and

the house size down it will keep the cost of buying the house down. It is still going to cost \$200 a square foot because of the cost of land and the building. If a house is only 900 square feet then it is more affordable.

#### Permitted Zones

- SFR-4, SFR-6, SFR-10, MFR-15, MFR-20

Senate Bill 2001 (proposed) requires all Oregon cities with populations over 25,000 to allow duplexes, triplexes, quad or cottage cluster somewhere in all their low-density urban zones, but gives them power to set "reasonable" local rules.

#### Minimum Lot Size

- 15,000 square feet (SFR-4)
- 10,000 square feet (all others)

Chair McKechnie commented that the above sizes are bigger than the minimums for those zones. In SFR-10 zones there is a minimum and maximum size. Is this above the maximum? Kelly Evans, Assistant Planning Director reported that it is a wide range and varies by housing type.

Chair McKechnie thinks there is an issue with minimum lot size. Ms. Evans stated that this is for infill strategy. These are plausible. Maximums depend on the housing type.

#### Density

- 2 times maximum of underlying zone

Commissioner Thomas is a huge proponent for cottage housing and trying to get more affordable housing. He agrees with Commissioner Pulver is that he does not see how it is not a "slippery slope" if an exception is made in SFR-4. He does not agree with exceeding the maximum unless the code changes. He does not think the City has to jump ahead of the State because the City is already exceeding density targets that the State has set. Is that correct? Carla Paladino, Principal Planner, commented that it is a regional requirement. The City is just exceeding what it is supposed to be achieving in terms of density. Commissioner Thomas is concerned about the "blowback." If the process is not setup properly then it will be hard getting the community to buy into it.

Commissioner Pulver stated that in the last study session it was mentioned that staff would reach out to the development and building community. Did that happen? He did not note any feedback in the staff report. He is not opposed to cottage housing but what do they really know about it. How about taking baby steps as opposed to taking a giant leap, and getting guidance from a developer that knows what he is doing in terms of developing one of these projects. The scope can then be broadened if it works or does not work.

Commissioner Mansfield commented that it escapes him as to what harm would happen by having the higher density. Commissioner Pulver referenced the Cherry Creek project where there are single family residential dwellings and then a higher density project is dropped in amongst them. He is not saying it was right or wrong. It caused a big stir with the neighborhood. It was not what they wanted and was not consistent with what they had or thought they had or were buying.

Commissioner Mansfield reported there will be people that will disagree. Last Thursday there were people that disagreed heavily with the Commission.

Commissioner Pulver thinks there is zoning for a reason. If that reason is not a good one then just make it residential, commercial or industrial and that is as specific as it gets. Then everyone knows that there is open ground, and it does not matter what the zone or GLUP states. If it is residential then it could be anything from SFR-4 to MFR-30.

Commissioner Mansfield is suggesting that their position is one of leadership and not to be a follower of the mass population.

Commissioner Pulver as a resident and Planning Commissioner thinks there is a problem with not having a plan. With a plan everyone knows what is going to happen.

Commissioner Culbertson agrees. They are narrowing the focus of disagreement down to SFR-4 and SFR-6. Is there anyone that opposes cottage housing in SFR-10, MFR-15 and MFR-20? It is more in line with that type of housing.

Commissioner Pulver commented that the cottage units are very small. It has to be at that level getting into the higher density zones to make it a feasible project. He thinks the minimum lot size should be bigger. The cottage housing has the potential to be an asset to the community, and by having more of them the common space will be more significant and pleasant as opposed to four units pieced together with 400 square feet of common area.

There was a lengthy discussion regarding CC&Rs.

#### Parking

- Studio / 1 bedroom = 1 space
- 2 Bedrooms = 1.5 spaces
- 3+ Bedrooms = 2 spaces

#### Maximum Unit Size

- 1,200 square feet (with limitation on second story floor area)
- 800 square feet (carriage units above garage / carport)
- 1,000 square feet (two attached units, with limitation on second story)

Chair McKechnie stated that the largest two attached units can be smaller than the maximum size because it will only be 500 square feet per unit per floor. Two floors would be at 1,000 square feet. Mr. Adams was trying to have each unit at 1,000 square feet. Chair McKechnie does not read what Mr. Adams just said. The language needs to be more clear.

Chair McKechnie reported the unit becomes similar to a townhouse if the unit is 1,200 square feet with 600 square feet on each floor. Make it 1,400 square feet with the top floor being no more than 75% of the ground floor so that it does not end up as townhouses. He suggested not allowing attached garages. He is not opposed to making the minimum lot size an acre. He also suggests having alley access.

Commissioner Pulver asked, what is driving the need for maximum unit size? Mr. Adams responded that if a maximum is not set then it loses the purpose of cottages. Ms. Paladino commented that staff researched ten or twelve different cities and these were the averages. Mr. Adams reported that it is trying to provide a certain type of housing that currently does not exist in a lot of communities.

Commissioner Thomas wanted clarification that the reason the maximum is set the way it is in order to encourage more density. Is that what he is hearing? Mr. Adams replied that it is part of it. Commissioner Thomas understands looking at available and affordable housing, but setting that maximum in SFR-4 does not make sense to him. If they do not do it right the first time then it does not happen because it is not encouraged.

Chair McKechnie likes the maximum size. Cottage housing develops community space. He does not think it will impact property values.

#### Common Open Space

- 400 square feet per unit

#### Private Open Space

- 200 square feet per unit

Commissioner McManus asked, did Ashland do 20% with their private open space? Mr. Adams reported for the common open space Ashland requires 20% of the total lot area and for the private open space they require 200 square feet per unit. Mr. McManus likes the percentage, but he does not know if it is applicable to the different zones. Is there an opportunity in the common open space to make it more consistent with SFR-4 if the 20% option would make it more compatible with that type of neighborhood? It is challenging for him to visually see how that would work with some of the examples presented.

Chair McKechnie suggested placing minimum dimensions on the 400 square feet. Mr. Adams stated that in the drafted code language the common open space would be 400

square feet per unit with a minimum dimension of 20 feet in width. That is the common standard. The private open space would be a minimum dimension of 10 feet.

Chair McKechnie asked, since these are single units would the application go to the Site Plan and Architectural Commission? Mr. Adams replied yes. Staff did have it as a Type II decision by the Planning Director with onsite noticing, but changed it when they heard a preference that they go to the Site Plan and Architectural Commission. If it is a pad lot and subdivided then the plat would go to the Planning Commission.

Commissioner Pulver asked, will the code specify, or will it be up to the discretion of the developer as to what the open space can and cannot be? Mr. Adams replied that as proposed it will be up to the developer.

#### Covered Porches

- Required with 60 square foot minimum with a dimension of 6 feet.

#### Ownership / CC&Rs / HOAs

- Rental or fee simple
- CC&Rs and HOA required for fee simple ownership

Commissioner Mansfield asked, why would the City have any requirement of CC&Rs? That is private business. Mr. Adams reported that it would establish the HOA and the CC&Rs would specify the homeowners need to maintain their common area together. Commissioner Mansfield sees a lot of HOAs that do not work. He has a bad feeling about it.

Commissioner Pulver offered that units that are owned are better maintained than units rented. One of the situations with the common areas is that all parties have to work together. It is not a fool proof solution.

Commissioner Culbertson thinks the CC&Rs are going to be imperative just to give governance. He is not sure an HOA would be mandated because you do not have to have an HOA. It would be in the best interest of the group. It would help identify what the fees are, who and how it is going to be maintained. HOAs do not have to be managed. They can be self-governed. He does not think it is the City's business to say beyond delineating who owns and is responsible for the common space. Mr. Adams stated that is the current standard that CC&Rs are required for a subdivision. Staff can strike out the requirement for an HOA.

Ms. Evans disagrees. Someone has to own the common area. That is why the HOA is required.

#### Pad Lot Development

- Permitted per an amended Section 10.703

Utilities

- Extended from mains in ROW
- Only within common areas
- Service laterals to individual lots

Process

- Type III (SPAC) (PC for the pad lot subdivision)

This will be presented to the Planning Commission on Thursday, June 27, 2019. The City Council will hear this amendment on Thursday, August 1, 2019.

**30. Adjournment**

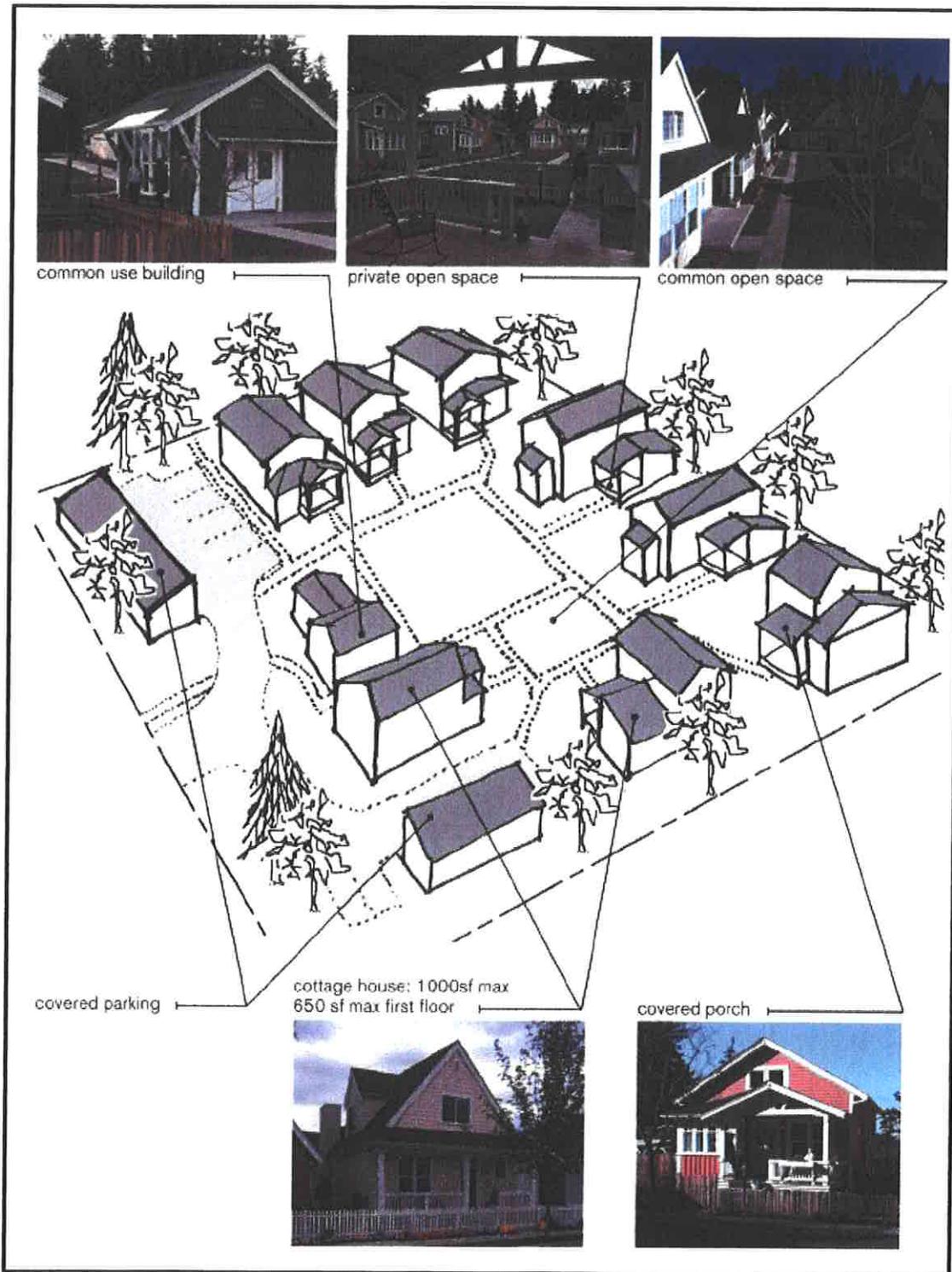
The meeting was adjourned at 1:06 p.m.



Submitted by:

Terri L. Richards

Recording Secretary



Typical Elements of Cottage Housing Development



9200 SE Sunnybrook Boulevard, #410 | Clackamas, OR 97015  
1-866-554-5360 | Fax: 503-652-9933 | TTY: 1-877-434-7598  
aarp.org/or | oraarp@aarp.org | twitter: @aarpor  
facebook.com/AARPOregon

## Comments on Medford Cottage Housing Code May 6, 2019

AARP is pleased to offer these comments on the proposed **Medford Cottage Housing Code**.

AARP is a nonprofit, nonpartisan social welfare organization with 500,000 members in Oregon, of which almost 12,000 live in Medford. We work to improve quality of life for all as we age, strengthen our communities, and fight for the issues that matter to Oregon families. An important aspect of our work in Oregon is advocating for livable and age-friendly communities, including expanding housing options and ensuring access to affordable, safe, secure, and accessible homes for Oregonians of all ages and abilities.

We are glad to see the City of Medford creating opportunities for cottage housing. Cottage housing models have important potential for accessibility, affordability and fostering a sense of community. Historical and contemporary cottage projects tend to be well received and in high demand as homeowners of all ages, particularly older adults, are looking for smaller, more affordable, community-oriented housing options.

We encourage Medford to learn from the past 20 years of cottage housing development and regulatory experience so that the city can emerge as a leader on cottage cluster housing in the Rogue Valley. Many cities in Oregon and Washington that adopted cottage housing codes based on a "Pocket Neighborhood" model have seen limited, higher-end cottage projects that have not proven to be scalable. In efforts to expand the potential for cottage cluster housing, several cities are currently working on a "second-generation" of cottage housing codes to better support a range of cottage housing development that can better accommodate more variety of housing types at a variety of prices. One resource, if you are not already aware of it, is the City of Milwaukie's Cottage Cluster Feasibility Study, which looks at code, development and financing issues to understand what regulatory changes could best support cottage cluster development.

In that spirit, we offer the following comments as refinements to the work that Medford has started, and encourage the City to integrate emerging best practices for cottage cluster housing.

**Focus on the cluster, not the cottages:** The heart of cottage housing development and its central innovation is the idea of developing multiple, smaller units facing a common open space or courtyard rather than the street. That's why we recommend calling this type of development "Cluster Housing," so that the focus remains on the site layout rather than the individual dwelling characteristics. While renaming may seem like a subtle shift, it opens up more opportunities to think creatively about the housing types and communities that can be created.

Exhibit E

**Allow a greater variety of dwelling types:** Allowing carriage houses and two-unit attached cottages is a good first step, but we recommend allowing greater variety of attached dwelling units in cluster configurations. Attached units can significantly lower development costs both through decreased construction costs and by allowing a greater number of units on site, to better spread out site development costs. Particularly in the MFR zones, we recommend allowing attached cottage units.

**Focus on form rather than density:** In the Milwaukie project mentioned, they found that several example site designs could easily reach 25 to 40 units per acre while limiting height to two stories and meeting site setbacks. The initial proposal to allow double the base zone density is a good start, but we recommend allowing higher densities that better fit the cluster housing forms rather than the base zone density standards. As an alternative option, consider density bonuses for units that are dedicated to affordable housing or built to accessibility standards.

**Promote accessibility:** Cluster housing has opportunities for high levels of accessibility, given the small scale of many units. We recommend allowing all of the allowed square footage to be on a single level if the project is built to (preferred accessibility standard), to refine the current proposal that sets footprint and floor area limitations that support second-story construction.

**Prioritize open space quality not quantity:** The combined requirements for common and private open space require nearly as much site area (600 SF) as the individual units themselves, which reduces the site development potential and increases housing costs. Focusing on the cluster nature of these projects, we recommend a minimum requirement of 100-200 SF of common open space per unit to balance the needs for open space, housing, and costs.

**Reduce minimum parking requirements:** We recommend a minimum parking requirement of one space per unit for all cluster projects to balance household needs and future demographics. Parking for cluster projects typically is located to the rear or sides of projects, requiring additional site area for access and maneuvering areas. Requiring 1.5 or 2 spaces per unit further increases the percentage of these limited sites that must be dedicated to parking. While cars continue to be popular, shifting trends towards smaller households and older adults support decreased car ownership. We believe the priority should be providing housing for people, not cars.

**Practice design neutrality:** Many codes include detailed design standards for individual, detached cottages in distinct architectural styles. While these projects are generally lovely, they are also expensive. There do not appear to be any design standards proposed at this point, and we support this approach.

Thank you for the opportunity to comment, and we would like to continue to engage with the project as the recommendations are refined. We support the work that the City is doing to encourage greater housing variety and meet the needs of the community.

If you have any questions, please contact Bandana Shrestha, Director of Community Engagement at 503-784-1789 or [bshrestha@aarpp.org](mailto:bshrestha@aarpp.org).



## Staff Memo

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

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

**SUBJECT:** DCA-18-144

**PARCEL ID:** N/A

**PROJECT:** DCA-18-144 is an amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create standards that will allow for the development of cottage housing. Cottage housing is a development of small, detached, single-family dwelling units clustered around a central outdoor common space. Planner, Seth Adams

**DATE:** June 12, 2019

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

### CONDITIONS

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

### COMMENTS

3. Water meters shall be located in the public right-of-way, or within an easement dedicated to the Medford Water Commission that completely encompassese the water service lines and meters.
4. Applicant shall coordinate with Medford Water Commission Engineering staff for approval of proposed Cottage Housing Development water metering configuration.

Exhibit F

# Memo



**To:** Seth Adams, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** N/A  
**Date:** June 10, 2019  
**Re:** DCA-18-144\_ Cottage Housing Development Code Amendment

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## **Building Department:**

*Please Note: This is not a plan review. These are general notes based on general information provided. Plans need to be submitted and will be reviewed by a residential plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.*

1. Applicable Building Codes are 2017 ORSC; 2017 OPSC; and 2014 OMSC. 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) Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Building Department has no comments.



## Medford Fire-Rescue Land Development Report

### Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 6/3/2019  
**Meeting Date:** 6/15/2019

**LD File #:** DCA18144

**Planner:** Seth Adams

**Applicant:** City of Medford

**Project Location:** N/A

**Project Description:** DCA-18-144 is an amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create standards that will allow for the development of cottage housing. Cottage housing is a development of small, detached, single-family dwelling units clustered around a central outdoor common space. Planner, Seth Adams

### Specific Development Requirements for Access & Water Supply

#### Conditions

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

### Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code. This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

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



*Medford – A fantastic place to live, work and play*

## CITY OF MEDFORD

LD Date: 6/12/2019  
File Number: DCA-18-144

### PUBLIC WORKS DEPARTMENT STAFF REPORT

#### Development Code Amendment Cottage Housing Development – Chapter 10 Amendment

**Project:** DCA-18-144 is an amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create standards that will allow for the development of cottage housing. Cottage housing is a development of small, detached, single-family dwelling units clustered around a central outdoor common space.

**Applicant:** City of Medford

**Planner:** Planner, Seth Adams, Long Range Division

---

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

Prepared by: Jodi K Cope  
Reviewed by: Doug Burroughs



At present, the types of alterations that can be approved by the Planning Director under Minor Historic Review are the following [MLDC § 10.188(C)(3)]:

- Changes in roofing materials and exterior paint colors in residentially-zoned Historic Preservation Overlay Districts as per the Paint and Roofing Approval Criteria adopted in December 2007;
- Changes in exterior paint colors in commercially-zoned Historic Preservation Overlay Districts, when new paint colors are chosen from the adopted color palette;
- Changes in awning fabric materials without a change in the shape of the awning frame, in Historic Preservation Overlay Districts, if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette;
- Change of sign face/copy as defined in Section 10.1010.

## OVERVIEW

One way to encourage and gain support for historic preservation efforts is to adopt regulations and processes that will not be overly burdensome or costly for owners of historic properties. Along this line, staff has prepared code amendment text that would expand the number of exterior alterations that can be administratively approved under the Minor Historic Review process, subject to specific standards included in the code text. The idea was discussed with, and supported by, staff from the State Historic Preservation Office (SHPO) last summer, and the proposal was presented to the Landmarks and Historic Preservation Commission (LHPC) at study sessions in January and May of this year. At its regular meeting of June 4, 2019, the LHPC voted to forward a positive recommendation for the code amendment to the Planning Commission and City Council. The proposal was also presented to the Planning Commission and City Council at study sessions on June 10 and June 13, 2019, respectively.

The exterior alterations proposed to be added under Minor Historic Review are listed below, and a complete copy of the proposed code amendment text is attached for review as Exhibit A.

- New fencing on residential properties
- New signage
- Limited modifications to non-contributing and/or non-historic buildings

In addition to the above, staff had also recommended that the City no longer regulate changes in exterior paint colors, which is currently allowed under Minor Historic Review when the colors are selected from a pre-approved palette. Overall the Commissions and City Council were supportive of the proposal, with the only real point of debate being the regulation of exterior paint colors. The LHPC members were split in their opinions on whether or not paint colors should continue to be regulated, and the general consensus

at the City Council study session was that the pre-approved color palette should be retained, but given more flexibility. As such, staff has revised the amendment text to keep paint color changes regulated under Minor Historic Review, and staff will work with the LHPC on the adoption of a broader color palette for future use.

## **FINDINGS AND CONCLUSIONS**

The criteria that apply to code amendments are in Medford Municipal Code §10.218. The criteria are rendered in italics; findings and conclusions in roman type.

### *10.218 Land Development Code Amendment Approval Criteria.*

*The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:*

*(A) Explanation of the public benefit of the amendment.*

#### Findings

A commonly heard complaint about historic review permits is that they are overly restrictive, too costly, and take too long to procure. The proposed code amendment, with its inclusion of clear and objective standards, will make it possible for owners of historic properties to readily obtain the necessary approvals for some of the most common minor exterior alterations, and, in doing so, the City will ostensibly garner additional support for its historic preservation efforts while ensuring that the purpose and intent of the Historic Preservation Overlay District will continue to be met.

#### Conclusions

The proposed code amendments are intended to benefit the public in that they will increase the number of exterior building alterations that can be administratively approved under Minor Historic Review, thereby helping to make the permitting process more predictable and less costly for owners of historic properties. This criterion is satisfied.

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

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

#### Findings

The following are the goals, policies, and implementation strategies of the Comprehensive Plan applicable to DCA-19-022.

### **Environmental Element**

***Goal 11: To preserve and protect archaeological and historic resources in Medford for their aesthetic, scientific, educational, and cultural value.***

**Policy 11-B:** The City of Medford shall encourage and facilitate the preservation of Medford's significant historic resources by continuing to update and implement the Historic Preservation Ordinance in the *Land Development Code*.

**Policy 11-F:** The City of Medford shall continue to encourage historic preservation efforts and cooperate with citizens and organizations undertaking such efforts.

### Conclusions

The proposed amendment will update the Land Development Code to expand the list of exterior alterations that can be administratively reviewed and approved under Minor Historic Review. In doing so, the City will help to further streamline the Historic Review process by allowing for the most common minor alterations to be permitted in a quick and inexpensive manner, thereby encouraging property owners to support the City's historic preservation efforts and to seek the necessary approvals. This criterion is satisfied.

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

### Findings

The proposed amendment was provided to the applicable referral agencies per the code requirements in April 2019. The Public Works Department, Jackson County Development Services, and Jackson County Roads provided official "no comment" statements. The Fire Department raised a concern over the combustibility of wood shake and shingle roofs, and recommended that their use be prohibited except for repairs. Acknowledging the concern over the combustibility of wood shakes and shingles, their use is not prohibited under the Building Code except in areas that are at high risk of wildfire. Wood shakes and shingles are a historically appropriate roofing material, and the Historic Preservation Overlay does not contain any properties within the Wildfire High Risk areas. The Secretary of the Interior's Standards also call for the preservation or distinctive materials that characterize a property, and the use of historically compatible materials on exterior alterations.

### Conclusions

It would be contrary to the City's historic preservation goals to prohibit the use of a historically accurate and compatible material within the Historic Preservation

Overlay, not to mention inequitable given that their use is allowed throughout most areas of the city. This criterion has been satisfied.

*(3) Public comments.*

Findings

The Landmarks and Historic Preservation Commission provided feedback on the proposed amendment over the course of two study sessions and one public hearing, and the Planning Commission provided feedback at a single study session. Notification of the public hearings before the Landmarks and Historic Preservation Commission and the Planning Commission were mailed to all property owners of record within the Historic Preservation Overlay District, and no public comments have been received to date. This staff report will also be posted on the City's website which may generate future public comments.

Conclusions

The proposed amendment has been made available for public review and comments through the course of four public meetings, and additional public comments may be provided during the public hearings process. This criterion has been satisfied.

*(4) Applicable governmental agreements.*

Findings

As a participant in the Certified Local Government (CLG) Program under the National Historic Preservation Act, the City's Local Government Certification Agreement with the State of Oregon specifies that the City will, among other things:

- Enforce appropriate state or local legislation for the designation and protection of historic properties.
- Provide for adequate public participation in the historic preservation program.

Conclusions

By streamlining the process for the review and approval of some of the most common exterior alterations, the proposed amendment will help to encourage public compliance with the City's Historic Review regulations, thereby helping to ensure the protection of historic properties in the city. Furthermore, all owners of property within the Historic Preservation Overlay District were notified of the public hearings on the proposed amendment. This criterion has been satisfied.

**RECOMMENDED ACTION**

Based on the Findings and Conclusions that all of the approval criteria are met, forward a favorable recommendation for adoption of DCA-19-022 to the City Council per the staff report dated June 20, 2019, including Exhibits A through G.

**EXHIBITS**

- A Proposed Amendment Text
- B Landmarks and Historic Preservation Commission Hearing Minutes – June 4, 2019
- C Planning Commission Study Session Minutes (excerpted) – June 10, 2018
- D Medford Fire-Rescue Department Comments – June 11, 2019
- E Medford Public Works Department Comments – April 24, 2019
- F Jackson County Roads Comments – April 17, 2019
- G Jackson County Development Services Comments – April 23, 2019

**PLANNING COMMISSION AGENDA:**

**JUNE 27, 2019**

**10.108 Land Use Review Procedure Types.**

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each procedural type is subject to specific due process and administrative requirements of this chapter.

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Annexation	IV	Urbanization, 10.216	City Council	No
Appeal of Final PUD Plan Decision	I	10.140(F)(3)	Planning Commission	No
Appeal of Minor Historic Review Decision	I	10.140(F)(4)	LHPC	No
Appeal of Type II Decision	III	10.140(G)	Planning Commission	Yes
Appeal of Type III Decision	IV	10.140(H)	City Council	Yes
Appeal of Type IV Decision	IV	10.140(I)	LUBA	No
Comprehensive Plan Amendment, Major	IV	Review & Amendment, 10.220	City Council	No
Comprehensive Plan Amendment, Minor	IV	Review & Amendment, 10.222	City Council	No
Conditional Use Permit	III	10.184	Planning Commission	Yes
De Minimis Revision(s) to an Approved PUD Plan	I	10.198	Planning Director	No
Exception	III	10.186	PC/LHPC/SPAC	Yes
Final PUD Plan	I	10.196	Planning Director	No
Final Plat, Subdivision or Partition	I	10.160	Planning Director	No
General Land Use Map Amendment, Major	IV	GLUP, Review & Amendment, 10.220	City Council	No
General Land Use Map Amendment, Minor	IV	GLUP, Review & Amendment, 10.222	City Council	No
Historic	III	10.188	LHPC	Yes
Land Development Code Amendment	IV	10.218	City Council	No
Minor Historic Review	I	<del>10.148</del> 10.188(C)(3)	Planning Director	No
Major Modification to a Site Plan & Architectural Review Approval	III	10.200(H)(1)	SPAC	Yes

\* \* \*

Exhibit A

**10.110 Designation and Duties of Approving Authorities.**

\* \* \*

**(M) The Landmarks and Historic Preservation Commission, Other Duties**

\* \* \*

(3) To adopt approval criteria for Minor Historic Review of alterations and/or new construction of residential fencing, roofing materials, exterior colors, signage, awnings, and non-contributing and non-historic buildings ~~or sign face design for an existing sign~~ within Historic Preservation Overlay Districts. Such criteria shall be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Places as applicable.

\* \* \*

(6) To support the enforcement of all state laws related to historic preservation.

(7) To identify and evaluate properties in the City and maintain a Historic Resource Survey consistent with the Standards of the Oregon State Historic Preservation Office (SHPO).

\* \* \*

**10.188 Historic Review.**

\* \* \*

**(C) Historic Review, Approval Criteria.**

\* \* \*

**(3) Minor Historic Review.**

~~Minor Historic Review of certain exterior alterations may be conducted by the Planning Director, according to standards adopted by the Landmarks and Historic Preservation Commission. The Planning Director shall approve a Minor Historic Review application if the proposal conforms to approval criteria adopted by the Landmarks and Historic Preservation Commission. These approval criteria are available at the Planning Department.~~

~~Minor Historic Review shall be limited to the review of:~~

- ~~(a) Changes in roofing materials and exterior paint colors in residentially zoned Historic Preservation Overlay Districts as per the Paint and Roofing Approval Criteria adopted in December 2007;~~
- ~~(b) Changes in exterior paint colors in commercially zoned Historic Preservation Overlay Districts, when new paint colors are chosen from the adopted color palette;~~
- ~~(c) Changes in awning fabric materials without a change in the shape of the awning frame, in Historic Preservation Overlay Districts, if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette;~~

~~(d) Change of sign face/copy as defined in Section 10.1010.~~

Within Historic Preservation Overlay Districts, certain exterior alterations may be approved by the Planning Director as a Type I land use action when the proposal is in conformance with the applicable standards of this section. Any proposal that is determined by the Planning Director to not be in conformance with the applicable standards shall be subject to Historic Review by the Landmarks and Historic Preservation Commission as per Section 10.188(C)(2). Applications for Minor Historic Review shall be limited to the following:

(A) Exterior Paint Colors. Changes in exterior paint colors shall be approved when the new paint colors are selected from the adopted color palette which is available at the Planning Department. No more than three individual colors, hues, or tones may be selected from the adopted color palette.

(B) Residential Fencing. Fences may be added to sites in residentially-zoned Historic Preservation Overlay Districts, and to sites within the Downtown Historic District that contain a legal or non-conforming residential structure, in accordance with the following:

(1) Fencing that is not visible from the public right-of-way (excluding alleys) is not restricted in the use of materials, and is exempt from historic review.

(2) Materials – fencing that is visible from the public right-of-way (including alleys) shall be constructed of wood, metal (wrought iron, aluminum, or steel), rusticated stone, or brick. Chain link, vinyl, and synthetic/composite wood fencing is prohibited.

(3) Fencing shall be in accordance with Section 10.732, Fencing of Lots.

(C) Residential Roofing. Changes in roofing materials in residentially-zoned Historic Preservation Overlay Districts, and to sites within the Downtown Historic District containing a legal or non-conforming residential structure, shall be approved when in conformance with the following:

(1) Materials – the following roofing materials are permitted:

(a) Wood shakes and shingles.

(b) Architectural grade fiberglass composition (asphalt) shingles.

(c) Asphalt/multi-layer asphalt shakes.

(2) Design – changes in roofing materials shall meet the following design criteria:

(a) Use of straight-cut “butt” end shingles, or shake profiles only. Fancy pattern end cut shingles may be used when they replicate the historically documented roofing character of the subject property.

(b) Use of a single color/pattern.

(c) Use of high-profile ridge or edge treatments is not permitted unless it replicates the historically documented roofing character of the subject property.

(D) Signage. New signage shall be approved when in conformance with the following:

(1) Sign Types and Area – the type of sign and the aggregate sign area shall be within the allowances of the zoning district and/or overlay district of the subject property, as outlined in Article VI of this chapter.

(2) Placement - signage shall be installed within appropriate “sign areas” as defined by the architecture of the building façade (see Figure 10.188-1 for guidance).

(a) No sign shall be placed or located so as to obscure or cover a vertical architectural element such as a column or pilaster.

(b) Signage shall fit entirely within a building’s horizontal divisions.

- (c) Where no architectural divisions exist or are evident, signage shall be proportionately scaled to the façade and placed to respect window and door openings.
- (d) No sign shall cover the entire width of any façade.
- (e) On masonry buildings, signs shall be attached into mortar joints, not into masonry, with sign loads properly calculated and distributed.
- (f) The bottom edge of projecting signs shall be set a minimum of 7 feet above the sidewalk, and any projecting sign proposed to be located within the clear vision triangle as defined in Section 10.735, must be reviewed and approved by the Public Works Director or their designee for compliance with that section.
- (g) Projecting signs shall not be permitted within two feet of the face of curb or a streetlight, and shall not interfere with any traffic sign or device.

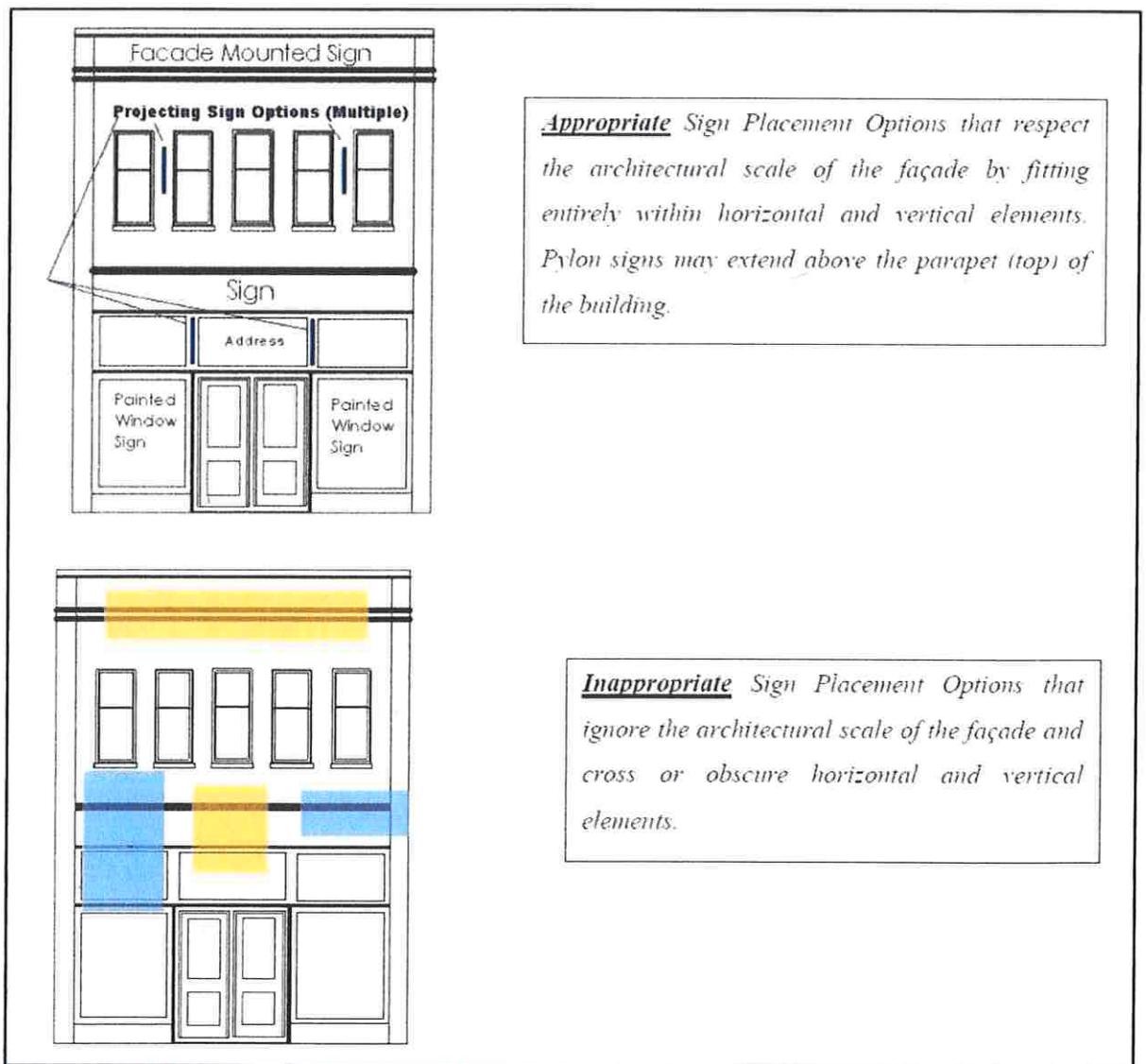


Figure 10.188-1. Sign placement guidance.

(3) Materials – signage shall be constructed from the following:

- (a) Metal (iron, steel, brass, copper, aluminum, and other natural finishes)
- (b) Painted metal, including powder coated or enameled metals
- (c) Wood (painted or natural, including carved or sand-blasted lettering)
- (d) Vinyl or other sheet claddings (for backing panels or cut lettering only)
- (e) Glass
- (f) Fiberglass, high-density foam, and similar “cast” or formed materials to create three-dimensional objects, including individual lettering.

(4) Illumination – the following types of sign illumination are permitted. Internally illuminated signs are prohibited.

- (a) Exposed neon (or LED) tubing
- (b) Exposed incandescent bulbs
- (c) Indirect illumination (e.g. gooseneck fixtures)
- (d) Back lit/Halo lit

(E) Awnings. Changes in awning fabric materials shall be approved when there is no change in the shape of the existing awning frame, and if the new fabric is either solid or striped and the fabric colors are chosen from the adopted color palette which is available at the Planning Department.

(F) Modification of Non-Contributing and Non-Historic Buildings. Certain modifications to the exterior of Non-Contributing and Non-Historic buildings within the Historic Preservation Overlay District shall be approved when in conformance with the following.

(1) Windows – changes to existing windows are permitted as follows:

- (a) Windows dating from the historic period of significance shall, if possible, be retained and repaired or restored.
- (b) Replacement windows shall be of the same proportions and configuration as the existing windows being replaced.
- (c) Glass block, tinted, mirrored, opaque, or colored glass is not permitted unless it is the historic glazing type.

(2) Doors – replacement of doors is permitted as follows:

- (a) Doors dating from the historic period of significance shall, if possible, be retained and repaired or restored.
- (b) Replacement doors shall be of the same proportions and configuration as the existing doors being replaced.

(3) Mechanical Equipment and Service Areas – The addition and/or replacement of mechanical equipment, including, but not limited to, heating and cooling systems, and solar panels, and service areas, including, but not limited to trash receptacle enclosures, is permitted as follows:

- (a) Mechanical equipment shall be concealed from view in accordance with Section 10.782.
- (b) New skylights and vents shall be placed behind and below the parapet level so they are not visible from the right-of-way.
- (c) Service areas shall be concealed from view in accordance with Section 10.781

\* \* \*



# Minutes

From Public Hearing on June 4, 2019

The regular meeting of the Landmarks & Historic Preservation Commission was called to order at 5:30 p.m. in Council Chambers on the above date with the following members and staff in attendance:

**Commissioners Present**

Daniel Smith, Chair  
Karl Geidans  
Greg Applen

**Commissioners Absent**

Roberta Thornton  
Jeff Applen

**Staff Present**

Kelly Akin, Assistant Planning Director  
Seth Adams, Planner III  
Madison Simmons, Senior Assistant City Attorney  
Cinthya Perezchica, Recording Secretary

10. Roll Call

20. Consent Calendar (voice vote) None.

30. Minutes.

30.1 The Minutes for March 5, April 2, and May 7, 2019, were approved as submitted.

40. Oral and Written Requests and Communications.

50. Public Hearings.

Madison Simmons, Senior Assistant City Attorney, read the rules that govern a quasi-judicial hearing.

**50.1 HC-19-009**, Landmarks and Historic Preservation Commission review of new signage at 232 North Central Avenue within the C-C/CB/ H (Community Commercial /Central Business District/Historic Preservation Overlay) Zoning district.

Chair Smith asked for any potential conflicts of interest or ex-parte communications. There were none.

**50.4 DCA-19-022**, is a legislative amendment to revise Section 10.188(C)(3) [Minor Historic Review] and other related sections within Article II of the Medford Land Development Code (MLDC). The purpose of the amendment is to allow for a wider range of projects that can be approved administratively under Minor Historic Review.

This proposal is a Type IV land use action to amend the Land Development Code. The Landmarks and Historic Preservation Commission is authorized to study proposed Land Development Code amendments relating to historic preservation, and submit recommendations regarding such proposals to the Planning Commission and City Council under Medford Municipal Code §10.110(M)(1).

The proposal would amend §10.188(C)(3) to allow for all of the following exterior alterations to be approved administratively, subject to certain standards included in the code language. The proposal presents three options for changes in exterior paint colors, including the recommendation of the Oregon State Historic Preservation Office (SHPO) and staff, which is to remove exterior paint colors from the list of regulated alterations.

- *Changes in exterior paint colors in both residential and commercial zones;*
- *New fencing in residential zones, and on sites within the Downtown Historic District that contain a legal non-conforming residential structure;*
- *Changes in residential roofing materials;*
- *New signage;*
- *Changes in awning fabric materials;*
- *Minor modifications of non-contributing and non-historic buildings*

Paint color options:

Option 1: (existing process): Changes in exterior paint colors shall be approved when the new paint colors are selected from the adopted color palette which is available at the Planning Department. No more than three individual colors, hues or tones may be selected from the adopted color palette.

Option 2: Changes in exterior paint colors are exempt from Historic Review.

Option 3: Regulate changes in exterior paint colors only on Primary, Secondary and Contributing resources within the Downtown Historic District.

**Public Hearing was opened.**

None

**Public hearing was closed.**

**Motion:** Forward a favorable recommendation of the proposed code amendment to the Planning Commission, per the staff report dated May 28, 2019, including Exhibit A.

Commissioner Geidans said he favored option 2.

Commissioner G. Applen said he favored option 1.

Chair Smith said he would like to forward options 1 and 2.

**Motion:** To amend the existing motion to include options one and two.

**Moved by:** Commissioner G. Applen    **Seconded by:** Commissioner Geidans

Motion passes, 3-0

60. Old Business

None

70. New Business and Announcements

None

80. Comments from the Commissioners

Commissioner G. Applen said his comment is directed to staff. Mr. G. Applen said although he voted against the proposal for the Carnegie building, he said he hopes that the applicant knows the gravity and significance of SHPO. Mr. G. Applen said during the testimony he mentioned federal funds because if Federal funds are involved it has to go to Washington D.C. Mr. G. Applen said he hopes the applicant includes SHPO and the National Historic Register to avoid any delays.

Chair Smith said the Mural would be a great addition to the downtown area.

90. Report from the Planning Department

Ms. Evans said there will be business for the July 2, 2019 meeting.

95. Comments from Legal Department

Ms. Simmons said if there is some interest for a study session outlining signs and review, and what the governing body cannot review. Chair Smith asked if they can discuss homelessness in that study session due to the amount of complaints in the historic district.

100. Adjournment.

100.1 The meeting was adjourned at 7:50 p.m.

Submitted by:

---

Cintha Y. Perezchica  
Recording Secretary

Landmarks & Historic Preservation Commission Chair



## Planning Commission

# Minutes

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

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

### **Commissioners Present**

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

### **Staff Present**

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

### **Commissioners Absent**

Patrick Miranda, Excused Absence

### **Subject:**

#### **20.1 DCA-19-001 Housekeeping Amendments**

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

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

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

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

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

Exhibit C

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

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

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

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

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

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

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

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

## **20.2 DCA-19-022 Minor Historic Review Code Amendment**

Seth Adams, Planner III reported that staff is asking the Commission for direction to identify any changes to be made to the proposal.

Currently, in the code under Minor Historic Review, staff can approve changes in roofing materials, changes in exterior paint colors, changes in awning fabric materials and change of sign face/copy.

The proposal is to increase the number of exterior modifications that can be reviewed and approved by staff under Minor Historic Review. It will encourage and support preservation, streamline the Historic Review process, reduces costs for historic property owners, and is recommended by the State Historic Preservation Office.

The first proposed addition to the Minor Historic list is residential fencing under the following standards:

- No regulation of fencing that is NOT visible from ROW (excluding alleys).
- Visible fencing: natural wood, metal, rusticated stone, or brick.
- Chain link and vinyl fencing prohibited.
- Otherwise governed by Section 10.732 (Fencing of Lots.)

Chair McKechnie asked, is the vinyl like one can purchase at Home Depot that looks like a white picket fence? Mr. Adams responded yes.

If one wanted to paint their wood fence would they have to go before the Landmarks and Historic Preservation Commission? Mr. Adams stated no. If using wood they would have to get an administrative permit if it is in view from the right-of-way.

Chair McKechnie suggested to remove the word "natural." To him, natural wood means it would have to be stained and could not be painted.

The second proposed addition is signs meeting the same criteria that the LHPC has been using for the past 12 years:

- Types and Area
- Placement/location
- Materials
- Illumination
- Shapes
- Size

Another addition is minor alterations to non-contributing/non-historic structures. Examples are changing a window or door without changing the size of the opening.

Finally, staff and SHPO are recommending that paint colors be removed from the City's regulatory purview. In short, letting people use whatever paint colors they wish. Paint is temporary and acts a preservative on a building. It is also entirely subjective.

Commissioner McManus asked, if the paint criteria standard goes away, does that open up public art? If one decided to use color as they want, does that cover if they wanted to paint their historic building wall with some type of design that is considered paint,

then it is not the purview of the Historic Commission or administration. Is that what he is hearing? Mr. Adams responded that is correct.

Commissioner Pulver asked, wasn't there an issue on whether it was considered art or paint with a building on Main Street? Mr. Adams reported that building is outside the Historic District. Ms. Evans commented that it was initially called graffiti. It was an unauthorized change. Ms. Paladino stated staff may need to talk to Legal. The intent is for body and trim colors only, and not graphics or pictures.

Commissioner Mansfield is in favor of eliminating the paint requirement.

Mr. Adams reported that there were two study sessions with LHPC on this topic. At their last meeting they voted to forward a favorable recommendation to the Planning Commission and City Council with the caveat they were split on the paint color. The proposal will go to a City Council study session on Thursday evening, and to the Planning Commission on June 27<sup>th</sup> for a recommendation.

### **20.3 DCA-18-180 Concurrency Amendments**

Kyle Kearns, Planner II reported that transportation concurrency is the requirement that developments must mitigate transportation impacts at the time of development.

A development has transportation impacts if it contributes traffic to an intersection that is shown to operate below the City's level of service standard with the project traffic.

State law requires future capacity is planned. Medford required capacity be done at the time of Zone Change. There are three options of how to change how it is done now:

- 1) Concurrency at Zone Change
- 2) Concurrency at Site Plan
- 3) Remove concurrency (Staff's recommendation)

Commissioner Mansfield asked, why is staff recommending eliminating all of it? Would it not violate the State Rule? Mr. Kearns stated that the details have not been fully explained yet in the presentation.

When stating remove concurrency it is not removing the requirement to mitigate impacts of the transportation system. The proposal is allowing the of use planned documents, such as the TSP and others, that have budgeted for projects and analysis to assume construction of that project. If a particular facility has not been planned that requirement for that to be mitigated is still required. It is not removing concurrency but it is removing the timing of when they can do it.

Karl MacNair, Transportation Manager, reported that it is also looking at the plan horizon year that is 2038 and saying at that time transportation capacity will be there as opposed to the way it works right now. One cannot build until that capacity is there.

**From:** [Greg G. Kleinberg](#)  
**To:** [Seth A. Adams](#)  
**Subject:** RE: DCA-19-022 Fire Comments  
**Date:** Tuesday, June 11, 2019 5:05:41 PM

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Seth,

I recommend the best and safest option is to not allow replacement of roofs to be wood shake/shingle products. Treated wood shakes should only be used to make repairs to an existing wood shake roof.

One of the issues is the treatment only lasts so long, and then the wood shakes/shingles become susceptible to ignition unless treated again. The natural weathering test for wood shakes does not exceed 10 years while in reality these roofs might be on a structure for decades. It's not like a metal, asphalt composition, or tile roof that inherently resists ignition and has a 30-50 life span.

Thank You,

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

**From:** Seth A. Adams  
**Sent:** Tuesday, June 11, 2019 2:13 PM  
**To:** Greg G. Kleinberg <[John.Kleinberg@cityofmedford.org](mailto:John.Kleinberg@cityofmedford.org)>  
**Subject:** RE: DCA-19-022 Fire Comments

Hi Greg,

Sorry to go back in time a little, but would the following simple language cover the justifiable concern over flammability of wood shakes and shingles? Thanks!

- (I) The following roofing materials are permitted:
  - (a) Wood shakes and shingles (must have Class A or B fire rating)

**Seth**

**From:** Greg G. Kleinberg  
**Sent:** Friday, April 19, 2019 4:13 PM  
**To:** Seth A. Adams <[Seth.Adams@cityofmedford.org](mailto:Seth.Adams@cityofmedford.org)>  
**Subject:** DCA-19-022 Fire Comments

Seth,

The only concern I have with this is allowing wood shake and wood shingle roofs. The new

Exhibit D

wildland hazard mitigation codes that we will be adopting prohibit wood shake and wood shingle roofs in wildfire hazard zones because they are easily ignitable. Jackson County code require a minimum Class A or B roof in these areas. If we have to allow them in other areas I would recommend they are required to be a minimum Class A or Class B. There are products on the market that look like wood shake but are made with materials that have a high fire resistance rating. It would be a shame to lose a historic structure because we did not think about this.

Thank You,

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



Medford – A fantastic place to live, work and play

## CITY OF MEDFORD

LD Date: 4/24/2019  
File Number: DCA-19-022

### PUBLIC WORKS DEPARTMENT STAFF REPORT

#### Development Code Amendment Minor Historic Review

**Project:** DCA-19-022 is an amendment to portions of Chapter 10, the Medford Land Development (MLDC), to allow for a wider range of projects within the Historic Preservation Overlay District that can be approved administratively under Minor Historic Review.

**Applicant:** City of Medford

**Planner:** Planner, Seth Adams, Long Range Division

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

Prepared by: Jodi K Cope  
Reviewed by: Doug Burroughs



# JACKSON COUNTY

Roads

Roads  
Engineering

Chuck DeJanvier  
Construction Engineer

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

www.jacksoncounty.org

April 17, 2019

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

RE: To allow for a wider range of projects within the Historic Preservation Overlay  
Various city maintained roads.  
Planning File: DCA-19-022.

Dear Seth:

Thank you for the opportunity to comment on an amendment to portions of Chapter 10m the Medford Land Development Code (MLDC), to allow for a wider range of projects within the Historic Preservation Overlay that can be approved administratively under Minor Historic Review. Jackson County Roads has no comment.

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

Sincerely,

Chuck DeJanvier, PE  
Construction Engineer

**From:** [Shandell Clark](#)  
**To:** [Seth A. Adams](#)  
**Subject:** Minor Historic Review  
**Date:** Tuesday, April 23, 2019 8:25:09 AM

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Good Morning Seth,  
Thank you for the opportunity to review the proposed amendments to Chapter 10 of the Medford Land Development Code.  
Jackson County has no comment regarding the proposed changes.  
Sincerely,  
Shandell

*Shandell Clark*  
Development Services  
Planning Manager



**JACKSON COUNTY**  
Oregon  
10 South Oakdale Ave., Rm 100  
Medford, OR 97501  
PH: 541-774-6519  
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[clarksp@jacksoncounty.org](mailto:clarksp@jacksoncounty.org)

Exhibit G