

PLANNING COMMISSION

JULY 9, 2020



MEDFORD
OREGON

Commission Members

David Culbertson
Joe Foley
David Jordan
Bill Mansfield
David McFadden
Mark McKechnie
E. J. McManus
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



MEDFORD OREGON

July 9, 2020

5:30 P.M.

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

10. Roll Call

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

20.1 PUD-20-032 / LDS-20-100 Final Orders of a revised tentative plat and PUD Plan for the Springbrook Park Planned Unit Development in order to create nine additional lots at the southeast corner of the site. The subject site is contained within an approximate 1.50 acres of a 19.6-acre tract of land, and is located along Springbrook Road north of Owen Drive within the SFR-6 (Single-Family Residential, six dwelling units per gross acre) and MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) zoning districts. Applicant: Springbrook Park, LLC; Agent: Steven Swartsley; Planner: Dustin Severs.

20.2 ZC-20-112 Final Order of a request for a change of zone of two contiguous parcels totaling 6.26 acres located approximately 880 feet east of Crater Lake Avenue, south of Owen Drive, and north of Delta Waters Road. The applicant is requesting a change from I-G (General Industrial) and I-L (Light Industrial) to MFR-20 (Multiple Family Residential, twenty dwelling units per gross acre) zoning district (371W08C TL 900 & 901). Applicant: Fred Owen; Agent: Richard Stevens & Associates, Inc.; Planner; Dustin Severs.

20.3 LDP-20-120 / E-20-121 Final Orders of tentative plat approval for a two-lot partition and an Exception pertaining to relief to street and storm improvement standards on one parcel of land, 0.76 acres in size, located at 2133 Dellwood Avenue within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district (371W29DB4300); Applicant: Ryder & Tyler West; Agent: Neathamer Surveying Inc.; Planner: Steffen Roennfeldt.

30. Approval or Correction of the Minutes from June 25, 2020 hearing.

40. Oral Requests and Communications

COMMENTS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR ORGANIZATION. **PLEASE SIGN IN.**

50. Public Hearings

COMMENTS ARE LIMITED TO A TOTAL OF 10 MINUTES FOR APPLICANTS AND/OR THEIR REPRESENTATIVES. YOU MAY REQUEST A 5-MINUTE REBUTTAL TIME. ALL OTHERS WILL BE LIMITED TO 3 MINUTES PER INDIVIDUAL OR 5 MINUTES IF REPRESENTING A GROUP OR ORGANIZATION. **PLEASE SIGN IN.**

New Business

50.1 SN-20-118 Consideration of a request to change the name of Hoosegow Lane to Frontier Court. The subject street extends west from Nebraska Drive, terminates in a cul-de-sac, and serves six parcels. The street is located in southeast Medford, south of Kansas Drive and west of

**Planning Commission Agenda
July 9, 2020**

Nebraska Drive. Applicant: DRM Construction, LLC; Agent: Neathamer Surveying, Inc.; Planner: Dustin Severs.

60. Reports

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

70. Messages and Papers from the Chair

80. City Attorney Remarks

90. Propositions and Remarks from the Commission

100. Adjournment

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

IN THE MATTER OF PLANNING COMMISSION FILE PUD-20-032 APPLICATION FOR)
A REVISED PLANNED UNIT DEVELOPMENT SUBMITTED BY SPRINGBROOK PARK LLC) **ORDER**

ORDER granting approval of a preliminary PUD plan for *Springbrook Park*, described as follows:

A revised tentative plat and PUD Plan for the Springbrook Park Planned Unit Development in order to create nine additional lots at the southeast corner of the site. The subject site is contained within an approximate 1.50 acres of a 19.6-acre tract of land, and is located along Springbrook Road north of Owen Drive within the SFR-6 (Single-Family Residential, six dwelling units per gross acre) and MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) zoning districts.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.190 Application and Approval Provision, and
2. The Medford Planning Commission has duly held a public hearing on the matter of an application for approval of a preliminary PUD plan for *Springbrook Park*, as described above, with a public hearing a matter of record of the Planning Commission on June 25, 2020.
3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant’s representative and Planning Department staff; and
4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted preliminary plan approval for a Planned Unit Development for *Springbrook Park*, as described above, and directed staff to prepare a final order with all conditions and findings set forth for the granting of the Preliminary Plan approval.

THEREFORE LET IT BE HEREBY ORDERED that the application for approval of a preliminary PUD plan for *Springbrook Park*, as described above, stands approved subject to compliance with the conditions stated in the Planning Commission Report dated June 25, 2020.

AND LET IT FURTHER BE OF RECORD that the action of the Planning Commission in approving this application, for preliminary plan approval for a planned unit development, for *Springbrook Park*, as described above is hereafter supported by the findings adopted by the Planning Commission and any additional findings contained in the Planning Commission Report dated June 25, 2020.

Accepted and approved this 9th day of July, 2020.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF SPRINGBROOK PARK PLANNED)
UNIT DEVELOPMENT [LDS-20-100]) **ORDER**

ORDER granting approval of a request for tentative plat for *Springbrook Park Planned Unit Development*, described as follows:

A revised tentative plat for the Springbrook Park Planned Unit Development in order to create nine additional lots at the southeast corner of the site. The subject site is contained within an approximate 1.50 acres of a 19.6-acre tract of land, and is located along Springbrook Road north of Owen Drive within the SFR-6 (Single-Family Residential, six dwelling units per gross acre) and MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) zoning districts.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *Springbrook Park Planned Unit Development*, as described above, with the public hearing a matter of record of the Planning Commission on June 25, 2020.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *Springbrook Park Planned Unit Development*, as described above 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 *Springbrook Park Planned Unit Development*, stands approved per the Planning Commission Report dated June 25, 2020, 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 25, 2020.

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 9th day of July, 2020.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Vice-Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION REPORT

for a type-III quasi-judicial decision: PUD & Land Division

Project Springbrook Park PUD – Phase 6
Applicant: Springbrook Park LLC.
Agent: Steven Swartsley

File no. PUD-20-032 / LDS-20-100

Date June 25, 2020

BACKGROUND

Proposal

Consideration of a revised tentative plat and Preliminary PUD Plan for the Springbrook Park Planned Unit Development in order to include an additional phase—Phase 6—consisting of eight additional lots at the southeast corner of the site. The subject site is contained within an approximate 1.50 acres of a 19.6-acre tract of land, and is located along Springbrook Road north of Owen Drive within the SFR-6 (Single-Family Residential, six dwelling units per gross acre) and MFR-15 (Multiple Family Residential, fifteen dwelling units per gross acre) zoning districts. (371W08BD TL 515 & 516).

Vicinity Map



Subject Site Characteristics

Zoning SFR-6
 MFR-15

GLUP UR Urban Residential
 UM Urban Medium Density Residential

Overlay AC Airport Area of Concern

Use(s) Vacant land

Surrounding Site Characteristics

North Zone: SFR-6
 Uses: Single-Family Residential

South Zone: SFR-6
 Use: Single-Family Residential

East Zone: Jackson County Exclusive Farm Use (EFU)—outside City limits
 Uses: Vacant (former orchard)

West Zone: SFR-6
 Uses: Single-Family Residential

Related Projects

| | |
|--------------------------------|---|
| CP-13-032 | GLUP change from UR to UM |
| PA-18-002 | Pre-application to discuss PUD proposal |
| PUD-18-031/LDS-18-044/ZC-18-36 | Approval of Springbrook Park PUD – Phases 1-5 |
| PUD-18-031 | Final PUD Plan & Final Plat approval for Phases 1 & 2 |

Applicable Criteria

MLDC 10.235(D): PUD Criteria

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

1. *The proposed PUD:*
 - a. *preserves an important natural feature of the land, or*
 - b. *includes a mixture of residential and commercial land uses, or*
 - c. *includes a mixture of housing types in residential areas, or*
 - d. *includes open space, common areas, or other elements intended for common use or ownership, or*
 - e. *is otherwise required by the Medford Land Development Code.*

2. *The proposed PUD complies with the applicable requirements of this Code, or*
 - a. *the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and*
 - b. *the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and*
 - c. *the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.*

3. *The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria there under:*
 - a. *Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.*
 - b. *Public Facilities Strategy pursuant to ORS 197.768 as amended.*
 - c. *Limited Service Area adopted as part of the Medford Comprehensive Plan.*

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

5. *If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:*
 - 1) *demands for the Category “A” public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or*
 - 2) *the property can be supplied by the time of development with the following Category “A” public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:*
 - a. *Public sanitary sewerage collection and treatment facilities.*
 - b. *Public domestic water distribution and treatment facilities.*
 - c. *Storm drainage facilities.*
 - d. *Public streets.*

Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the Comprehensive Plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.

6. *If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.*

7. *If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.*

MLDC 10.202(E): Land Division Criteria

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

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

Issues and Analysis

Project Summary

Site history

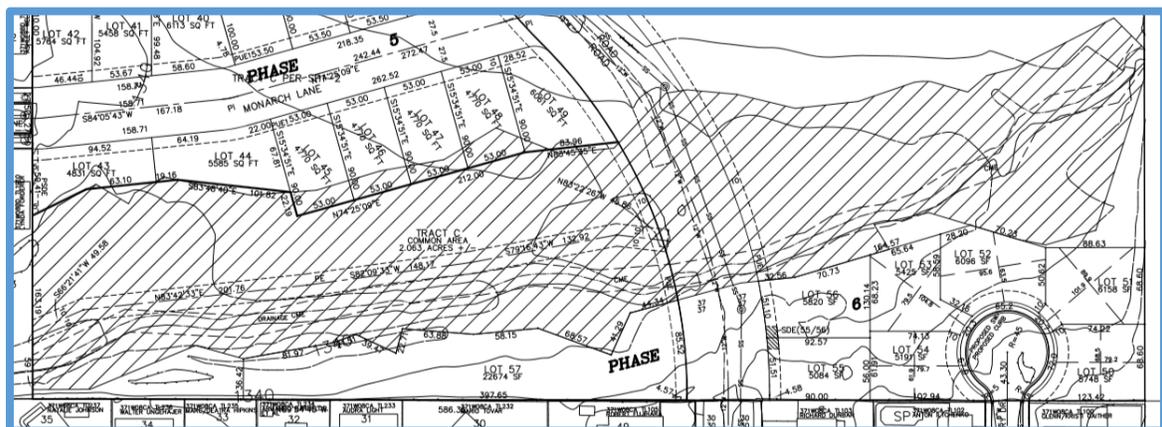
On June 14, 2018, the Commission approved the Springbrook Park PUD, a development consisting of a 51-lot residential subdivision on the SFR-6 portion of the site, located west of Springbrook Road; along with 74 multi-family units to be located on the MFR-15 portion of the site, east of Springbrook Road, as a future development. The approved Preliminary PUD Plan also identified the wetland area to be designated Common Area, as required per MLDC 10.192(C).



In June of 2018, the Final PUD Plan for Phases 1 & 2 (Lots 1-15) were approved by the Planning Director, and the Final Plat was later approved in August of 2018.

Current Proposal

With the subject request, the applicant is proposing to revise the Preliminary PUD Plan and tentative plat of the Springbrook Park PUD, adding a phase 6, consisting of eight single-family lots—seven lots (Lots 50-56) to be located in the MFR portion of the site, east of Springbrook Road, and one lot (Lot 57) to be located in the SFR portion of the site, west of Springbrook Road. Additionally, the applicant is requesting to revise the previously approved Phase 5 of Springbrook Park, eliminating two lots, while modifying the design of two lots (Lots 43 & 44), in order to avoid encroachment into the area of the site identified as wetlands.



Included in the application are two requests requiring additional discretionary approval. These include a request to terminate Kingsbury Drive—an existing public street proposed to be extended to serve Lots 50-56—with a cul-de-sac, pursuant to 10.450; as well as a request—pursuant to MLDC 10.790(E)(5)—for relief from installing a bufferyard along the site’s southeasterly boundary, which abuts the SFR-6 zone.

Finally, the applicant is requesting modifications—modified standards authorized for PUDs, per MLDC 10.192(B)—which also require discretionary approval. These include the applicant’s requests to construct several lots not meeting the design standards for the underlying zone; a modification to allow lots 55 & 56 to take access off of Springbrook Road—a Major Collector street; and a modification to allow the proposed cul-de-sac not to include an accessway (for pedestrian and bicycle access) connecting the cul-de-sac to Springbrook Road.

Density

Residential Density

| Zone | Gross Acreage | Min./Max. Dwelling Units per Gross Acre | Minimum Dwelling Units | Maximum Dwelling Units | Proposed Dwelling Units |
|---------------|---------------|---|------------------------|------------------------|-------------------------|
| SFR-6 | 12.88 | 4/6 | 52 | 77 | 50 |
| MFR-15 | 6.76 | 10/15 | 68 | 101 | 73 |
| Totals | 19.6 | NA | 120 | 178 | 123 |

With the original approval of the Springbrook Park PUD (PUD-18-031), the project was approved for 51 single-family lots on the 12.88-acre portion of the site, located within the SFR-6 zoning district, west of Springbrook Road; and 74 multi-family dwelling units within the 6.76-acre portion of the site located within the MFR-15 zoning district, east of Springbrook Road, identified on the PUD Plan as a future phase. A total of 125 units was proposed for the overall PUD.

The applicant is now proposing to eliminate two SFR lots (previously lots 50 and 51) as part of Phase 5, and to add eight SFR lots (one in the SFR zone and seven in the MFR zone)—a total of 57 SFR units. The submitted PUD Plan shows the number of MFR units as part of the future phase of the development reduced to 66 units in order

to comply with sewer capacity constraints. With the proposed revisions, the applicant is now proposing a total of 123 dwelling units for the overall PUD.

As shown on the Density Table above, the total number of dwelling units shown on the submitted plans fall within minimum/maximum range permitted for the overall PUD, as prescribed per the Code.

Development Standards

Site Development Table (MLDC 10.710)

| SFR-6 | Lot Area Sq. ft. | Minimum Lot Width (Interior) | Minimum Lot Width (Corner) | Minimum Lot Depth | Minimum Lot Frontage |
|-----------------|-----------------------|------------------------------------|----------------------------------|----------------------|-------------------------|
| Required | 4,500 to 12,500 | 50 feet | 60 feet | 90 feet | 30 feet |
| Shown | Lot 57: 22,674 | Lot 58: 396 | Lot 58: NA | Lot 58: 397 | Lot 58: 85 |
| | Lot 43: 4,831 | Lot 43: 94 | Lot 43: NA | Lot 43: 40 | Lot 43: 94 |
| | Lot 44: 5,585 | Lot 44: 86 | Lot 44: NA | Lot 44: 48.8 | Lot 44: 86 |

Site Development Table (MLDC 10.714)

| MFR-15 | Lot Area Sq. ft. | Minimum Lot Width (Interior) | Minimum Lot Width (Corner) | Minimum Lot Depth | Minimum Lot Frontage |
|-----------------|----------------------|------------------------------------|----------------------------------|----------------------|-------------------------|
| Required | 9,000 min. | 80 feet | 90 feet | 100 feet | 30 feet |
| Shown | Lot 50: 5,748 | Lot 50: 68 | Lot 50: NA | Lot 50: 79 | Lot 50: 72 |
| | Lot 51: 6,158 | Lot 51: 89 | Lot 51: NA | Lot 51: 101 | Lot 51: 20 |
| | Lot 52: 6,096 | Lot 52: 95 | Lot 52: NA | Lot 52: 63 | Lot 52: 65 |
| | Lot 53: 5,425 | Lot 53: 79 | Lot 53: NA | Lot 53: 104 | Lot 53: 20 |
| | Lot 54: 5,191 | Lot 54: 61 | Lot 54: NA | Lot 54: 79 | Lot 54: 67 |
| | Lot 55: 5,084 | Lot 55: 56 | Lot 55: NA | Lot 55: 90 | Lot 55: 51 |
| | Lot 56: 5,820 | Lot 56: 59 | Lot 56: NA | Lot 56: 96 | Lot 56: 51 |

Site Development Table (MLDC 10.710)

(Lot design standards for lots 50-56 when held to SFR-6 standards)

| SFR-6 | Lot Area Sq. ft. | Minimum Lot Width (Interior) | Minimum Lot Width (Corner) | Minimum Lot Depth | Minimum Lot Frontage |
|-----------------|---------------------|------------------------------------|----------------------------------|----------------------|----------------------------|
| Required | 4,500 to 12,500 | 50 feet | feet | 90 feet | 30 feet 20 ft./flag lot |
| Shown | Lot 50: 5,748 | Lot 50: 68 | Lot 50: NA | Lot 50: 79 | Lot 50: 72 |
| | Lot 51: 6,158 | Lot 51: 89 | Lot 51: NA | Lot 51: 101 | Lot 51: 20 |
| | Lot 52: 6,096 | Lot 52: 95 | Lot 52: NA | Lot 52: 63 | Lot 52: 65 |
| | Lot 53: 5,425 | Lot 53: 79 | Lot 53: NA | Lot 53: 104 | Lot 53: 20 |
| | Lot 54: 5,191 | Lot 54: 61 | Lot 54: NA | Lot 54: 79 | Lot 54: 67 |
| | Lot 55: 5,084 | Lot 55: 56 | Lot 55: NA | Lot 55: 90 | Lot 55: 51 |
| | Lot 56: 5,820 | Lot 56: 59 | Lot 56: NA | Lot 56: 96 | Lot 56: 51 |

Modified Standards authorized for PUDs (MLDC 10.192(B))

(B) Modified Application of Standards Authorized for PUDs.
 To fulfill the purpose and intents of the standards set forth in Section 10.190(A), authority is herewith granted for the approval of PUDs which vary from the strict standards of this Code. The nature and extent of potential modifications shall be limited to the categories below described, provided that the City, in approving such modifications, shall not violate substantive provisions of the Oregon Transportation Planning Rule:

- (1) Lots and Parcels in PUDs. Limitations, restrictions and design standards pertaining to the size, dimension, location, position and coverage of lots, and restrictions related to through lots.
- (2) Yards, Setbacks and Building Height in PUDs. Limitations, restrictions and design standards pertaining to the location, size, height, yards and setbacks for buildings and other structures.
- (3) Parking, Bicycle and Pedestrian Standards in PUDs. Limitations, restrictions and design standards pertaining to off-street vehicle and bicycle parking and loading, and standards related to pedestrian access.
- (4) Frontage, Access, Landscaping and Signs in PUDs. Limitations, restrictions and design standards pertaining to lot frontage, access, required landscaping, signs and bufferyards.
- (5) Streets Generally in PUDs. Streets within PUDs may be either city streets dedicated for public use or private streets owned and maintained by an association of owners, and may exceed maximum block length and perimeter standards provided in Section 10.426(C)(1). Streets within or adjacent to a PUD shall comply with the following:

Pursuant to MLDC 10.192(B) (shown above), the applicant is requesting modified standards as it pertains to lot design, vehicular access, and pedestrian/bicycle access, as outlined below.

Lot Design

As shown in the site development table above, several of the proposed lots do not meet all of the design standards of the underlying zones. These include the seven lots proposed within the MFR-15 portion of the site (Lots 50-56); Lot 57, located on the west side of Springbrook Road and within the SFR-6 portion of the site; and the two lots within Phase 5 (lots 43 and 44), located in the SFR-6 zone. Per MLDC 10.192(B)(1), lots within a PUD may vary from the design standards pertaining to size and dimensions, contingent on the approval of the Planning Commission.

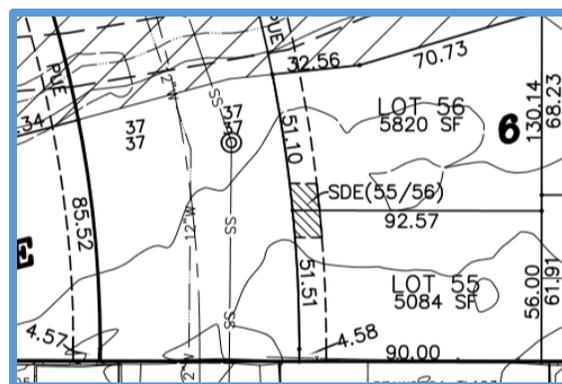
In their submitted findings, the applicant has requested that the seven lots located within the MFR-15 portion of the site (Lots 50-56) be held to SFR-6 design standards, as the abutting property to the south is developed with residential lots within the SFR-6 zone. When held to SFR-6 standards, the seven lots meet the design standards with the exception of lot depth for Lots 50, 52, and 54.

The applicant has also requested that Lot 57, located on the west side of Springbrook Road, be allowed to exceed the maximum lot area allowed for lots within the SFR-6 zone. In their submitted findings, the applicant explains that the purpose of the oversized lot is to prevent the creation of a landlocked parcel.

The applicant has also requested relief from meeting the minimum lot depth standards for lots 43 and 44, located in Phase 5. The submitted plat shows the lots located along the southerly boundary of Phase 5— previously approved with LDS-18-044—redesigned in order to prevent the lots from encroaching within the wetlands identified on the site.

Access

Per MLDC 10.550(3), no driveway access to an Arterial or Collector Street shall be allowed for any parcel that abuts the right-of-way of a lower-order street. The submitted plans show Lots 55 & 56 taking access off of Springbrook Park—a Major Collector Street. While the two lots identified on the plans do not have access to a lower-order street, the parent parcel from which the lots are proposed to be created do abut a lower-order street, Kingsbury Drive, along its southerly boundary.



Pursuant to MLDC 10.192(B)(4), limitations, restrictions, and design standards pertaining to access may also vary from the strict standards of the Code for PUDs, contingent on the approval of the Planning Commission. The applicant has requested modifications in order for Lots 55 and 56 to take access off of Springbrook Road. The

tentative plat shows the two lots with a shared access, consistent with 10.550(3)(a), which requires that lots taking access off of a higher-order street include a shared driveway.

Accessway

10.464 Accessways.

The purpose of an accessway is to provide safe and convenient pedestrian and bicycle access within and from new subdivisions, planned unit developments, shopping centers and industrial parks to nearby residential areas, transit stops and neighborhood activity centers such as schools, parks and shopping. A well connected street network is the primary means of providing this access. Accessways are reserved for situations where street connections are infeasible or inappropriate.

(1) Accessways shall be provided for cul-de-sacs, long blocks or dead-end streets except when the approving authority determines based on evidence in the record, that construction of a separate accessway is infeasible or inappropriate. Such evidence may consist of the following:

- (a) when other federal, state or local requirements prevent construction of an accessway,
- (b) when the nature of abutting existing development makes construction of an accessway impractical,
- (c) when the accessway would cross a natural area with significant natural habitat and construction would be incompatible with protection of natural values,
- (d) when the accessway would cross land designated for flood control or flood hazard and the accessway is incompatible with the designated use,
- (e) when the accessway would cross topography where slopes exceed 30% or where path grade would exceed 12% slope except when construction of a crossing structure is found to be feasible; or
- (f) when a cul-de-sac or dead-end street abuts rural resource land in farm use at an urban growth boundary, except where the adjoining land is designated as an urban reserve area.

[Added, Section 10, Ord. No. 7629, May 5, 1994.]

Per MLDC 10.464 (shown above), an accessway, providing safe and convenient pedestrian and bicycle access, is required to be provided with cul-de-sacs. MLDC 10.464(1) allows the Commission to grant relief from constructing an accessway if it is determined that the construction of an accessway is infeasible or inappropriate.

The applicant has requested—citing the modified standards authorized for PUDs under MLDC 10.192(B)—that the layout of the PUD not include the construction of an accessway, which would connect the proposed cul-de-sac to Springbrook Road (Exhibit I).

Staff is supportive of all three requested modified standards. In regards to the creation of lots not meeting the dimensional standards of the underlying zone, the applicant provided a plan (Exhibit D) with building envelopes illustrating how future homes will fit on the lots. (Building envelopes, however, were not shown for lots 43 and 44.) It is the developer's responsibility to design/configure the homes in a manner which fit on the lots, and the bulk standards of the Code (e.g., setbacks, lot coverage, etc.) will inhibit any of the proposed lots from being "overbuilt." These proposed modifications can be found to be consistent with MLDC 10.190(D)(2)(b).

In regards to the proposed driveway access off of Springbrook Road, it is staff's view that the proposed shared driveway will not materially impair the function, safety, or

efficiency of the circulation system or the development as a whole. This proposed modification can be found to be consistent with MLDC 10.190(D)(2)(c).

And in regards to the request to eliminate the requirement for an accessway, the original plans submitted by the applicant proposed the lots on the east side of Springbrook to be served by two Minimum Access Easements (MAEs), and with an accessway connecting the MAEs to Springbrook Road. Ultimately, staff was unsupportive of the layout, and suggested that instead of MAEs, the applicant construct a cul-de-sac to serve the lots. The applicant agreed to revise their plans. The revised layout with the inclusion of a cul-de-sac, however, limited the size of the proposed lots from the original plan, and the creation of an accessway (12-foot wide R.O.W) would further reduce the lot sizes. Accordingly, staff recommended to the applicant that they include in their request for modified standards the elimination of the required accessway.

It is staff's view that the creation of an accessway, given the cul-de-sac's close proximity to Springbrook Road, would have a limited benefit, and is outweighed by the imperative that the development provide lots with sufficient space for houses and yards. It is further staff's view that the elimination of the accessway will ultimately result in a more efficient use of urban land—the purpose and intent of PUDs, as outlined in MLDC 10.190(A). This proposed modification can be found to be consistent with MLDC 10.190(D)(2)(c).

Sanitary Sewer Constraints

With the approval of ZC-19-036, a Restricted Zoning (RZ) overlay was applied to the MFR-15 portion of the site. Per the Public Work's staff report (Exhibit E), the proposed MFR-15 zoning has the potential to increase flows to the sanitary sewer system due to a number of capacity constraints with the downstream sanitary sewer system. With the addition of seven SFR dwelling units, Public Works has calculated that a maximum of 66 multi-family units or 79 townhouse units can be built on the site without improvements being made to the downstream sanitary sewer system to alleviate the capacity constraints. The preliminary PUD plan shows a total of 66 MFR dwelling units proposed for future development, consistent with said restrictions.

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Bufferyards

Per MLDC 10.790, bufferyards are utilized in order to mitigate potential conflicts caused by types and intensity of uses on adjacent properties. The easterly portion of the site, zoned MFR-15, abuts the SFR-6 zone along its southerly boundary. Per MLDC 10.790(D), a Type A bufferyard—consisting of a six foot wall and ten feet of landscaping—is required along this portion of the site.

Adjustments to bufferyard requirements may be approved by the approving authority, pursuant to MLDC 10.790(E)(5). As the proposed development (single-family residential) is the same as the adjacent uses along the affected area, the requirement of a bufferyard can be found to be unnecessary.



Cul-de-sacs and Flag Lots

The applicant is proposing to extend Kingsbury drive—currently stubbed at the site’s southerly boundary—to serve Lots 50-56 with a cul-de-sac. In addition to proposing a cul-de-sac, the applicant is requesting that Lots 51 and 53 be designed as flag lots.

Pursuant to MLDC 10.450, both the construction of a cul-de-sac and the creation of flag lots require discretionary approval through the Commission. In their submitted findings, the applicant cites 10.450(1)(a), explaining the presence of the wetland to the north of the site prevents a street connection.

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

(1) Cul-de-sacs, minimum access easements and flag lots shall only be permitted when the approving authority finds that any of the following conditions exist:

- (a) One or more of the following conditions prevent a street connection: excess slope (15% or more), presence of a wetland or other body of water which cannot be bridged or crossed, existing development on adjacent property, presence of a freeway or railroad.
- (b) It is not possible to create a street pattern which meets the design requirements for streets.
- (c) An accessway is provided consistent with the standards for accessways in Section 10.464 through Section 10.466.

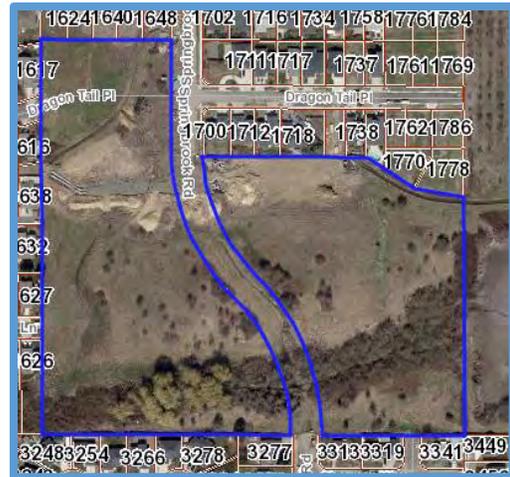
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Springbrook Road Extension

The construction of Springbrook Road is currently incomplete, with its southerly terminus stubbed at the subject site's southerly boundary, and its northerly terminus stubbed approximately 700 feet to the north.

With the approval of the Springbrook Park PUD (PUD-18-031), a condition of approval was added as follows:

Prior to the Final Plat approval for each applicable phase, the applicant shall construct and improve the full extension of Springbrook Road, connecting its two existing termini, with the 16th lot. Final plat approval for a maximum of 15 lots may be approved prior to the completion of Springbrook Road. The reserve acreage lot shall not count as part of the 15 lots.



The final plat for Phases 1 & 2 (Lots 1-15) of the Springbrook Park PUD have been approved; therefore, prior to the final plat approval of the next phase of the development, the applicant will be required to complete the construction of Springbrook Road, connecting its two existing termini.

In their submitted findings, the applicant has requested that said condition be modified. The findings read as follows:

Applicant requests the language be modified to allow FINAL PLAT APPROVAL for all 51 lots if construction has commenced on the section of Springbrook Road between its two termini. This change allows construction to move ahead and allow for the construction of houses on the lots prior to the completion of the Springbrook Road connection, but only if construction has started on the construction of Springbrook Road. In effect, it allows for the project to be completed sooner, allowing for additional housing units to be constructed in a city that clearly demonstrates the need for housing.

Staff is unsupportive of the applicant's request. It is staff's view that the approval of the subject development without a complete connection between the street's two existing termini—as per the conditions of approval established with PUD-18-031/LDS-18-044—would adversely impact the public street network.

Facility Adequacy

Per the agency comments submitted to staff (Exhibits G-I), it can be found that, with the imposition of the conditions of approval contained in Exhibit A, there are adequate facilities to serve the future development of the site.

Other Agency Comments

None

Committee Comments

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

Neighbor Comments

Staff received an email from Kathleen Fennell (1738 Dragon Tail Place) on April 7, 2020. In the email, Ms. Fennell stated her concerns about the future extension of Springbrook Road (Exhibit H), and wanted assurances that the condition requiring the full extension of Springbrook Road to be constructed with the 16th lot would be complied with.

FINDINGS AND CONCLUSIONS

MLDC 10.235(D): Preliminary PUD Plan

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

1. *The proposed PUD:*
 - a. *preserves an important natural feature of the land, or*
 - b. *includes a mixture of residential and commercial land uses, or*
 - c. *includes a mixture of housing types in residential areas, or*
 - d. *includes open space, common areas, or other elements intended for common use or ownership, or*
 - e. *is otherwise required by the Medford Land Development Code.*

The proposed PUD preserves an important natural feature of the land (wetland), includes a mixture of housing types in residential areas, and includes common area. **This criterion is satisfied.**

2. *The proposed PUD complies with the applicable requirements of this Code, or*
 - a. *the proposed modified applications of the Code are necessary for the project to be consistent with the criteria in Section 10.235(C)(1)(a-e), and*

- b. the proposed modifications enhance the development as a whole resulting in a more creative and desirable project, and*
- c. the proposed modifications to the limitations, restrictions, and design standards of this Code will not materially impair the function, safety, or efficiency of the circulation system or the development as a whole.*

The PUD does not comply with all applicable design standards set forth in Articles IV and V (in regards to lot size and access requirements); however, relief has been requested—pursuant to MLDC 10.192(B)(1)—which can be found to be consistent with conditions a-c.

This criterion is satisfied.

- 3. The property is not subject to any of the following measures or if subject thereto the PUD can be approved under the standards and criteria there under:*
 - a. Moratorium on Construction or Land Development pursuant to ORS 197.505 through 197.540, as amended.*
 - b. Public Facilities Strategy pursuant to ORS 197.768 as amended.*
 - c. Limited Service Area adopted as part of the Medford Comprehensive Plan.*

The property is not subject to a moratorium on construction or land development, Public Facilities Strategy, or a Limited Service Area.

This Criterion is not applicable.

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

The PUD includes a Common Area as part of the future MFR phase of the development. The Common Area will include a 20-foot pedestrian walkway to be constructed with the future MFR phase of the development.

This criterion is satisfied.

- 5. If the Preliminary PUD Plan includes uses not allowed in the underlying zone pursuant to Subsection 10.230(D) (8)(c), the applicant shall alternatively demonstrate that either:*
 - 1) demands for the Category “A” public facilities listed below are equivalent to or less than for one or more permitted uses listed for the underlying zone, or*
 - 2) the property can be supplied by the time of development with the following Category “A” public facilities which can be supplied in sufficient condition and capacity to support development of the proposed use:*
 - a. Public sanitary sewerage collection and treatment facilities.*
 - b. Public domestic water distribution and treatment facilities.*
 - c. Storm drainage facilities.*
 - d. Public streets.*
-

The PUD proposes single-family residential lots in the area of the PUD zoned MFR-15. SFR is not permitted in the MFR zone, however, per MLDC 10.192(7), any portion of a PUD may contain any housing type. Per the agency comments submitted to staff (Exhibits G-I), it can be found that, with the imposition of the conditions of approval contained in Exhibit A, there are adequate facilities to serve the future development of the site.

This criterion is inapplicable.

Determinations of compliance with this criterion shall be based upon standards of public facility adequacy as set forth in this Code and in goals and policies of the Comprehensive Plan which by their language and context function as approval criteria for comprehensive plan amendments, zone changes or new development. In instances where the Planning Commission determines that there is insufficient public facility capacity to support the development of a particular use, nothing in this criterion shall prevent the approval of early phases of a phased PUD which can be supplied with adequate public facilities.

6. *If the Preliminary PUD Plan includes uses proposed under Subsection 10.230(D)(8)(c), approval of the PUD shall also be subject to compliance with the conditional use permit criteria in Section 10.248.*

The PUD Plan does not include uses requiring compliance with the CUP criteria.

This criterion is inapplicable.

7. *If approval of the PUD application includes the division of land or the approval of other concurrent development permits applications as authorized in Subsection 10.230(C), approval of the PUD shall also be subject to compliance with the substantive approval criteria in Article II for each of the additional development applications.*

The PUD application includes a land division (LDS-20-100), which does not meet all the substantive land division criteria outlined in MLDC 10.202(E) in regards to lot size and access requirements; however, relief has been requested—pursuant to MLDC 10.192(B)(1)—that meet substantive standards per the PUD ordinance.

This criterion is satisfied.

MLDC 10.202(E): Land Division Criteria

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

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

The proposed subdivision is not consistent with the applicable design standards in Articles IV and V. The applicant has requested modifications to access and lot standards, which is allowed in Planned Unit Developments (MLDC 10.192[B]). However, without the approval of PUD-20-032, the proposed subdivision cannot meet this criterion.

This criterion is satisfied with the approval of PUD-20-032.

(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;

This criterion is inapplicable.

(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;

All proposed street names (as part of PUD-18-031) have been reviewed and approved by the City's Address Technician.

This criterion is satisfied.

(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;

The Plan includes the extension of Kingsbury Drive, which has been reviewed by the Public Works department and found to be consistent with the existing and planned street network.

This criterion is satisfied.

(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;

This criterion is inapplicable.

(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.

The applicant has submitted an Agricultural Impact Assessment identifying future measures to be undertaken by the applicant in order to minimize or mitigate the adverse potential impacts associated with the proximity of urban and agricultural land uses.

This criterion is satisfied.

DECISION

At the public hearing held on June 25, 2020, the Commission voted unanimously to approve the requests, while adding two exhibits into the record:

- Exhibit N: A plan submitted by the applicant showing building envelopes for Lots 43 & 44
- Exhibit O: An email received from a neighbor just before the hearing (Connie Marmet, 2014 Coker Butte)

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of PUD-20-032 & LDS-20-100, per the Planning Commission report dated June 25, 2020, including:

- Exhibits A-O;
- Approval to terminate Kingsbury Drive in a cul-de-sac, pursuant to MLDC 10.450(1);
- Approval to create Lots 51 and 54 as flag lots, pursuant to MLDC 10.450(1);
- The granting of relief from constructing a Type A Bufferyard along the southerly boundary of the portion of the site zoned MFR-15, which abuts the SFR-6 zoning district, pursuant to MLDC 10.790(E)(5);
- Approval of the PUD modified standards requests (MLDC 10.192(B), including:
 - Approval for Lots 55 and 56 to take vehicular access off of Springbrook Road—a Major Collector street, pursuant to MLDC 10.192(B)(4);
 - Approval to create lots not meeting the minimum design standards for lots in the MFR-15 zoning district (Lots 50-56), pursuant to MLDC 10.192(B)(1);
 - Approval to create lots not meeting the minimum design standards for lots in the SFR-6 zoning district (Lot 57, and Lots 43-44 in Phase 5), pursuant to MLDC 10.192(B)(1).

- Approval to construct a cul-de-sac without a public accessway, pursuant to MLDC 10.192(B)(4).

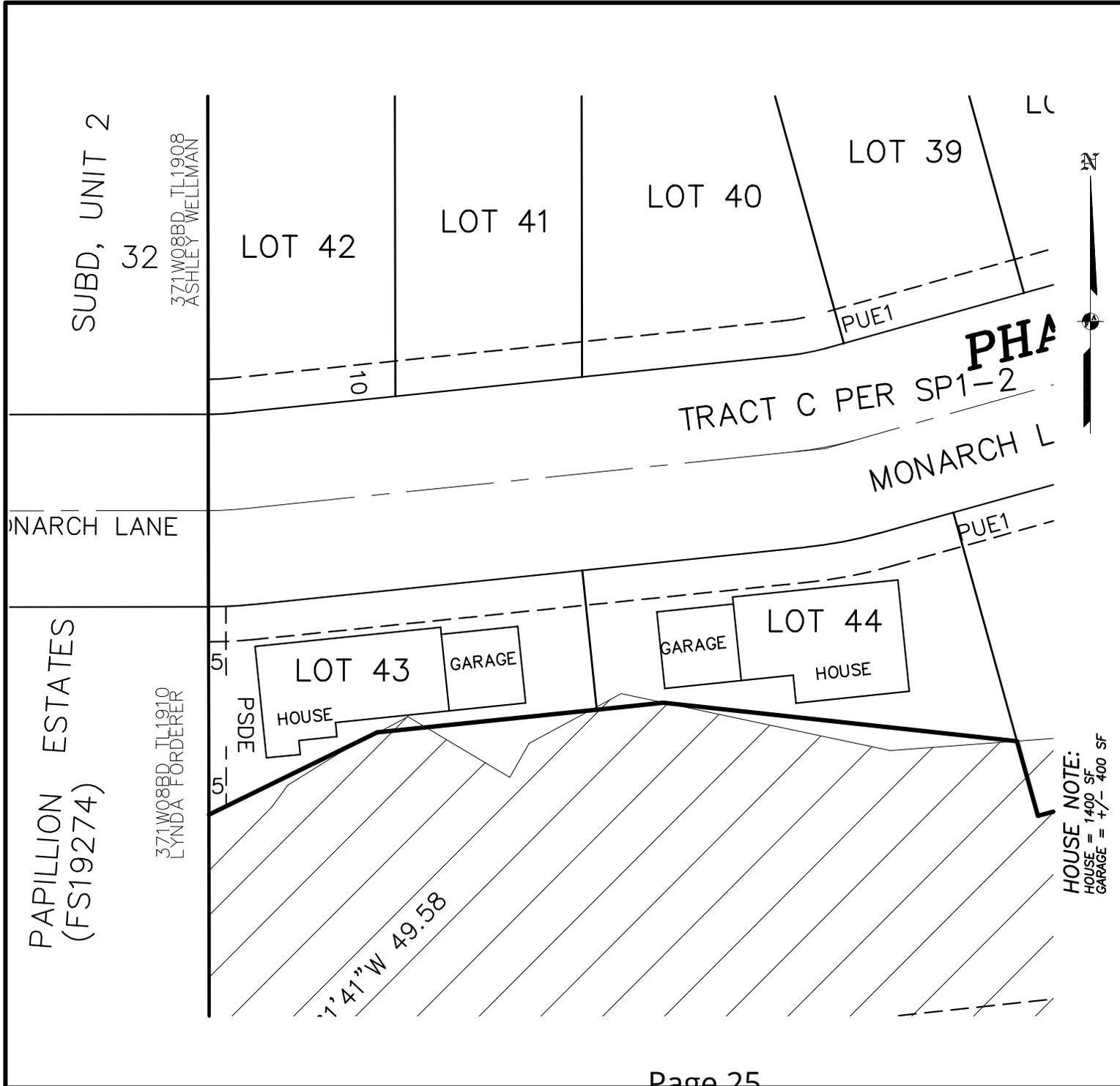
EXHIBITS

- A Conditions of Approval, drafted June 18, 2020.
- B Preliminary PUD Plan, received June 11, 2020.
- C Tentative Plat (2 of 2), received June 11, 2020.
- D Engineering Plan, received June 13, 2020.
- E Applicant’s Findings of Fact & Conclusions of Law, received June 10, 2020.
- F Applicant’s CCRs, received February 5, 2020.
- G Public Works Staff Report, received June 17, 2020.
- H Medford Water Commission memo & associated map, received June 11, 2020.
- I Medford Fire Department Report, received June 11, 2020.
- J Neighbor letter, received by email on April 7, 2020.
- K Applicant’s supplemental findings, received via email on June 15, 2020.
- L Approved Preliminary PUD Plan (PUD-18-031), approved June 2018.
- M Approved Tentative Plat (LDS-18-044), approved June 2018.
- N **Building envelope plan (Lots 43 & 44), received June 22, 2020.**
- O **Neighbor letter, received June 25, 2020.**
Vicinity map

MEDFORD PLANNING COMMISSION

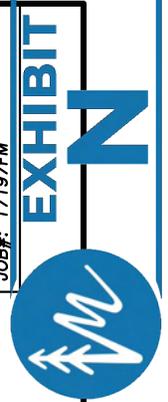
Mark McKechnie, Chair

APRIL 23, 2020
MAY 14, 2020
MAY 28, 2020
JUNE 11, 2020
JUNE 25, 2020
JULY 9, 2020



HOUSE NOTE:
 HOUSE = 1400 SF
 GARAGE = +/- 400 SF

| | | | | |
|--|--|---|--|--|
| REGISTERED PROFESSIONAL LAND SURVEYOR <i>James E. Hibbs</i> OREGON JULY 17, 1986 JAMES E. HIBBS 2234 RENEWAL DATE: 6-30-21 | | TITLE: CONCEPTUAL HOUSE LOCATIONS ASSESSOR'S MAP #: LOTS 43 & 44, SPRINGBROOK PARK PHASE 5 FOR: SPRINGBROOK PARK, LLC 1175 E. MAIN ST., SUITE 2B MEDFORD, OR 97504 | | DATE: 22 JUNE 2020 |
| PAPILLION ESTATES (FS19274) 371W08BD TL1910 LYNDA FORDERER | | MONARCH LANE | | SCALE: 1 inch : 40 feet |
| SUBD, UNIT 2 32 371W08BD TL1908 ASHLEY WELLMAN | | TRACT C PER SP1-2 PHA MONARCH L | | DRAWN BY: JEH CHK BY: |
| LOT 43 HOUSE GARAGE | | LOT 44 HOUSE GARAGE | | ORIGIN: ROTATION: 270° JOB#: 17197FM |
| PSDE 10' | | PUE1 | | |



From: [connie marmet](#)
To: [Seth A. Adams](#)
Subject: Comments on 50.2 PUD-20-032/LDS-20-100 and 50.7 UP-20-095
Date: Thursday, June 25, 2020 4:31:08 PM

<EXTERNAL EMAIL **Click Responsibly!**>

We are owners of property at 2014 Coker Butte Road and have the following concerns about the Urbanization Plan to add dense and extensive housing between Owen Drive and Coker Butte Road:

- 1) The transportation plan does not address traffic on Coker Butte Road. Significant traffic already cuts across to Foothill Road on Coker Butte and the impact of the addition of so much housing must be addressed.
- 2) The staff is to be commended for objecting to the request to delay completing the connection of Springbrook Road to Owens Drive. Failure to do so will only funnel the increased traffic into limited arteries out of the dense housing. Furthermore, the road extension significantly impacts creek and greenway and development needs to go hand in hand.
- 3) A request was made to reduce buffer zones as the new housing abuts existing homes. Buffer zones must be maintained to preserve some semblance of surroundings we have enjoyed and upon which our property values derive.
- 4) It is imperative that the creek and wild areas be maintained and community involvement among existing owners is imperative.

Thank you for your consideration.

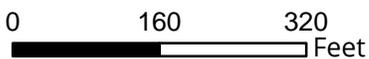


Project Name:

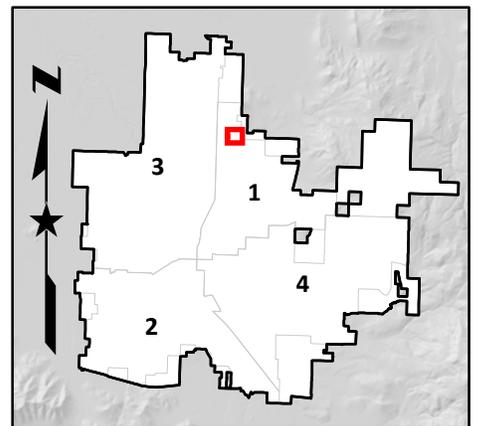
**Kinsbury at
Springbrook Park**

Legend

-  Subject Area
-  Tax Lots



3/11/2020



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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-20-112 APPLICATION)
FOR A ZONE CHANGE SUBMITTED BY FRED OWEN _____) **ORDER**

ORDER granting approval of a request for a zone change for *Fred Owen*, described as follows:

A change of zone of two contiguous parcels totaling 6.26 acres located approximately 880 feet east of Crater Lake Avenue, south of Owen Drive, and north of Delta Waters Road. The applicant is requesting a change from I-G (General Industrial) and I-L (Light Industrial) to MFR-20 (Multiple Family Residential, twenty dwelling units per gross acre) zoning district.

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

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Staff Report dated June 18, 2020, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 1W 08C Tax Lots 900 and 901

are hereby changed as described above.

Accepted and approved this 9th day of July, 2020.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

LEGAL DESCRIPTION OF TAX LOT 371W08C - 900

FOR: F.B. Owen Inc.

Parcel No. 1 of Partition Plat recorded November 24, 1993 as Partition Plat No. P-102-1993 of the Official Records of Jackson County, Oregon, and filed as Survey No. 13739 in the Office of the County Surveyor.

EXCEPTING THEREFROM: That portion conveyed to the City of Medford, a municipal corporation of the State of Oregon, being that tract described in PARCEL 1 of Instrument No. 2005-066442 of the Official Records of Jackson County, Oregon.

ALSO EXCEPTING THEREFROM: That portion conveyed to the City of Medford, a municipal corporation of the State of Oregon, being that tract described in Instrument No. 2016-012098 of the Official Records of Jackson County, Oregon.

June 16, 2020



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

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR)
RYDER AND TYLER WEST [LDP-20-120]) **ORDER**

ORDER granting approval of a request for tentative plat approval of File No. LDP-20-120, described as follows:

Tentative plat approval for a two-lot partition and an Exception pertaining to relief to street and storm improvement standards on one parcel of land, 0.76 acres in size, located at 2133 Dellwood Avenue within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district (371W29DB4300).

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 25 2020; 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 *Ryder and Tyler West*, stands approved per the Commission Report dated June 25, 2020, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Commission Report dated June 25, 2020.

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 9th day of July, 2020.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR _____)
RYDER AND TYLER WEST [E-20-1211]) **ORDER**

ORDER granting approval for a request of an exception for *Ryder and Tyler West*, as described below:

Exception pertaining to relief to street and storm improvement standards on one parcel of land, 0.76 acres in size, located at 2133 Dellwood Avenue within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district (371W29DB4300).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.186(B); and
2. The Medford Planning Commission has duly held a public hearing on the exception for *Ryder and Tyler West*, as described above, with the public hearing a matter of record of the Planning Commission on June 25, 2020.
3. At the public hearing on said exception, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted exception approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for *Ryder and June 25, 2020*, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for exception approval is hereafter supported by the findings referenced in the Planning Commission Report dated June 25 2020.

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

Accepted and approved this 9th day of July, 2020.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



COMMISSION REPORT

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

Project West Partition
Applicant: Ryder & Tyler West; Agent: Neathamer Surveying

File no. LDP-20-120 & E-20-121

Date June 25, 2020

BACKGROUND

Proposal

Consideration of tentative plat approval for a two-lot partition and an Exception pertaining to relief to street and storm improvement standards on one parcel of land, 0.76 acres in size, located at 2133 Dellwood Avenue within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district (371W29DB4300).

Vicinity Map



Subject Site Characteristics

| | | |
|--------|-------|---|
| GLUP | UR | Urban Residential |
| Zoning | SFR-4 | Single Family Residential, 2.5 to 4 dwelling units per acre |
| Use | | Single Family Dwelling |

Surrounding Site Characteristics

| | | |
|--------------|-------|-------------------------|
| <i>North</i> | Zone: | SFR-4 |
| | Use: | Low density residential |
| <i>South</i> | Zone: | SFR-4 |
| | Use: | Low density residential |
| <i>East</i> | Zone: | SFR-4 |
| | Use: | Low density residential |
| <i>West</i> | Zone: | SFR-4 |
| | Use: | Low density residential |

Related Projects

| | |
|-----------|-------------------------------|
| PA-20-013 | Pre-Application for Partition |
|-----------|-------------------------------|

Applicable Criteria

Medford Municipal Code §10.170(D) Partition Approval Criteria

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

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

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

MLDC 10.186(B) – Exception Criteria

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

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

Approval Authority

This is a Type III land use decision. The Planning Commission is the approving authority under MLDC 10.110(D).

Corporate Names

Timothy Jackle is the Registered Agent for Neathamer Surveying, Inc. according to the Oregon Secretary of State Business Registry. Robert Neathamer is listed as the President and Secretary.

ISSUES AND ANALYSIS

Background

The subject site is located at the northwest corner of Dellwood Avenue and Windsor Avenue and is 0.76 acres in size. The northern portion of the property is fully developed with a single family residence which will remain on the proposed second parcel.

Proposal

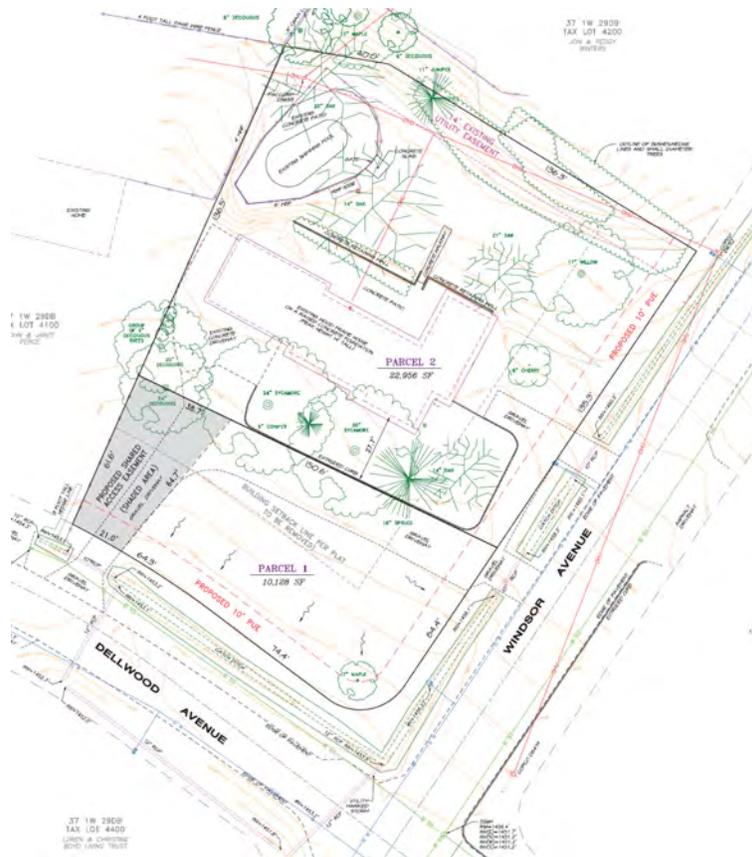


Figure 1 - Proposed tentative plat

Proposed are two single family residential parcels which is within the permitted density range of two to four parcels. Parcel 1 is proposed to be 10,128 square feet in size and Parcel 2 will be 22,956 square feet. Parcel 2 will be over the allowed maximum for lot sizes of 18,750 square feet within the SFR-4 zoning district. However, MLDC 10.708(3)(c) does allow for oversized residential lots for lots with an existing house and yard, that exceed the maximum lot area as allowed in Section 10.702(3)(a).

Density Table (MLDC 10.710)

| Minimum /Maximum Density | Allowed | Shown |
|----------------------------------|-----------------|-------|
| 2.5 to 4 dwelling units per acre | 2 min. – 4 max. | 2 |

Single Family Residential Site Development Table (MLDC 10.710)

| SFR-4 Zone | Lot Area (Square Feet) | Minimum Lot Width (Interior) | Minimum Corner Lot Width | Minimum Lot Depth | Minimum Lot Frontage |
|-----------------|--|------------------------------|--------------------------|-------------------|--|
| Required | 6,500 to 18,750 | 60 feet | 70 feet | 90 feet | 30 feet |
| Shown | Parcel 1: 10,128 Parcel 2: 22,956 | 135.3 feet | 84.4 feet | 150.6 feet | Parcel 1: 135.3 feet Parcel 2: 150.6 feet |

Access

The applicant proposes a shared driveway and access easement along the westerly boundary of Parcel 1 for the use and benefit of both parcels. The easement will allow Parcel 2 to continue to use the current access from Dellwood Avenue to the garage located near the back of the property.

Exception Request

The Exception application requests relief from the street improvement standards per MLDC 10.430 and the storm drain improvement standards per 10.481, 10.486 and 10.729.

Pursuant to the Public Works Report (Exhibit E), half plus 12 feet of street improvements are required for both Dellwood Avenue and Windsor Avenue. The standard street section for a minor residential street contains a paved width of 28 feet, along with curb, gutter and a five-foot sidewalk. The Public Works Staff Report also requests the applicant to provide stormwater and detention facilities in accordance with MLDC 10.481, 10.486 and 10.729.

As stated in the applicant’s findings (Exhibit D), due to the age of the subdivision, many street and storm improvements in the neighborhood have been established for a considerable amount of time. The requested improvements would require the installation of sidewalk, curb and gutter and paving of the street. According to the applicant, the existing street and storm improvements have been successfully provided access and managed the storm waters in the neighborhood for a considerable amount of time. The addition of one single family dwelling will not

change that. Also per the applicant, requiring the half plus 12 feet of street improvements and additional storm improvements would place an unwarranted burden on the applicant and would not provide additional connectivity, nor coincide with the surrounding development as there are no sidewalks that currently exist within the immediate area. Furthermore, there has not been evidence to suggest that the current street section is inadequate, or the storm facilities are ineffective.



Figure 2 - Existing Dellwood Avenue and Windsor Avenue street improvements

Committee Comments

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

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Land Partition

Staff has reviewed the applicant's findings and conclusions (Exhibit X) and recommends the Commission adopt the findings as presented for the proposed Land Division request.

Exception

Staff finds that the approval of the exception request is in harmony with the general purpose and intent of the SFR-4 zoning district, and will not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adja-

cent natural resources; will not permit the establishment of a use which is not permitted in the SFR-4 zoning district; the addition of one dwelling unit will not negatively impact existing storm water resources in the area and the installation of street improvements will not coincide with the surrounding development; and the need for the exception is not the result of an illegal act.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of LDP-20-120 & E-20-121 per the staff report dated June 18, 2020, including Exhibits A through **L**.

EXHIBITS

- A Conditions of Approval, dated June 18, 2020
- B Tentative Plat, received May 4, 2020
- C Land Division Findings of Fact, received May 4, 2020
- D Exception Findings, received May 4, 2020
- E Revised Public Works Staff Report, dated June 4, 2020
- F Medford Water Commission Report, dated June 3, 2020
- G Medford Fire Department Report, dated May 28, 2020
- H Building Department Report, dated June 3, 2020
- I Addressing Memo, dated February 19, 2020
- J Jackson County Roads Memo, dated May 26, 2020
- K Assessor Map, received May 4, 2020
- L E-Mail from S. Holtey, received June 22, 2020**
Vicinity map

PLANNING COMMISSION AGENDA:

JUNE 26, 2020
JULY 9, 2020

Mark McKechnie, Chair

Steffen K. Roennfeldt

From: Planning Department
Sent: Monday, June 22, 2020 8:56 AM
To: Steffen K. Roennfeldt
Subject: FW: Public Comment: LD20-00120
Attachments: image0.jpeg; image1.jpeg; ATT00001.txt; image2.jpeg; image3.jpeg; ATT00002.txt

-----Original Message-----

From: Stephanie Holtey [mailto:sholtey44@gmail.com]
Sent: Monday, June 22, 2020 8:18 AM
To: Planning Department <planning@cityofmedford.org>
Subject: Public Comment: LD20-00120

I am writing to request additional information regarding the proposed tentative plan and stormwater exception. I live down the hill at 416 Windsor Avenue. Although I am not opposed to housing that is thoughtfully sited and designed, I am opposed to any action that would increase runoff from the project site. My yard receives a significant amount of runoff from adjoining properties that results in standing water during rain events. Additionally my property receives water runoff from Windsor Avenue, which does not have an improved storm drain system.

As a condition of approval, I request that the applicant hire an engineer to prepare a plan that assures post construction runoff does not exceed pre-development conditions for volume and thereby will not cause any additional runoff to adversely impact my property at 416 Windsor.

I have attached photographs of standing water in both the back and front yard of my property. Pending receipt of additional information, I will submit additional comments and evidence if deemed necessary to support denial of the stormwater exception.

Thank you for considering these comments as part of the decision making process for this application.

Sincerely,
Stephanie Holtey













STAFF REPORT

for a Type-IV Legislative procedure: **Public Street Name Change**

Project Frontier Court
Applicant: DRM Construction, LLC; Agent: Neathamer Surveying, Inc.

File no. SN-20-118

To Planning Commission *for 7/9/2020 hearing*

From Dustin Severs, Planner III

Reviewer Kelly Evans, Assistant Planning Director

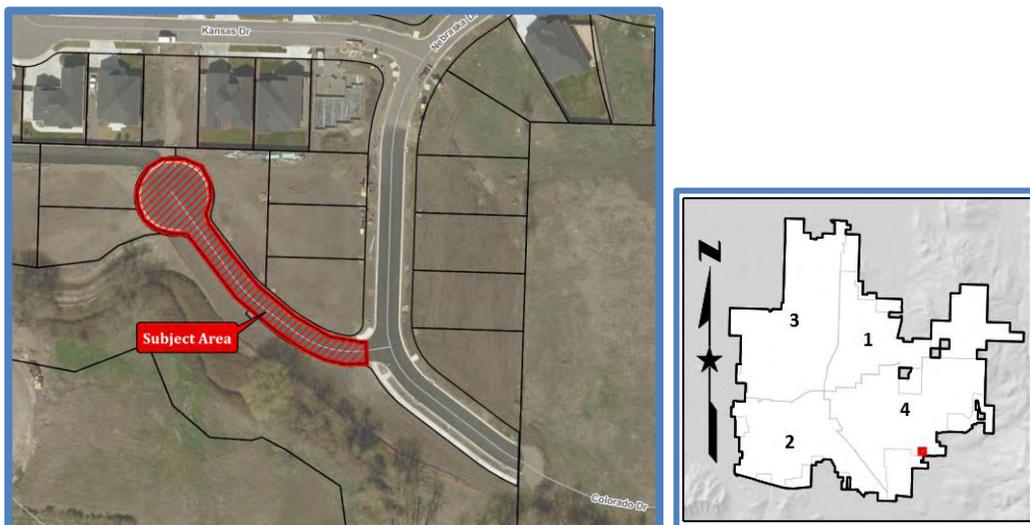
Date July 2, 2020

BACKGROUND

Proposal

Consideration of a request to change the name of Hoosegow Lane to Frontier Court. The subject street extends west from Nebraska Drive, terminates in a cul-de-sac, and serves five parcels. The street is located in southeast Medford, south of Kansas Drive and west of Nebraska Drive.

Vicinity Map



Subject Site Characteristics

GLUP UR (Urban Residential)
Zoning SFR-4 (Single-Family Residential – four dwelling units per gross acre)

Surrounding Site Characteristics

North Zone: SFR-4
 Use(s): Stonegate Estates Subdivision

South Zone: SFR-4
 Use(s): Horse Arena Subdivision

East Zone: SFR-4
 Use(s): Stonegate Estates Subdivision

West Zone: SFR-4
 Use(s): Horse Arena Subdivision

Related Projects

LDS-17-139 Horse Arena Subdivision – Phase I

Applicable Criteria

MLDC 10.458 Street Renaming, Public and Private

This section applies to the change of name of an existing street or alley, or to the naming of an already-existing but unnamed street or alley. The purpose of the street renaming procedures is to ensure use of clear and unique street names so that emergency personnel may find the streets without being hindered by similar or confusing names. Approval of street names is not a land use decision.

The approving authority shall not approve any street name unless it finds that the proposed name is consistent with the following criteria:

- (1) Proposed names shall not be the same or similar to any other street name in Jackson County;
- (2) The proposed street name must not sound the same, although spelled differently (a homonym), as any other street name in Jackson County;
- (3) The proposed street name must be simple to pronounce;
- (4) The proposed street name shall not contain Cardinal directions (north, south, east, west);
- (5) The proposed street name shall not contain offensive or derogatory terms;

- (6) The proposed street name shall not contain punctuation or special characters;
- (7) When a street makes a directional change of approximately 90 degrees or more, the street name shall change;
- (8) Street names shall continue across intersections and roundabouts;
- (9) A street may not loop around in such a way that it creates two intersections with one other street, unless the street name at one intersection is different; and,
- (10) The proposed street name must have a suffix from Table 10.458-(1), *Permitted Medford Street Suffixes* below.

Table 10.458-(1)
Permitted Medford Street Suffixes

| <i>Suffix</i> | <i>Abbreviation</i> | <i>Description</i> |
|---------------|---------------------|---|
| Avenue | AVE | Street that is continuous and not limited to a single subdivision |
| Boulevard | BLVD | Street with a landscaped median dividing the right-of-way |
| Circle | CIR | Permanently dead-end street terminating in a cul-de-sac |
| Court | CT | Permanently dead-end street or termination in a cul-de-sac, not longer than 660 feet in length |
| Drive | DR | Curvilinear street |
| Lane | LN | Lower-order street |
| Parkway | PKWY | Higher-order street with a median |
| Place | PL | Permanently dead-end street, termination in a cul-de-sac, or short through street, not longer than 450 feet in length |
| Road | RD | Higher-order street |
| Street | ST | Common or default suffix |
| Way | WAY | Curvilinear street |

Approval Authority

The subject request is a Type IV legislative decision. The Planning Commission is authorized to act as an advisory agency, forwarding a recommendation to City Council for proposed changes to public street names. The subject application is scheduled to be heard before City Council at the August 6, 2020, meeting.

ISSUES AND ANALYSIS

Background

Hoosegow Lane is a public street classified as a Residential Lane, located in southeast Medford, and currently serves five residential properties located within the Horse Arena Subdivision, Phase I. The construction of Hoosegow Lane was approved with the Final Plat of the Horse Arena Subdivision – Phase I, approved on September 26, 2019. The subject street extends northwest off of Nebraska Drive/Colorado Drive approximately 360 feet, and terminates in a cul-de-sac. Five properties are currently served by the subject street (Address: 402, 410, 418, 426, and 419). Three properties take direct access off of the subject street (418, 426, and 419), while two properties (402 and 410) take access via a Minimum Access Easement provided by the property currently addressed 418 Hoosegow Lane. All of the homes are currently under construction. None are occupied.

With the subject request, the applicant is requesting that the name Hoosegow Lane be changed to Frontier Court. The applicant's submitted application states that "there is concern regarding the meaning of the current name and its impact to the neighborhood."



Agency and Public Comments

None

FINDINGS AND CONCLUSIONS

Staff has prepared the findings and conclusions below. The approval criteria are in *italics*; responses follow each criterion.

B. Approval Criteria, Street Renaming, Public and Private.

The approving authority shall not approve any street name unless it finds that the proposed name is consistent with the following criteria:

- (1) Proposed names shall not be the same or similar to any other street name in Jackson County;*

No response was received indicating that there is a conflict with any existing street name. This criterion is satisfied.

- (2) The proposed street name must not sound the same, although spelled differently (a homonym), as any other street name in Jackson County;*

No response was received indicating that there is a conflict with any existing street name. This criterion is satisfied.

- (3) The proposed street name must be simple to pronounce;*

Frontier Court is simple to pronounce. This criterion is satisfied.

- (4) The proposed street name shall not contain Cardinal directions (north, south, east, west);*

No Cardinal directions are included in the proposed street name. This criterion is satisfied.

- (5) The proposed street name shall not contain offensive or derogatory terms;*

The words *Frontier Court* are not considered to be offensive or derogatory. This criterion is satisfied.

- (6) The proposed street name shall not contain punctuation or special characters;*

No punctuation or special characters are included in the proposed street name *Frontier Court*. This criterion is satisfied.

- (7) When a street makes a directional change of approximately 90 degrees or more, the street name shall change;*

The street does make an approximate directional change of 90 degrees at the

intersection with Nebraska Drive/Colorado Drive. Frontier Court terminates in a cul-de-sac, approximately 360 feet from the intersection. This criterion is satisfied.

(8) Street names shall continue across intersections and roundabouts;

This criterion is inapplicable.

(9) A street may not loop around in such a way that it creates two intersections with one other street, unless the street name at one intersection is different; and,

This criterion is inapplicable.

(10) The proposed street name must have a suffix from Table 10.458-(1), Permitted Medford Street Suffixes.

The applicant requested the suffix *Court*, a name meeting the requirements listed in MLDC 10.458(1). This criterion is satisfied.

RECOMMENDED ACTION

Forward a favorable recommendation for approval of SN-20-118 to the City Council per the Staff Report dated July 2, 2020, including Exhibits A to C.

EXHIBITS

- A Application (pages 1-2 of 6), received May 1, 2020.
- B Assessor's map, received May 1, 2020.
- C Horse Arena Subdivision – Phase I, final plat approved September 26, 2019.
Vicinity Map

PLANNING COMMISSION AGENDA:

JULY 9, 2020



PUBLIC STREET RE-NAMING APPLICATION

1. APPLICANT INFORMATION:

Name Dan Mahar

Company DRM Construction, LLC

Address PO Box 4428

City Medford State OR Zip Code 97501

Email _____

Telephone (Primary) _____ (Secondary) _____

2. AGENT INFORMATION:

Name Bob Neathamer

Company Neathamer Surveying, Inc.

Address PO Box 1584

City Medford State OR Zip Code 97501

Email bob@neathamer.com

Telephone (Primary) 541-732-2869 (Secondary) _____

3. OWNER INFORMATION:

Name Gary Ray (Tax Lots 104, 107, 108 and 111)

Company Dan Mahar, DRM Construction, LLC (Tax Lots 109 &110)

Address PO Box 4428

City Medford State OR Zip Code 97501

Email _____

Telephone (Primary) _____ (Secondary) _____



PUBLIC STREET RE-NAMING APPLICATION

4. PROPOSED NAME CHANGE (see Page 4, Approval Criteria):

Current Name: Hoosegow Lane

Proposed Name: Frontier Court

5. PURPOSE. Applicant's reason for proposing to rename this street:

The current name suffix doesn't best represent the standards contained in Table 10.458-(1) in the City of Medford's Land Development Code. Also, there is concern regarding the meaning of the current name and its impact to the neighborhood.

6. INTERSECTIONS WITH PUBLIC STREETS:

Once the public street re-naming application is approved, the applicant will be responsible for paying the Engineering Department \$95 per sign per intersection for street signs at all intersections with public streets (see page 6). Engineering staff will install the public street signs within the public right-of-way.

7. REQUIRED SUBMITTALS:

- Application Form (signed)
- Assessor's Map showing entire length of street
- Typed mailing labels for: a) all property owners with property abutting the street right-of-way, and b) all property owners whose property has an address on the street or may have an address on the street in the future. (See label format below ↓)
- Fee
 - o \$900 plus \$95 per sign per intersection
 - o Make checks payable to *City of Medford*
 - o Pay at time of submittal to the Planning Department

372W19DB Tax Lot 3700
Jane and John Jones
000 Delta Waters Road
Medford, OR 97504

8. I HEREBY STATE THAT THE FACTS RELATED IN THE ABOVE APPLICATION AND THE PLANS AND DOCUMENTS SUBMITTED HERewith ARE COMPLETE, TRUE, CORRECT, AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Signature Robert V. Neathamer, PLS Applicant Agent Owner

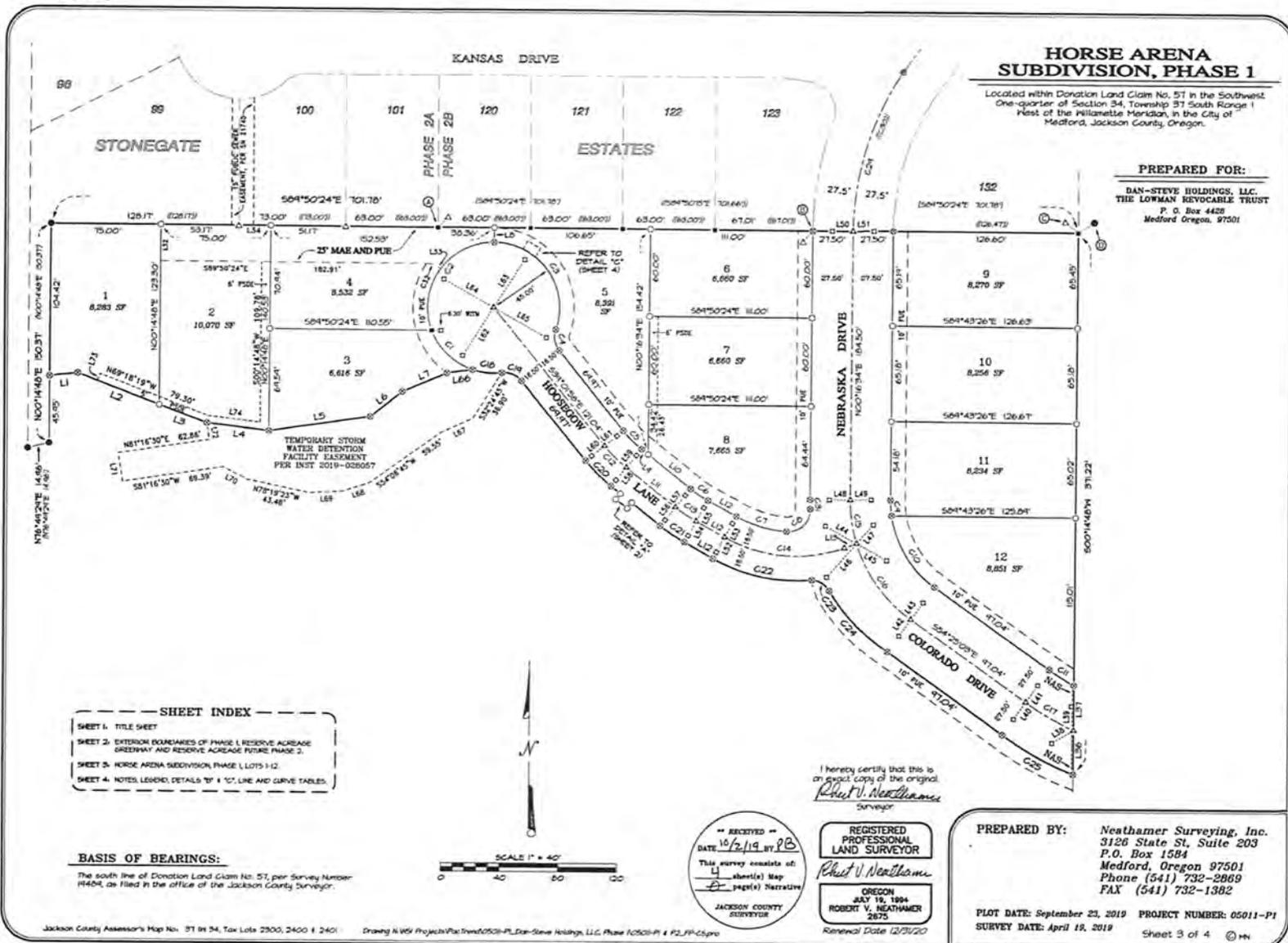
Print Name Robert V. Neathamer, President, Neathamer Surveying, Inc.

HORSE ARENA SUBDIVISION, PHASE 1

Located within Donation Land Claim No. 57 in the Southwest One-quarter of Section 34, Township 37 South Range 1 West of the Willamette Meridian, in the City of Medford, Jackson County, Oregon.

PREPARED FOR:

DAN-STEVE HOLDINGS, LLC,
THE LOWMAN REVOCABLE TRUST
P. O. Box 4429
Medford Oregon, 97501



SHEET INDEX

| | |
|----------|---|
| SHEET 1: | TITLE SHEET |
| SHEET 2: | EXTENSION BOUNDARIES OF PHASE 1, RESERVE ACREAGE GREENWAY AND RESERVE ACREAGE FUTURE PHASE 2. |
| SHEET 3: | HORSE ARENA SUBDIVISION, PHASE 1, LOTS 1-12. |
| SHEET 4: | NOTES, LEGEND, DETAILS 10' x 10' LINE AND CURVE TABLES. |

BASIS OF BEARINGS:
The south line of Donation Land Claim No. 57, per Survey Number R484, as filed in the office of the Jackson County Surveyor.



I hereby certify that this is an exact copy of the original.
Robert V. Neathamer
Surveyor

RECEIVED
DATE 10/2/19 BY RB
This survey consists of 4 sheets a Map
of 2 page(s) Narrative
JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR
Robert V. Neathamer
OREGON
JULY 19, 1994
ROBERT V. NEATHAMER
2875
Renewal Date 12/31/20

PREPARED BY: Neathamer Surveying, Inc.
3126 State St., Suite 203
P.O. Box 1584
Medford, Oregon 97501
Phone (541) 732-2869
FAX (541) 732-1382

PLOT DATE: September 23, 2019 PROJECT NUMBER: 05011-P1
SURVEY DATE: April 19, 2019 Sheet 3 of 4

Jackson County Assessor's Map No. 37 94 34, Tax Lots 2300, 2400 & 2401 Drawing NWS Projects/Plat/Draw/05011-PL-Dan-Steve Holdings, LLC Phase 1/05011-P1 # P2_PP-C5pro





Project Name:

**Hoosegow Lane
Renaming**

Map/Taxlot:

Horse Arena Ph 1

Legend

-  Subject Area
-  Tax Lots

5/5/2020

