

# PLANNING COMMISSION AGENDA JULY 11, 2019



# MEDFORD

OREGON

## 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



**MEDFORD**  
OREGON

July 11, 2019

5:30 P.M.

Medford City Hall, Council Chambers  
411 West 8<sup>th</sup> Street, Medford, Oregon

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10. Roll Call

20. Consent Calendar / Written Communications (voice vote)

20.1 **LDS-19-029** Final Order 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.

30. Approval or Correction of the Minutes from June 27, 2019 hearing

40. Oral Requests and Communications from the Audience

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.**

Continuance Requests

50.1 **ZC-18-189** Consideration of a request for a zone change of a 1.89-acre parcel located at 4199 Rachel Way from SFR-00 (Single-Family Residential, one dwelling unit per lot) to SFR-4 (Single-Family Residential, four dwelling units per gross acre) (371W22400). Applicant: Jane Erin Griffin-Hagle; Planner: Dustin Severs. **The applicant has requested to continue this item to the Thursday, July 25, 2019 Planning Commission meeting.**

50.2 **LDS-19-040 / CUP-19-041** Consideration of tentative plat approval for The Meadows at Crooked Creek – Phase 1, a proposed 22-lot residential subdivision, along with a request for a Conditional Use Permit (CUP) for placement of storm detention facilities partially within the riparian corridor of Crooked Creek, on a 3.28-acre parcel located at 2145 Kings Highway in the SFR-10 (Single-Family Residential, ten dwelling units per gross acre) zoning district (382W01AA TL 4000). Applicant: Meadows at Crooked Creek, LLC; Agent: CSA Planning Ltd.; Planner: Dustin Severs. **The applicant has requested to continue this item to the Thursday, July 25, 2019 Planning Commission meeting.**

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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 **GLUP-19-001** Request for a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI) (371W08CC TL 800). Applicant: Rogue Valley Transportation District; Agent: CSA Planning, Ltd; Planner: Dustin Severs.

50.4 **LDP-19-060 / ZC-19-005** Consideration of a request for tentative plat approval of a proposed two lot partition on a 0.50 acre parcel located at 665 Beall Lane approximately 150 feet west of Merilee Street, and a request for a zone change from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-4 (Single Family Residential – 4 to 6 dwelling units per gross acre)(372W11DD12700). Applicant: Robert Sousa; Agent: Scott Sinner Consulting Inc.; Planner: Liz Conner.

**60. Reports**

- 60.1 Site Plan and Architectural Commission
- 60.2 Transportation Commission
- 60.2 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 TENTATIVE PLAT APPROVAL OF )  
IONE'S VIEW SUBDIVISION [LDS-19-029] ) **ORDER**

ORDER granting approval of a request for tentative plat for *Ione's View Subdivision*, described as follows:

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).

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 *Ione's View Subdivision*, as described above, with the public hearing a matter of record of the Planning Commission on June 27, 2019.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *Ione's View Subdivision*, as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *Ione's View Subdivision*, stands approved per the Planning Commission Revised Staff Report dated June 20, 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 Revised Staff Report dated June 20, 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 11th day of July, 2019.

CITY OF MEDFORD PLANNING COMMISSION

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Planning Commission Chair

ATTEST:

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

# PLANNING COMMISSION MINUTES



**MEDFORD**  
OREGON

From Public Hearing on June 27, 2019

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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

Joe Foley, Vice Chair  
David Culbertson  
Bill Mansfield  
David McFadden  
E.J. McManus  
Jared Pulver  
Jeff Thomas (left at 7:44 p.m.)

### Staff Present

Kelly Evans, Assistant Planning Director  
Carla Paladino, Principal Planner  
Eric Mitton, Deputy City Attorney  
Doug Burroughs, Development Serv. Mgr.  
Steve Parks, Deputy Fire Marshal  
Terri Richards, Recording Secretary  
Liz Conner, Planner II  
Sarah Sousa, Planner IV  
Kyle Kearns, Planner II  
Seth Adams, Planner III

### Commissioners Absent

Patrick Miranda, Excused Absence  
Mark McKechnie, Chair, Excused Absence

10. Roll Call

20. Consent Calendar/Written Communications.

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.

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

Moved by: Commissioner McFadden

Seconded by: Commissioner McManus

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

30. Minutes

30.1 The minutes for June 13, 2019, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings – Continuance Request

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

Vice Chair Foley 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.

Motion: The Planning Commission continued ZC-18-189, per the applicant's request, to the Thursday, July 11, 2019, Planning Commission meeting.

Moved by: Commissioner McFadden

Seconded by: Commissioner Culbertson

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

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.

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

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

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

The public hearing was opened.

a. Bob Neathamer, Neathamer Surveying, Inc., 3126 State Street, Suite 203, Medford, Oregon, 97504. Mr. Neathamer reported that based on the submitted application, the prepared staff report and presentation this evening the applicant believes they have met the approval criteria and respectfully requests the Planning Commission to approve the application.

Commissioner McFadden asked, was it the County that recommended against using the name Lone Street and has a replacement name been assigned? Mr. Neatham reported that came from City staff. The applicant has submitted other names.

Mr. Neatham reserved rebuttal time.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Order for approval of LDS-19-029 per the Revised Staff Report dated June 20, 2019, including Exhibits A through O.

Moved by: Commissioner McFadden

Seconded by: Commissioner McManus

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

### New Business

**50.3 CUP-19-036 / 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.

Kelly Evans, Assistant Planning Director reported that 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 the Site Plan and Architectural Commission has a great deal of latitude in determining compliance with their first criterion – whether a proposed use is compatible with its neighboring uses and development – they found that the conditions they were able to place on permitted uses insufficient to mitigate anticipated impacts.

Vice Chair Foley asked, was the “push back” on the gas station or car wash? Commissioner Culbertson reported that concerns were transients at the convenience store. Concerns were raised with the emissions from the gas station not being healthy. The lighting was going to be a problem. The Site Plan and Architectural Commission addressed that stating the applicant would need to submit a photometric analysis. The coffee kiosk was not mentioned except for the amount of cars lining up before going into the street. That was the bulk of the first hearing. Commissioner Culbertson was not in attendance at the second hearing.

Ms. Evans reported that the fuel station was the crux for the Site Plan and Architectural Commission to request the Planning Commission initiate a text amendment. Ms. Evans was reminded that normally the Planning Commission would have a study session and that might be the direction the Planning Commission would like to direct staff.

Vice Chair Foley stated a study session would be helpful to better understand the issues.

Commissioner Pulver commented that he would not be in favor of staff spending anytime on this. It is either in favor of commercial in residential working together or not. The Site Plan and Architectural Commission has mechanisms to help facilitate that happening. It is a poor use of staff's time.

Commissioner Mansfield asked Commissioner Pulver was he favoring the amendment to put it into a Conditional Use Permit or leave as is? Commissioner Pulver wants to leave the code as is.

Commissioner Culbertson reported that when the application came to the Site Plan and Architectural Commission that parcel came before the Planning Commission for a zone change. One person testified opposing the zone change. The zone change was approved. With the zone changed, the recent application on its merits, should have been approved unanimously. There was no requirement for a conditional use permit for what the applicant was wanting to do because they fell within the guidelines of the code. Ms. Evans stopped Commissioner Culbertson because the issue has not be resolved with that specific case. An appeal has been filed. It is still an active land use application at this time. Commissioner Culbertson needs to speak to the issue generally and not to the application specifically. Commissioner Culbertson continued that the concern of the Site Plan and Architectural Commission is that if a property abuts a residential area they do not have the mechanisms to require a conditional use. The Site Plan and Architectural Commission is asking that the conditional use table be altered to give them the ability to decide whether or not something is compatible next to a residential area.

Vice Chair Foley stated that if there was anyone in the audience that wanted to testify on this item the Planning Commission would hear their testimony. He suggested this item be moved to a Planning Commission study session to get facts.

Commissioner McFadden commented that the discussion so far has proven it needs further discussion in a study session.

Motion: The Planning Commission directed staff to bring this item forward in a Planning Commission study session.

Moved by: Commissioner McFadden                      Seconded by: Commissioner Mansfield

Friendly amendment made by Commissioner Mansfield: Also instruct staff to bring this item forward to a study session.

Commissioner McManus recommended that Site Plan and Architectural Commission members be invited to the study session.

Voice Vote: Motion passed, 6-1-0, with Commissioner Pulver voting no.

**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.

Sarah Sousa, Planner IV reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Sousa gave a staff report. There are three options the Planning Commission needs 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 of if the property is 3 acres or more.

Commissioner McFadden asked, does staff expect an answer on the three options this evening or is it something in the future? Ms. Sousa stated that staff would like the Planning Commission to choose one of the options to include with their recommendation to the City Council.

Commissioner Mansfield stated that it was clear from the study session that the Commission is not unanimous on the locational requirements for SFR-10. Someone needs to make a motion then discussion. Vice Chair Foley reported they need to have discussion first, open the public hearing then they can get to Commissioner Mansfield's statement. Vice Chair Foley agrees there has been dissension and there needs to be discussion.

The public hearing was opened.

a. Jay Harland, 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Harland reported that if at least 70% on SFR-4 of the area proposed to be rezoned exceeds a slope of 12% or greater the 70% is high. Mr. Harland suggested adding 50% "or as approved in a neighborhood plan".

The public hearing was closed.

Main Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are satisfied or not applicable, initiates the amendment and forwards 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, for the locational criteria for SFR-10 recommends Option 3 and the locational criteria for SFR-4 area be reduced from 70% to 50%.

Moved by: Commissioner McFadden

Seconded by: Commissioner Thomas

Commissioner Pulver recommended to eliminate all locational criteria being proposed for SFR-4. SFR-4 is an important zone. With the urbanization plans he proposes some of the locational criteria of MD-2 be eliminated to allow creativity. Still requiring the density requirement.

Commissioner Pulver proposed tabling the locational criteria for SFR-10. They have discussed moving SFR-10 into medium density classification and GLUP.

Commissioner Pulver stated that the duplex maximum density table Code Sections 10.309 and 10.310 allowing double density is excessive. He believes 1.5 times the maximum makes more sense.

Commissioner Pulver does not want to go in contrast with the Fire Department but the setback issue related to daylight basement homes using the back measurement seems excessive. The middle makes more sense. It is a safety issue and if the home builders agree then he is good with that.

Commissioner Pulver does not think detached duplexes should be permitted.

Amended Motion #1: Amend the main motion for the SFR-10 locational criteria by substituting Option 3 with Option 1.

Moved by: Commissioner Mansfield                      Seconded by: Commissioner Pulver

Commissioner McFadden asked, are Options 1 and 3 opposite Option 2 in the SFR-10 locational criteria? He is not sure all areas should be opened for SFR-10. He does not like separating SFR-10. He cannot look at the three Options and figure out which one is the better answer.

Commissioner Pulver asked, does the current code read that a parcel has to abut SFR-10 and has to be 5 acres or greater? Ms. Sousa replied that it has to be one or the other of those two.

Commissioner Mansfield stated that his reason for selecting Option 1 instead of Option 3 is that it will advance the cause of increasing density.

Commissioner Culbertson thinks there could be an Option 4 that retain the code as it is. Reject all three options.

Ms. Sousa reported that another option would be to keep the abutting rule but reduce the acreage.

Roll Call Vote on Amended Motion #1: Motion failed, 1-6-0 with Commissioner Culbertson, Commissioner McFadden, Commissioner McManus, Commissioner Pulver, Commissioner Thomas and Vice Chair Foley voting no.

Commissioner Thomas asked, is it possible to make a motion to have no recommendation on the SFR-10 locational criteria Options to the City Council especially if there really is no agreement or if trying to put something together quickly. Mr. Mitton reported that is possible. There could be a motion to amend to remove any recommendation number and state the Planning Commission is moving it forward providing no feedback on the three options.

Commissioner Thomas has concerns with a motion on the fly without a lot of thought.

Commissioner Pulver does not know what the rest of the Commissioner's think. He would not mind if each Commissioner commented where they stand to see if there is any consensus. Mr. Mitton replied that is discussion and then the Commission could decide the motion to amend.

Commissioner McManus commented that he is not comfortable forwarding a favorable recommendation. As a collective body they need to understand where the goals are being met as a City regarding density.

Commissioner Thomas is not clear what direction the City Council wants from the Planning Commission to hit density goals and targets moving forward.

Vice Chair Foley is comfortable with Option 3. It is close to what is current. He likes the suggestion from Mr. Harland relating to SFR-4 allowing discussion on the new lands coming in and the density discussion around that. Making the SFR-4 criteria easier to manage than what was presented to the Commission. His suggestion had a lot of merit.

Commissioner McFadden would like more information on this before making a decision.

Commissioner Pulver commented that it needs more study. He is going with no recommendation on this particular portion of the proposed amendments.

Commissioner Culbertson is in favor of keeping the code the way it is currently. His concern is that if the Commission forwards a favorable recommendation to the City Council without a resolution on this portion they can pick and choose. It is either the Planning Commission does not forward a favorable recommendation and send it back to and come up with a good resolution or figure out some way to come up with a criteria that is acceptable to the Body. He is in favor of keeping the code the way it is and reducing the number of acreage that needs to go in.

Commissioner Mansfield has nothing further to add.

Chair Foley asked, is it correct that no matter what the Planning Commission does this evening this will be scheduled on the City Councils agenda whether they forward a favorable or unfavorable recommendation?

Commissioner McFadden commented that there are other items besides the SFR-4 and SFR-10 issues.

Amended Motion #2: Make no changes to the SFR-10 locational criteria.

Moved by: Commissioner Pulver

Seconded by: Commissioner Culbertson

Roll Call Vote on Amended Motion #2: Motion failed, 3-4-0, with Commissioner Mansfield, Commissioner McManus, Commissioner Thomas and Vice Chair Foley voting no.

Amended Motion #3: Option 5 for the SFR-10 locational criteria is decrease the required acreage to 3 acres but require the property to abut another SFR-10 zone property.

Moved by: Commissioner Pulver

Seconded by: Commissioner Culbertson

Roll Call Vote on Amended Motion #3: Motion passed, 5-2-0, with Commissioner McManus and Commissioner Thomas voting no.

Amended Motion #4: Do not move forward with the locational criteria for SFR-4.

Moved by: Commissioner Pulver

Seconded by: Commissioner McFadden

Roll Call Vote on Amended Motion #4: Motion passed, 6-1-0, with Vice Chair Foley voting no.

Amended Motion #5: Sections 10.309 and 10.310 that the maximum density factors be decreased for SFR-4 from 8 to 6, SFR-6 from 12 to 9 and SFR-10 from 20 to 15. Instead of multiplying the maximum by a factor of 2 it is maximum of 1.5.

Moved by: Commissioner Pulver

Seconded by: Commissioner Culbertson

Commissioner Pulver's intent is recognizing they are smaller units. Double the maximum is an excessive strain on the zones.

Commissioner McManus asked Commissioner Pulver is the reduction in the unit and everything else is the same and he is fine with that? Commissioner Pulver shook his head yes.

Roll Call Vote on Amended Motion #5: Motion passed, 6-1-0, with Commissioner Mansfield voting no.

Amended Motion #6: Section 10.713 Duplex Dwellings there was an added detached dwelling section that should be stricken. He does not think that detached dwellings are the same thing as a duplex. It should not be allowed.

Moved by: Commissioner Pulver

Seconded by: None

Ms. Sousa commented that it was moved from the base of the table into the main body. The current language in the code allows two detached dwelling units in lieu of a duplex on an individual lot.

Commissioner McFadden asked, it that an extension of the cottage housing? Ms. Sousa reported it is existing language. In SFR-10 if meeting the current density for two units they do not have to have an attached duplex they can have two detached homes.

Mr. Mitton reported that the key difference with cottage housing is this is describing two structures on a single lot owned by a single owner. Cottage housing has the possibility for separate ownership.

Mr. Mitton stated that this particular provision is not new it is moving a footnote to the main body. It is already in the code. Removing it from the code is not on the table. It has not been noticed to the public.

Mr. Mitton restated the current motion on the table. That based on the findings and conclusions that all of the applicable criteria are satisfied or not applicable, initiates the amendment and forwards 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, for the locational criteria for SFR-10 Option 5 is recommended that decreases the acreage to 3 acres but maintains the abutting requirement as opposed to a distance requirement; the zone change locational requirements for SFR-4 be removed; Sections 10.309 and 10.310 the maximum density factors will be 1.5 times not 2 times so for SFR-4 it changes to 6, SFR-6 it changes to 9 and SFR-10 it changes to 15.

Roll Call Vote on the Main Motion: Motion passed, 7-0-0.

**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.

Vice Chair Foley reported that this item will be continued but staff will present a staff report and receive testimony. No decisions will be made this evening.

Kyle Kearns, Planner II reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Kearns gave a staff report.

Vice Chair Foley does not recall what improvements were made at Pierce and Hillcrest. Mr. Kearns stated that the improvements on Foothills prevented the needs at the intersection. There were other improvements made that negated the need to improve those intersection. Commissioner Pulver reported that McAndrews extension alleviated some of the traffic at that intersection.

Commissioner Pulver asked, will there be another study session before the August 22, 2019 Planning Commission public hearing? Mr. Kearns replied that staff has not discussed another study session. It depends on how substantive the changes are.

Commissioner Pulver asked, whether the decision to not allow for the use of the "Mega-Corridor" projects (N. Phoenix, Foothill, S. Stage overcrossing) in TIA analysis changes was directed by the State or internally? Mr. Kearns stated it was a mix of both. The City feels it being a Tier 1, in the TSP, gives it priority when pursuing funding opportunities; the City ran into problems in the past securing grant funding.

The public hearing was opened.

a. Jay Harland, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Harland provided comments on the proposed code amendment. Mr. Harland's comments addresses the code amendment implementing action item 4-a in the Transportation System Plan. The staff report did not go through the OAR 660 rule of the Transportation Planning Rule item by item.

Motion: The Planning Commission continued DCA-18-180, per staff's request, to the Thursday, August 22, 2019 Planning Commission meeting.

Moved by: Commissioner McFadden

Seconded by: Commissioner Culbertson

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

**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.

Seth Adams, Planner III reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Adams gave a staff report.

Commissioner Pulver asked, is the ANSI Type A accessibility standards for people in wheelchairs? Mr. Adams reported yes. Builders can do a minimal amount of improvements or a full ADA. The ANSI Type A is in the middle where the house has the necessary widths but the builder does not have to install the grab bars, etc. but can easily be attached.

Commissioner Pulver asked, how is the cottage housing maximum height measured? Mr. Adams stated that right now it is the measured from the mid-point. If Ms. Sousa's housekeeping amendment is approved it is measured from the top plate.

Commissioner Pulver asked, how is the front property line determined in these developments? Mr. Adams replied that it would be the street frontage that the units are addressed off of.

Commissioner Pulver asked, are common or accessory buildings counted as part of the open space? Mr. Adams reported they are not counted.

Commissioner McFadden, are pad lots not applicable now? Mr. Adams stated that currently the code for a pad lot subdivision are allowed for commercial and industrial development. Residential was taken out of the code years ago. As proposed, only cottage housing would be put back into pad lots.

Commissioner McFadden asked, would those go through the Site Plan and Architectural Commission and not the Planning Commission? Mr. Adams reported that it would still follow the land division process. It would come before the Planning Commission.

Vice Chair Foley is confused about the square footage. Mr. Adams responded that total floor area is 1,000 square feet but if the unit meets the accessibility standards the total floor area is 1,200 square feet. Two story units ground floor is limited to 1,000 square feet and second story is limited to 50% of ground floor.

Commissioner McFadden asked, is extra documentation on the standard included in the deed that states they can only rent or lease those properties to people that need the accessibility issues? Mr. Adams responded no. If the Building Department states it meets the ANSI standards for accessibility the builder can build the full 1,200 square feet.

The public hearing was opened and there being no testimony the public hearing was closed.

Main Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are met, forwards 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.

Moved by: Commissioner McFadden

Seconded by: Commissioner Culbertson

Commissioner Pulver commented that staff has admitted there has been no demand for this type of development. He is nervous putting something out there that may be too broad that they do not understand or have seen before. He advocated that the Planning Commission not permit these in SFR-4 and MFR-20.

The minimum lot size should be increased to 20,000 square feet that would allow larger cottage housing.

It would be appropriate for 1.5 times the maximum density allowed not two times.

He does not think the square footage should 1,000 or 1,200. He proposed a maximum 1,800 square foot unit with a maximum ground floor 1,500 square feet or maximum 1,800 square feet if it meets accessibility standards.

It was disturbing to him that the building separation was different than the standard separation. They should mirror what the code is for separation based on building height.

Commissioner Culbertson agrees with Commissioner Pulver's comment that cottage housing is misplaced in SFR-4 or MFR-20 zoning. They will not fit in that type of usage.

He also likes the idea of increasing the lot size to 20,000 square feet. It will encourage more of these developments. They have the potential of having a good place in the community.

He disagrees that they need to be 1,800 square feet. He thinks the smaller community is what the cottage housing is driven for. Builders in the 1960s and 1970s were very efficient with the space they used. There is no reason the builders today cannot use the same thing. A two-story unit may pose some complications because some interior space will be lost with the stairways. They can efficiently be done with a 1,200 square foot maximum.

Vice Chair Foley is fine with cottage housing being in SFR-4 zoning. He agrees with Commissioner Culbertson on the size that 1,200 square feet is fine.

Amended Motion #1: Eliminate SFR-4 and MFR-20 as permitted zones for this proposal.

Moved by: Commissioner Pulver

Seconded by: Commissioner McFadden

Roll Call Vote on Amended Motion #1: Motion passed, 4-3-0, with Commissioner Mansfield, Commissioner McManus and Vice-Chair Foley voting no.

Amended Motion #2: Across all permitted zones that the required lot size be 20,000 square feet.

Moved by: Commissioner Pulver

Seconded by: Commissioner Culbertson

Roll Call Vote on Amended Motion #2: Motion failed, 2-5-0, with Commissioner Mansfield, Commissioner McFadden, Commissioner McManus, Commissioner Thomas and Vice-Chair Foley voting no.

Amended Motion #3: Maximum density allowed to be 1.5 times the maximum density permitted in the underlying zoning districts.

Moved by: Commissioner Pulver

Seconded by: None

There was no second on the Amend Motion #3.

Mr. Mitton restated the main motion is the Planning Commission, based on the findings and conclusions that all of the approval criteria are met, forwards 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, with SFR-4 and MFR-20 being removed from the permitted zones.

Main Motion Roll Call Vote: Motion passed, 6-1-0, with Commissioner Pulver voting no.

**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.

Commissioner Thomas left the meeting at 7:44 p.m.

Seth Adams, Planner III reported that the Development Code Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Adams gave a staff report. The Fire Department has flammability concerns with wood shake and shingle roofs. Wood shake and shingle roofs is currently in the residential historic district under certain appropriate materials.

Commissioner McFadden asked, would a fence that was prohibited be out of the realm of minor historic review and go before the Landmarks and Historic Preservation Commission? Mr. Adams replied that is correct. If using new technology or material would always have the option to have the Landmarks and Historic Preservation Commission approve or deny it.

Commissioner McFadden asked, does the City currently send people within the historic district the websites necessary to review the material on a regular basis? Staff is going to reinstitute a process that was in place a number of years ago sending out, on an annual basis, a letter to all registered property owners in the historic overlay informing them of procedures and links to where they can find the information.

Commissioner McManus stated that he is not favorable with the color palette coming back. He did not see it as a value in the beginning. He sees the benefit of having a guideline for quantity no necessarily the color pattern. Mr. Adams reported that currently one picks from the color palette that is limited to one body and up to two trim colors. Staff is looking at an expanded palette.

Vice Chair Foley asked, what is happening or not happening with shake roofs? Mr. Adams stated that currently the use of wood shake shingle roofs are allowed in Medford under the building code. The Fire Marshal brought up a concern that the flammability of wood shake shingle roofs is higher than a comp shingle roof. There is no historic properties in the Wildland Fire overlay. Fire has the ability to travel great distances.

Vice Chair Foley asked, what is the current proposal? Mr. Adams replied to leave it as it is. It is allowable for a property owner to put wood shake shingles on their roof.

Commissioner McFadden commented that shake roofs are lighter. Older homes were built with greater spacing between joists that does not react to heavier materials as well. It is a good recommendation.

The public hearing was opened.

Steve Parks, Deputy Fire Marshal reported that wood shake shingles are appropriate for historic houses. They present a fire hazard and have for many years. Moving forward their use has been reduced or eliminated nationwide. The Wildfire Hazard zone has a new code going in affect with the building code modification that prohibits them specifically. The Fire Department feels the risk they pose extends outside that hazard zone. Embers can travel one mile, two miles ahead of a fire front.

Commissioner Mansfield asked, do some of the other cities prohibit wood shake shingles altogether? Mr. Parks replied yes. Other cities and states have prohibited them. California has prohibited them. The City of Ashland has moved away from permitting them. There is not a retroactive policy in effect in those other areas but as the time comes to repair a significant percentage of roof or replace the entire roof it is required to go to an alternate material.

Commissioner Mansfield asked, does your department advocate outlawing them? Mr. Parks shook his head yes.

Commissioner Mansfield asked, does he know why the City Council has not done so? Mr. Parks does not know the answer to what their reasoning is for that particular issue.

Commissioner McManus asked, is there a fire retardant sealant for those types of roofs? Mr. Parks stated there are wood shake products that have under gone testing with a material applied. There are products that have reached a Class A or Class B flammability rating that are wood shake. It has been found with those that resistance is not a permanent feature. It degrades over time. There is a lack of maintenance. The treatment is effective for approximately ten years. If the treatment is not reapplied it goes back to a raw shingle.

The public hearing was closed.

Motion: The Planning Commission, based on the findings and conclusions that all of the applicable criteria are met, forwards 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.

Moved by: Commissioner McFadden

Seconded by: Commissioner Culbertson

Commissioner McManus would hate to be in a reactive mode when an unfortunate situation were to take a building. Then the City would need to look at changing the code after the fact. The discussion was helpful. It would be unfortunate to be in favor of it knowing the opportunity to consider restricted that type of roofing material. It appears there are alternate products available even if it is treated.

Vice Chair Foley agrees with Commissioner McManus. He is in favor of not increasing wood shake shingles usage. It is a fire hazard.

Commissioner Pulver understood that one of the issues of wood shake shingles is still permitted in non-historical districts. He does not disagree with what was said but this is the wrong venue. If this is something that needs to be done it should be changed across the board for historical and non-historical.

Commissioner McManus would like to have a conversation with staff to review.

Roll Call Vote: Motion passed, 6-0-0.

**60.1 Site Plan and Architectural Commission.**

Commissioner Culbertson reported that the Site Plan and Architectural Commission met Friday, June 21, 2019. They approved the construction of a convenience store and offices, a residential care facility with 30 beds, enclosed RV storage facility and a new fueling/lubrication and maintenance station along with an Exception request to three separate standards of the code: (1) Street Circulation Design and Connectivity, (2) Block Length and Perimeter Length, and (3) Driveway Spacing in the Heavy Commercial zoning district.

They also approved a master site plan for Rogue Community Health including a new two story general office buildings and shared parking areas on approximately 2 acres south of East Main Street between Myrtle Street and Portland Avenue.

Also, they approved a request to add 1,700 square feet to an existing 6,336 square foot building on approximately 3.07 acres located at 600 N. Central Avenue.

**60.2 Transportation Commission**

Commissioner Pulver reported that the Transportation Commission met Wednesday, June 26, 2019. He was not in attendance and deferred the report to Carla Paladino, Principal Planner.

Carla Paladino, Principal Planner reported that discussion was on funding options for the Mega Corridor. The Commission is evaluating options in terms of increasing the gas tax, increasing SDC's, utility fees, or a combination of all three. The Commission requested additional information for their July meeting.

**60.3 Planning Department**

Ms. Evans reported there is no business scheduled for the next Planning Commission study session on Monday, July 8, 2019.

There is business scheduled for Thursday, July 11, 2019, Thursday, July 25 2019 and Thursday, August 8, 2019.

Last week City Council adopted a fee increase for the Planning Department that goes into effect Monday, July 1, 2019. The City Council initiated the annexation of the right-of-way for Lozier Lane from Main to Stewart. The approved vacations for Tom Malot's McKenzie Village project.

The appeal for Circle K on Springbrook and McAndrews will be heard at the Thursday, July 18, 2019 City Council meeting.

Last August a new construction excise tax, a third of a percent, was created for affordable housing. The request for proposals were sent out this week to spend approximately \$400,000. The proposals are due August 2 2019.

Commissioner Pulver asked, is the intent for people to propose projects that would be affordable housing and it is winner take all the City would contribute \$400,000 to the project if it met the needs? Ms. Evans stated that the request for proposal has a list of items to do. It is up to 120% of medium income. It is not restricted to low income. It is for profit and non-profit.

**Planning Commission Minutes**  
**June 27, 2019**

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Vice Chair Foley asked, is the next meeting in Council Chambers or the Prescott Room. Ms. Evans stated that City Council cancelled their meeting on July 11, 2019 so the Planning Commission will be meeting in Council Chambers.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None

90. Propositions and Remarks from the Commission.

90.1 Commissioner Pulver felt uncomfortable with the amount of items on the agenda. It was too much this evening given the substances, discussions and decisions. He thinks housekeeping is one thing and substantive changes are others. It got too big with too many issues. There were things that required some thoughts and discussion. It got too broad. He encouraged that if it gets like that in the future to split it up a little bit.

100. Adjournment

The meeting was adjourned at 8:16 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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Joe Foley  
Planning Commission Vice-Chair

Approved: July 11, 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 11, 2019 hearing*

From Dustin Severs, Planner III

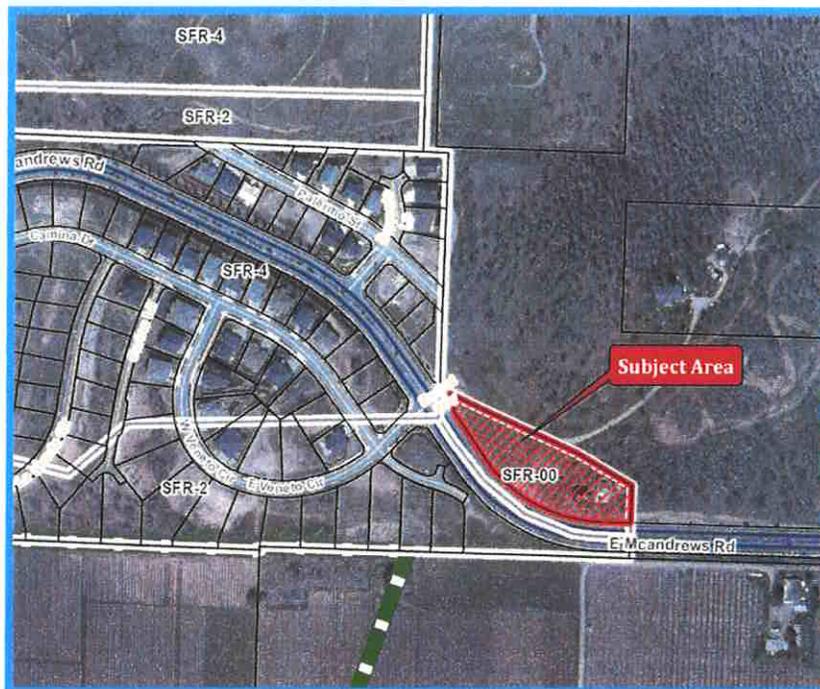
Reviewer Kelly Evans, Assistant Director

Date July 3, 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 25, 2019, in order to provide additional time to complete a sewer study to support the zone change request.

**EXHIBITS**

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  
July 11, 2019



Project Name:

**Griffin-Hagle  
 Zone Change**

Map/Taxlot:

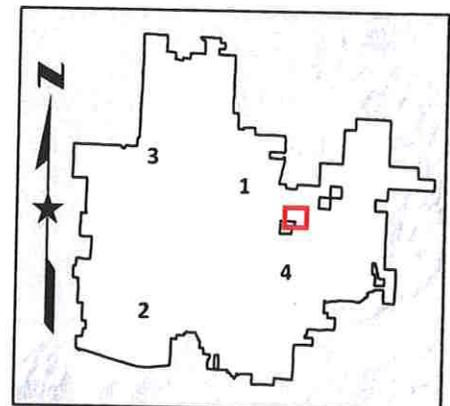
**371W22 TL 400**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

12/19/18





## STAFF REPORT – CONTINUANCE REQUEST

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

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

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

TO Planning Commission

*for July 11, 2019 hearing*

FROM Dustin Severs, Planner III

REVIEWER Kelly Evans, Assistant Planning Director

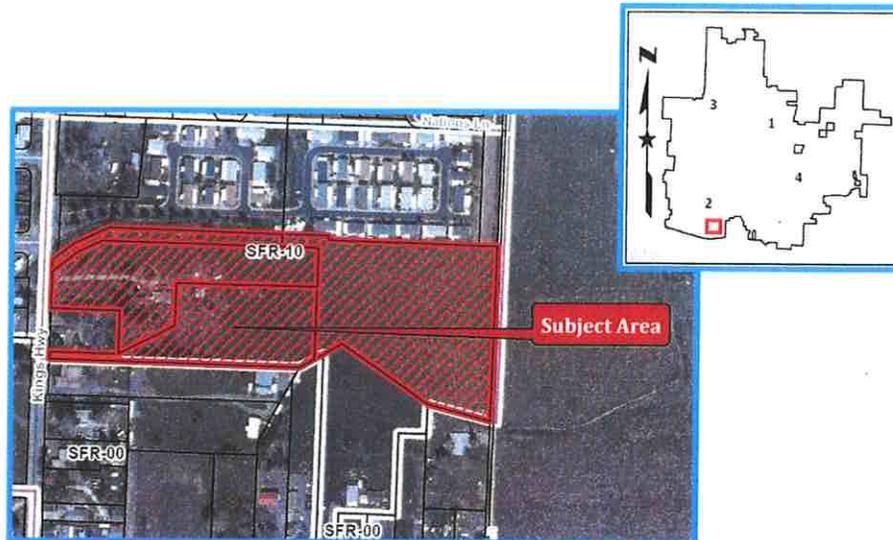
DATE July 3, 2019

### BACKGROUND

#### Proposal

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

#### Vicinity Map



Request

The applicant has requested that the application be continued to the July 25, 2019, hearing in order to provide the applicant with additional time to prepare the revised tentative plat.

**EXHIBITS**

- A Continuanace request, received July 3, 2019.  
Vicinity Map

**COMMISSION AGENDA:**

MAY 23, 2019  
JUNE 13, 2019  
JULY 11, 2019

## Dustin J. Severs

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**From:** Mike Savage <mike@csaplanning.net>  
**Sent:** Wednesday, July 3, 2019 12:12 PM  
**To:** Dustin J. Severs  
**Cc:** Kelly Evans  
**Subject:** RE: Meadows at Crooked Creek / LDS-19-040 CUP-19-041

I found a typo in the previous email (below). Please continue the hearing to the next available PC hearing date, which I understand to be July 25<sup>th</sup> (not the 23<sup>rd</sup>). Sorry about that.

Thank you very much

Mike Savage  
CSA Planning, Ltd.  
541 779-0569  
[mike@csaplanning.net](mailto:mike@csaplanning.net)

**From:** Mike Savage  
**Sent:** Wednesday, July 3, 2019 12:07 PM  
**To:** Dustin J. Severs <Dustin.Severs@cityofmedford.org>  
**Cc:** 'Kelly Evans (Akin)' <kelly.akin@cityofmedford.org>  
**Subject:** Meadows at Crooked Creek / LDS-19-040 CUP-19-041

Hi Dustin,

In light of the Holiday and recently discussed forthcoming changes, we herewith request the PC hearing scheduled for July 11<sup>th</sup> be continued to the July 23<sup>rd</sup> hearing date. This will afford time for the discussed revisions to be reflected on a revised and updated Tentative Subdivision Plat.

Thank you very much

Mike Savage  
CSA Planning, Ltd.  
541 779-0569  
[mike@csaplanning.net](mailto:mike@csaplanning.net)



Project Name:

**The Meadows at  
 Crooked Creek**

Map/Taxlot:

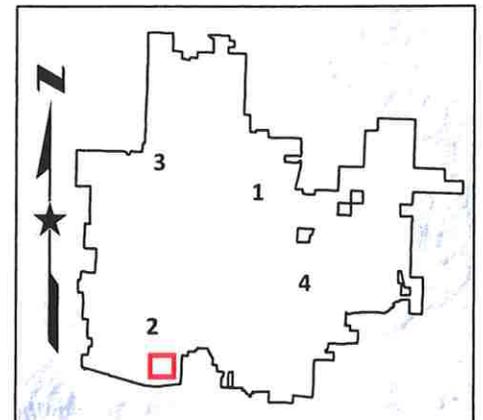
**382W01AA 3900, 4000, 4200**  
**381W06B TL 400**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

03/12/2019





## STAFF REPORT

for a Type-VI quasi-judicial decision: **Minor Comprehensive Plan Amendment**

**Project** RVTD GLUP Change  
Applicant: Rogue Valley Transportation District; Agent: CSA Planning Ltd.

**File no.** GLUP-19-001

**To** Planning Commission *for July 11, 2019 hearing*

**From** Dustin Severs, Planner III

**Reviewer** Kelly Evans, Assistant Planning Director

**Date** July 3, 2019

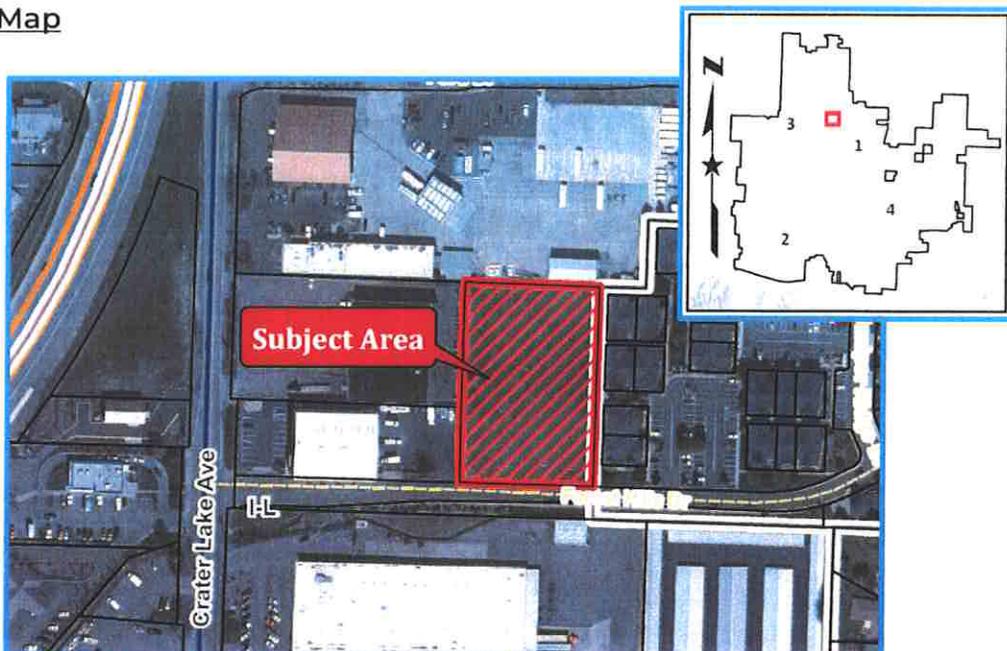
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### BACKGROUND

#### Proposal

Request for a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI) (371W08CC TL 800).

#### Vicinity Map



### **Subject Site Characteristics**

Zoning	I-L	Light Industrial
GLUP	UH	Urban High Density Residential
Overlay(s)	AC	Airport Area of Concern
Use	Vacant land owned by RVTD	

### **Surrounding Site Characteristics**

<i>North</i>	Zone:	I-L
	Use:	RVTD headquarters
<i>South</i>	Zone:	I-L
	Use:	Coca-Cola warehouse and distribution facility
<i>East</i>	Zone:	MFR-20 (Multiple Family Residential, 20 dwelling units per gross acre)
	Use:	Multi-family residential
<i>West</i>	Zone:	I-L
	Use:	Industrial buildings

### **Related Projects**

CP-06-102 GLUP change from GI (General Industrial) to UH

### **Applicable Criteria**

#### **Minor Comprehensive Plan Amendment**

For the applicable criteria, the Medford Municipal Code Section 10.184(1) redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

- 1. A significant change in one or more Goal, Policy, or Implementation Strategy.*
- 2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*
- 3. The orderly and economic provision of key public facilities.*
- 4. Maximum efficiency of land uses within the current urbanizable area.*
- 5. Environmental, energy, economic, and social consequences.*

6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*
7. *All applicable Statewide Planning Goals.*

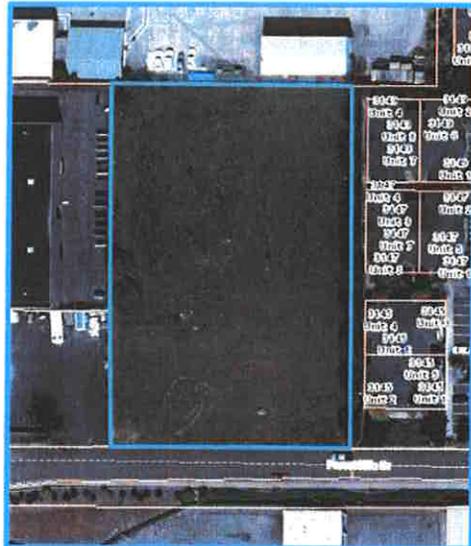
### **Authority**

The Planning Commission is authorized to act as an advisory agency for Type-IV quasi-judicial Comprehensive Plan Amendments, forwarding a recommendation to City Council for proposed amendments to the Comprehensive Plan under Medford Municipal Code Sections 10.102-122, 10.165, and 10.185. City Council has final decision making authority for Type-IV procedures.

### **ISSUES AND ANALYSIS**

#### **Project Summary**

The subject site consists of a single 1.34 acre parcel owned by RVTD, and is currently undeveloped. Forest Hills Road fronts the site along its southerly boundary, and will serve as access for any future development of the site. Forest Hills Road is a private street serving the Mountain Gate Village residential development to the east, and the subject site has a perpetual non-exclusive easement for ingress, egress and public utilities and services over Forest Hills Road.



In 2006, the subject property was approved for a Minor Comprehensive Plan Amendment to change the GLUP map designation from GI to UH; however, a subsequent zone change to residential was never requested to match the site's newly-acquired residential GLUP designation. With the subject request, the applicant is requesting the GLUP map designation be restored back to its previous GI plan map designation.

The site abuts the RVTD headquarters along its northerly boundary, and the subject request is being made in order to facilitate the expansion of the RVTD headquarters facility.

### **Traffic Analysis**

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

Per the staff report submitted by Public Works (Exhibit I), it was determined that a TIA will not be required for the subject request.

### **Facility Adequacy**

Per the agency comments submitted to staff (Exhibits I - K), it can be found that adequate facilities are available or can and will be made available to serve the future development of the site.

### **Other Agency Comments**

None.

### **Committee Comments**

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

No other issues were identified by staff.

## **FINDINGS AND CONCLUSIONS**

### **Comprehensive Plan Amendment**

- 1. A significant change in one or more Goal, Policy, or Implementation Strategy.*

#### **Findings**

The subject property is zoned Light Industrial (IL). Prior to a General Land Use Plan (GLUP) amendment to Urban High Density Residential (UH) in 2006, the parcel had a General Industrial (GI) GLUP designation that corresponds to the existing IL zoning district. The property at that time was under different ownership and the 2006 staff report cited a need for more higher density residential in order to better balance a housing mix of 2/3 single family and 1/3 multiple-family dwelling units. It also cited a 2002 economic report that identified an increase in General Industrial land from the preceding decade.

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Since 2006, as outlined in the current applicant's findings, the City underwent an extensive analysis to determine the City's land needs over the next 20 years resulting in updates to a number of Comprehensive Plan elements including Population, Housing, Economy, Buildable Lands Inventory, and the adoption of a Regional Plan. This evaluation recalibrated the City's land needs, however the numbers projected for each of the various land uses are estimates and are not intended to be precise mathematical determinations (as allowed in OAR 660-024-0040(1)), providing for changes over time and as different needs arise.

Policy 1-5 of the *Economic Opportunities Goals and Policies* section of the *Economic Element* of the Comprehensive Plan states, "The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in the City of Medford and the region," and implementation strategy 1-5(b) reads, "Reduce projected deficits in employment lands by changing GLUP map designations within the existing Urban Growth Boundary." Although the deficits for General Industrial and Heavy Industrial GLUP designations were equalized as part of the Urban Growth Boundary expansion, it is important to maintain appropriate levels over time so that an imbalance does not occur in the future.

The proposal will help restore the previous General Industrial GLUP designation which exists on three sides of the property and allow for expansion of the RVTD facilities. The change is supported by the goals and policies of the Economic Element specifically Policies 1-3 (which supports expansion and retention of existing businesses) and 1-5 (as noted above).

#### Conclusions

The proposed change is consistent with pertinent Comprehensive Plan goals, policies and implementation strategies that seek to actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford, as the proposed change will increase the amount of employment lands within the City.

2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

#### Findings

The proposed change from a residential designation to an Industrial designation will increase the amount of employment lands within the City.

### Conclusions

The proposed change responds to a demonstrated need for adequate employment opportunities.

### *3. The orderly and economic provision of key public facilities.*

#### Findings

Per the agency comments submitted to staff, it can be found that adequate facilities are available or can and will be made available to serve the future development of the site.

#### Conclusions

Sufficient facilities exist or can and will be made available to accommodate the proposed classification change.

### *4. Maximum efficiency of land uses within the current urbanizable area.*

#### Findings

The subject site is currently encompassed by GI designated land along its northerly, westerly and southerly boundaries, while its easterly boundary abuts UH property, which currently contains a residential development. The change of the site's GLUP designation in 2006 from GI to UH encroached within a previously contiguous block of industrial lands.

#### Conclusions

As the majority of the subject site is bordered by GI designated land, the more efficient pattern of development would be to restore the previously contiguous block of GI land.

### *5. Environmental, energy, economic, and social consequences.*

#### Findings

*Environmental:* The subject area is already within the UGB, and thus has already met tests concerning environmental impacts; a change of designation does not affect suitability for urbanization.

*Energy:* A designation change to GI would not pose any discernable energy consequences, as the site is located within the UGB, and thus has already met tests concerning environmental impacts; change of designation does not affect suitability for urbanization.

*Economic:* The proposed change from a residential designation to an Industrial designation will increase the amount of employment lands within the City, thereby responding to a demonstrated need for adequate employment opportunities.

*Social:* The proposed change from a residential designation to an Industrial designation will increase the amount of employment lands within the City, thereby responding to a demonstrated need for adequate employment opportunities.

#### Conclusions

*Environmental:* No discernable environmental consequences would result with the proposed change of designation.

*Energy:* No discernable energy consequences would result with the proposed change of designation.

*Economic:* The proposed change from a residential designation to an Industrial designation responds to a demonstrated need for adequate employment opportunities, by increasing the amount of employment lands within the City.

*Social:* The proposed change from a residential designation to an Industrial designation responds to a demonstrated need for adequate employment opportunities, by increasing the amount of employment lands within the City.

#### *6. Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

#### Findings

##### Economic Element

Policy 1-5: The City of Medford shall assure that adequate commercial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5(b): Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

#### Conclusions

The proposed change from a residential designation to an Industrial designation will increase the amount of employment lands within the City, thereby responding to a demonstrated need for adequate employment opportunities.

*7. Applicable Statewide Planning Goals.*

Goal 1 – Citizen Involvement

Findings

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes public review of proposed Comprehensive Plan amendments by the Planning Commission and City Council.

Conclusions

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

Goal 2 – Land Use Planning

Findings

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions

There is an adequate factual basis for the proposed designation change.

Goal 3 – Agricultural Lands

Not Applicable.

Goal 4 – Forest Lands

Not Applicable.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

Not Applicable.

Goal 6 – Air, Water and Land Resources Quality

Findings

The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusion

There are no water or land resource quality impacts.

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Goal 7 – Areas Subject to Natural Hazards

Not Applicable.

Goal 8 – Recreation

Not Applicable.

Goal 9 – Economic Development

Findings

Goal 9 outlines that Comprehensive Plans shall *“provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.”*

Conclusion

The proposed change will provide additional industrial land in the existing urban area.

Goal 10 – Housing

Findings

Goal 10 requires that *“plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.”*

The proposed designation change will reduce the amount of land available for potential housing in the City, resulting in the loss of 1.34 net acres of UH land.

Conclusion

The City of Medford last adopted its Comprehensive Plan Housing Element in 2010. This document, which has a 20-year planning horizon, did identify needed housing by category pursuant to ORS 197.296(3)(b), as well as estimated land needed for residential development within its three residential General Land Use Plan map (or GLUP) designations. The proposed designation change will reduce the amount of land available for potential housing in the City, resulting in the loss of 1.34 net acres of UH land. However, the proposed comprehensive plan amendment is nominal relative to the total area designated by the comprehensive plan for residential development, as well as the total areas designated by the comprehensive plan for each residential GLUP designation. Such a minor change to the comprehensive plan designation for the subject property does not warrant extensive Goal 10 analysis, as a change at such a small scale does not appreciably affect the City’s overall inventory of residential land and its capacity to accommodate residential development at various levels of household income and development densities.

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Further, it can be found that the loss of 1.34 acres of residential land will be effectively balanced by the benefit of providing additional land available for employment opportunities within the City.

Goal 11 – Public Facilities and Services

Findings

Refer to findings under Criterion 3 above.

Conclusion

Refer to conclusions under Criterion 3 above.

Goal 12 – Transportation

Findings

The *Transportation Planning Rule* (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs.

Conclusion

MLDC 10.461(3) requires a Traffic Impact Analysis (TIA) to be conducted to evaluate development impacts to the transportation system if a proposed application has the potential of generating more than 250 net average daily trips (ADT), thereby ensuring compliance with the *Transportation Planning Rule* (OAR 660-012). Per the staff report submitted by Public Works (Exhibit I), it was determined that a TIA will not be required for the subject request.

Goal 13 – Energy Conservation

Not Applicable.

Goal 14 – Urbanization

Not Applicable.

Goals 15 - 19 are not applicable.

**RECOMMENDED ACTION**

Based on the Findings and Conclusions that all the approval criteria are met or not applicable, forward a favorable recommendation to City Council for approval of GLUP-19-001.

**EXHIBITS**

- A Applicant's findings of fact, received May 2, 2019.
- B Applicant's Current GLUP Map, received May 2, 2019.
- C Applicant's Proposed GLUP Map, received May 2, 2019.
- D Applicant's Vicinity Map, received May 2, 2019
- E Applicant's Zoning Map, received May 2, 2019.
- F Applicant's Airport Overlays Map, received May 2, 2019.
- G Assessor's Map, received May 2, 2019.
- H Property Line Adjustment map of survey, received May 2, 2019.
- I Public Works staff report, received March 20, 2019.
- J Medford Water Commission memo, received March 6, 2019.
- K Medford Fire Department report, received March 6, 2019.  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JULY 11, 2019**



II

**EVIDENCE SUBMITTED WITH APPLICATION**

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Applicant herewith submits the following evidence in support of this land use application:

- Exhibit 1.** The proposed findings of fact and conclusions of law (this document) which demonstrates how the proposed GLUP Map amendment complies with the relevant substantive approval criteria
- Exhibit 2.** Vicinity Map (Scale 1" = 1,000')
- Exhibit 3.** Jackson County Assessor plat map 371W08CC
- Exhibit 4.** Maps of Current and Proposed General Land Use Plan Designation
- Exhibit 5.** Map of Current Zoning over Aerial Photo
- Exhibit 6.** Airport Area of Concern Map
- Exhibit 7.** Access Easement Deeds
  - a. OR 93-44452 Perpetual Non-Exclusive Easement
  - b. OR 98-06572 Ingress and Egress Easement and Associated Parcel Description
- Exhibit 8.** Map of Survey CS 21339 – Property Line Adjustment (Planning File PLA-13-072)
- Exhibit 9.** Signed and Completed Application Form and Agent Authorization.

III

**APPLICABLE SUBSTANTIVE CRITERIA**

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The criteria under which the subject application for a minor Comprehensive Plan (GLUP) map amendment may be approved are recited verbatim below.

**CITY OF MEDFORD LAND DEVELOPMENT CODE**

**10.222 Minor Type IV Amendments**

- (A) Minor Type IV Amendments typically focus on specific individual properties and are therefore considered quasi-judicial. Minor Type IV Amendments include:
  - (1) Minor Comprehensive Plan Amendment;
  - (2) Minor General Land Use Plan Map Amendment;
  - (3) Minor Urban Growth Boundary Amendment;
  - (4) Transportation Facility Development; or
  - (5) Vacation of Public Right-of-Way.

- (B) Minor Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary refer to the Review and Amendment section of the Comprehensive Plan. For Transportation Facility Development approval criteria refer to Section 10.226 (B). For the approval criteria for Vacation of Public Right-of-Way refer to Section 10.228 (D).

**CITY OF MEDFORD COMPREHENSIVE PLAN  
Review and Amendment Procedures**

**CRITERIA FOR PLAN AMENDMENTS**

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

**Map Designations** – Amendments shall be based on the following:

- (1) A significant change in one or more Goal, Policy, or Implementation Strategy.
- (2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.
- (3) The orderly and economic provision of key public facilities.
- (4) Maximum efficiency of land uses within the current urbanizable area.
- (5) Environmental, energy, economic and social consequences.
- (6) Compatibility of the proposed change with other elements of the City *Comprehensive Plan*.
- (7) All applicable Statewide Planning Goals.

**IV**

**FINDINGS OF FACT**

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

1. **Property Location:** The subject property is located along the north side of Forest Hills Drive approximately 343 feet east of its intersection with Crater Lake Avenue within the corporate limits of the City of Medford and its urban growth boundary.
2. **Property Description:** The subject property is a 1.34 acre parcel identified as Tax Lot 800 on Jackson County Assessment Plat 371W08CC.
3. **Lot Legality:** The current configuration of the subject parcel results from a property line adjustment approved by the City of Medford in 2013. *See*, Applicant's Exhibit 8 (Map of Survey CS 21339; Planning File PLA-13-072).
4. **Owners:** The property is in the ownership of Rogue Valley Transportation District.
5. **Existing Land Use:** The subject property is vacant.
6. **Existing and Proposed GLUP Map Designation:** Urban High Density Residential (UR) is the existing designation. General Industrial (GI) is proposed.
7. **Existing Zoning:** I-L (Light Industrial) is the current zoning designation. No change is proposed to the current zoning designation.



**8. Adjacent Zoning:** Adjacent and surrounding properties to the North, South and West currently have a zoning designation of I-L (Light Industrial). Adjacent and nearby land to the east is zoned Multifamily Residential (MFR-20).

**9. Surrounding Land Uses:** The aerial/zoning map at Applicant's Exhibit 5 accurately depicts the pattern of land partitioning and development in the surrounding area. The land uses which presently surround the property are:

**South:** Land to the south of the subject property, south of Forest Hills Drive to Delta Waters Road is zoned Light Industrial. Development in this vicinity consists of the Coca-Cola warehouse and distribution facility, a mini-storage warehouse business, and a multi-tenant industrial warehouse building.

**East:** Land to the east is within the Mountain Gate Village planned community and is developed residentially with a mix of multi-plex and duplex homes on individual padlots. Three eight-plex buildings are nearest to the common property line. Zoning within the planned community is Multifamily Residential (MFR-20). Land further east of Mountain Gate Village is also zoned and developed as Single Family Residential.

**North:** Land adjacent and to the north of the subject property to Ford Drive is in common ownership (Rogue Valley Transportation District) with the subject parcel and is developed with an office building (District Headquarters), fueling station, bus washing station, and maintenance bays. An auto dealership (Mercedes) is located on the property north of Ford Drive.

**West:** There are two adjacent parcels to the west which front directly on Crater Land Avenue. Both properties have been developed with industrial buildings. A granite/marble supply business occupies the north parcel in a single story warehouse with a showroom area and outdoor storage to the rear. The building on the southerly parcel is a two-story metal structure housing a pool and spa business (showroom and warehouse) as well as an automobile transmission repair business.

**10. Essential (Category 'A') Public Facilities:**

**A. Sanitary Sewage Collection and Treatment:** The site lies within the Medford Sewer Service area. An 8-inch sewer main is located at the east property line of tax lot 800 and extends through the Mountain Gate Village residential development to the east and connecting to Blackthorn Drive.

**B. Water Service:** Medford Water Commission has an existing 10-inch water line easement located on the north right-of-way boundary of Forest Hills Road. There is an existing fire hydrant located at Crater Lake Avenue south of the intersection with Forest Hills Drive and one hydrant on Forest Hills Drive east of the subject property.

**C. Storm Drainage:** This site lies within the Midway Drainage Basin. Hopkins Irrigation Canal is culverted where it traverses the southeast corner of the subject property. The City of Medford has existing storm drain facilities to the south within Crater Lake Avenue and Delta Waters Road right-of-way. This site is not currently developed. Any new development will be required to provide stormwater quality and detention at time of development in accordance with city standards as may be in effect.

#### **D. Transportation Facilities:**

The findings of fact are reached with respect to streets and traffic:

- **Access:** Subject Tax lot 800 takes its access from Forest Hills Road by way of Crater Lake Avenue. Forest Hills Road is a private street paved with curb and gutters by way of easement access for the Mountain Gate Village residential development. Tax Lot 800 has a perpetual non-exclusive easement for ingress, egress and public utilities and services over Forest Hills Road as documented in OR 93-44452 and OR 98-06572. *See*, Exhibit 7.
- **Street Functional Classification:** As shown on Figure 18 in the City of Medford Transportation System Plan, Crater Lake Avenue to the west of the subject property is classified as a Major Arterial Street north to its intersection with Ford Drive, transition at that point to a Major Collector. Ford Drive is classified as a Standard Residential street north of the RVTD property and Forest Hills Drive is classified as a Local Street. Delta Waters Road to the south is classified as a Major Collector.
- **Summary Traffic Impacts:** At its current GLUP map designation of UH the subject 1.34 acre parcel could, at build out, yield 294 Average Daily Trips (1.34 ac. x 30 units/acre x 7.32 ADT/unit = 294).

With the proposed GLUP map designation the subject parcel would yield 402 Average Daily Trips (1.34 acres x 300 ADT/acre = 402 ADT).

According to Karl MacNair, Transportation Manager, the Net Average Daily Trips is 108 ADT and does not require a Transportation Impact Analysis. *See*, signed TIA waiver at Page 5 of completed application form.

## V

### **CONCLUSIONS OF LAW**

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The following conclusions of law and ultimate conclusions are reached with respect to this proposed GLUP Map amendment. The following discussion and conclusions of law are preceded by the criteria to which they relate:

***City of Medford Comprehensive Plan Amendment Approval Criteria  
Medford Land Development Code (MLDC) 10.222***  
(Inapplicable provisions omitted)

#### **10.222 Minor Type IV Amendments**

- (A) Minor Type IV Amendments typically focus on specific individual properties and are therefore considered quasi-judicial. Minor Type IV Amendments include:
- (1) Minor Comprehensive Plan Amendment;
  - (2) Minor General Land Use Plan Map Amendment;
  - (3) Minor Urban Growth Boundary Amendment;
  - (4) Transportation Facility Development; or



(5) Vacation of Public Right-of-Way.

(B) Minor Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary refer to the Review and Amendment section of the Comprehensive Plan. \*\*\*\*.

**Discussion:** The adopted substantive approval criteria which govern minor comprehensive plan amendments are contained in the Review and Amendments section of the Medford Comprehensive Plan. The approval criteria in the plan's Review and Amendment Procedures section are preceded by the following language which gives context to how the criteria are to be considered:

**CITY OF MEDFORD COMPREHENSIVE PLAN**  
**Review and Amendment Procedures**

The distinction between major and minor plan amendments is based on the following definitions which were derived from the Guidelines associated with Statewide Goal 2:  
\*\*\*\*

Minor Amendments are those land use changes that do not have significant effect beyond the immediate area of the change and should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

**CRITERIA FOR PLAN AMENDMENTS**

Because of the important functional differences among the various Plan components, no common set of criteria can be used to assess all proposed Plan amendments. Below are listed the criteria which must be considered when evaluating proposed amendments to each of the specified Plan components. While all of the criteria may not apply to each proposed amendment, all must be considered when developing substantive findings supporting final action on the amendment, and those criteria which are applicable must be identified and distinguished from those which are not.

\*\*\*\*

**Map Designations** – Amendments shall be based on the following:

(1) A significant change in one or more Goal, Policy, or Implementation Strategy.

**Findings:** After the GLUP Plan Map designation for the subject property was changed from GI to UM in 2006, the City began a process to assess its ability to provide for a projected 20-year population. The Comprehensive Plan's Population Element was updated in 2007 to include population growth in Medford through 2040. The Buildable Lands Inventory was updated in 2008 along with an amendment to the Economy Element, and the Housing Element was updated in 2010.

The Economy Element as updated concluded that additional land in the UGB is required to satisfy the City's land needs over the planning horizon. Further, Conclusion 6 therein states that the inadequate capacity of transportation facilities, including transit, may be a significant constraint to supplying adequate employment lands, especially commercial lands.

Economic Opportunities Goal 1 was adopted to actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford. Policy 1-3 thereunder provides that the City shall support the retention



and expansion of existing businesses. Implementation 1-3(b) is to assess the potential impacts on neighboring land uses when evaluating GLUP Map amendments.

This proposed GLUP Map Amendment will restore the previously applied GI designation to facilitate the expansion of RVTD headquarters facilities on an adjacent site encompassed on all but the east side by GI designated land already developed with light industrial uses. The subject site is already zoned I-L. The UH designation on this site is actually an encroachment into an otherwise cohesive block of GI designated land. The adjacent multi-family development along the east side, having preceded development of the subject I-L zoned land, includes a Class "A" buffer along the property line (masonry wall and screen of landscaping). Site design of the subject property under the existing I-L zoning, which would be enabled by the proposed GLUP Map amendment, would be subject to demonstration of compatibility with adjoining lands. Accordingly, it is found that that the proposal comports with the above Goal, Policy and Implementation of the Economy Element as updated since 2006.

\* \* \* \* \*

- (2) Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

**Findings:** The proposed amendment will provide additional land for RVTD to expand its operations headquarters to meet the growing demands of the communities it serves and to implement the adopted transportation and growth policies that encourage expanded transit service and opportunities. A new source of funding has recently been made available to allow RVTD to meet these growing demands. Section 122 of Keep Oregon Moving (Oregon House Bill 2017) established a new dedicated source of funding for expanding public transportation service in Oregon. Keep Oregon Moving includes a new 0.1% employee payroll tax to fund public transportation. The Oregon Department of Revenue began collecting this tax July 1, 2018 to then provide to transit agencies in late 2019. This new funding source is called the Statewide Transportation Improvement Fund (STIF). The Oregon Transportation Commission adopted the Oregon Administrative Rules to implement the STIF on June 22, 2018 and the rules became effective on July 1, 2018. Rogue Valley Transportation District (RVTD) is the Qualified Entity of the funds allocated to Jackson County.

STIF may be used for public transportation purposes that support the operations, planning and administration of public transportation programs including, but not limited to, the following:  
Creation of new systems and services with origins, destinations or stops in Oregon;

- Maintenance or continuation of systems and services in certain circumstances; and
- Planning for and development of a Local Plan or future STIF Plan to improve public transportation service.
- Additionally, STIF funds may be used as the local match for state and federal funds which also provide Public Transportation Service.
- Goals of HB 2017 are to expand access to jobs, improve mobility, relieve congestion, and reduce greenhouse gas emissions. Special focus on low-income populations.

The subject property is uniquely located to accommodate the District's need for additional space to accommodate the additions to fleet and staff necessary to serve the region. The previously unanticipated stable source of additional funding supports further investment in the District's physical plan to further its mission.

\* \* \* \* \*

(3) The orderly and economic provision of key public facilities

**Findings:** The area is fully served by key public facilities and the surrounding area is already developed at urban intensity. This is not a situation that requires key public facilities to be extended or expanded in any way and is thus an orderly and economic use of key public facilities.

\* \* \* \* \*

(4) Maximum efficiency of land uses within the current urbanizable area.

**Findings:** The subject property was, until 2006, designated as General Industrial Land and is surrounded on all but the east side by developed General Industrial Land. It continues to hold the Light Industrial (I-L) zoning that implemented its prior GI designation. However, the land cannot be developed with either industrial or residential uses until such time as the property is either returned to its original GI GLUP Map Designation (in which case uses as already allowed in the existing I-L zoning may be established) or rezoned to a multi-family residential district. As the surrounding land use is predominately General Industrial (see Applicant's Exhibit 4 – Current and Proposed GLUP Maps), the more efficient pattern of development would be to restore the previously contiguous block of GI land. The restoration of the GI designation will also help accommodate additional land need for our region's mass transit provider (RVTD) which is headquartered on the abutting property to the north.

\* \* \* \* \*

(5) Environmental, energy, economic and social consequences.

**Findings:** Environmental: The subject property is a vacant lot which is not affected by any inventoried natural or historic resources. The site is at the interface of GI and UH lands, with GI being predominate around the site. The multi-family development to the east, having developed first, includes a Type "A" landscaped buffer and wall as was required because the subject property was then and continues to be zoned I-L. Development of the subject property under the current I-L zoning will be subject to performance standards to ensure that site development and architecture is compatible with the neighboring uses. The City's ability to review for compatibility at the interface is stronger if the property is developed with non-residential uses given limitations placed on local governments under the "needed housing" statute. If the property is developed with multi-family housing, the "needed housing" statute provides that only clear and objective development standards may be applied in the local review process. Therefore, the likelihood that environmental conflicts (e.g., noise, light, odor, etc...) may result due to inadequate buffering and other design treatments is higher if multi-



family development encroaches further toward the currently developed industrial properties that surround to the north, west and south.

Energy: Applicant intends to utilize the subject property in tandem with its adjoining transit service district administration and service facility. The facility pre-exists the nearby residential development and cannot reasonably be relocated given substantial fixed plant equipment such as a CNG refueling station and district headquarters. The proposed GI designation will provide additional space adjacent to the existing site that will be needed in order for the district to continue meeting the needs of a growing regional population base. Utilizing an adjacent site will reduce the need to move equipment and personnel between more distant sites, thus reducing related energy consumption. Accommodation of additional space for RVTD's headquarters facility will also support its ability to serve the general population's needs for alternative modes of transportation from single occupant vehicular travel. That is a also a positive energy consequence.

Economic: The proposed GI map designation provides for employment uses. The site is particularly well suited to accommodate project growth in demand for mass transit and other transportation and community services for the Rogue Valley Transportation District. The district is itself a major employer in the area, but also provides transportation services to employment and activity centers throughout the region. Accordingly, the economic consequences of the proposed change are positive.

Social: The proposed change would reduce the inventory of UH land by 1.34 acres, thereby reducing potential housing stock. However, the net reduction is slight and the site, although designated as UH land since 2006, remains vacant. The negative social consequence from foregoing potential future housing on this site is offset by the positive social consequence of the fact that the property has a high certainty of being put to productive use as employment land in the near future in conjunction with RVTD's adjacent facilities. The services RVTD provides benefits the entire population and, importantly, improves the mobility of the most vulnerable in community who may not have other options: people with disabilities, older adults and persons of low income. Accordingly, the proposed change for the subject property is found to have positive overall social consequences.

\* \* \* \* \*

(6) Compatibility of the proposed change with other elements of the City *Comprehensive Plan*.

**Findings:** Responsive findings are required only for policies expressed as regulatory requirements, but not for aspirational objectives. After reviewing the policies of the comprehensive plan, it is concluded that only the following goals and policies (addressed below) function as approval criteria for comprehensive plan map (GLUP) amendments and all others are held to be inapplicable. The below cited goals and policies are followed by the findings and conclusions as to how the proposal complies with the same.

**ECONOMIC ELEMENT**

**ECONOMIC OPPORTUNITIES – CONCLUSION**



\*\*\*\*

4. Most industries in the region have lower wage levels compared to earnings across the state with the exception of Natural Resources, Retail Trade, and Education and Health Services. The City of Medford is well situated to serve the Retail Trade, Education and Health Service sectors.

\*\*\*\*

**Goal 2:** Assure an adequate commercial and industrial land base to accommodate the types and amount of economic development and growth anticipated in the future, while encouraging efficient use of land and public facilities within the city.

**Policy 1-2:** The City of Medford shall encourage the redevelopment of underutilized employment sites.

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

**Implementation 1-3(b):** When evaluating GLUP Map amendments, assess the potential impacts of those amendments on neighboring land uses.

**Policy 1-5:** The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

**Implementation 1-5(b):** Reduce projected deficits in employment lands by changing GLUP Map designations within the existing Urban Growth Boundary.

**Policy 1-6:** The City of Medford shall maintain a competitive Short-Term (five-year) supply of employment land equal to at least one-quarter (25%) of the amount of land projected to be demanded over the twenty-year planning horizon.

**Findings:** Minor amendments provide a way to hone the long term (20 year) projections to adapt to fluctuations within the planning horizon and to keep in compliance with Policy 1-6 to maintain Short-Term (five year) supply. Sites located adjacent to existing employment sites are good candidates for consideration of minor amendments. This proposed amendment will remedy the situation of a conflict between the current I-L zoning and the underlying UH GLUP Map Designation. I-L zoned land is an employment zone and the site is well suited for infill in the short-term as employment land in tandem with the adjacent RVTD facility to the north. Approval of the proposed GI map designation will thereby serve to promote the above goals and policies of the Economy Element.

## PUBLIC FACILITIES ELEMENT

### General Section

**Goal 2:** To assure that land use plan designations and the development approval process remain consistent with the ability to provide adequate levels of essential public facilities and services.

**Policy 2-A:** [Limited Service Area Language Omitted] "Timely provision of essential urban facilities and services" shall mean that such services can be provided in adequate condition and capacity prior to or concurrent with development of the subject area. "Essential urban facilities and services" shall mean sanitary sewers, water systems, stormwater management facilities, and transportation facilities. A determination of minimum adequate service levels for essential urban facilities and services shall be based on the following:

**Sanitary Sewers:** Sufficient to serve any proposed development consistent with the General Land Use Plan (GLUP) map designation. Sanitary sewer facilities shall be considered adequate if they are consistent with the applicable sewer plan document as interpreted by the City Engineer.

**Domestic water:** Sufficient to serve any proposed development with a permanent urban domestic water system capable of supplying minimum pressure and volume for projected domestic and fire control needs consistent with the General Land Use Plan (GLUP) designation. Water facilities shall be considered

adequate if they are consistent with the applicable water system plan document as interpreted by the Water Commission Manager.

**Storm drainage facilities:** Sufficient to serve any proposed development consistent with the General Land Use Plan GLUP map designation. Stormwater management facilities shall be considered adequate if they are consistent with the adopted drainage plan document, as interpreted by the City Engineer.

**Findings:** The findings of fact and conclusions as stated herein above for City of Medford Comprehensive Plan Amendment Criterion (3) *The orderly and economic provision of key public facilities* are hereby incorporated and adopted which also demonstrate compliance with Comprehensive Plan Public Facilities Element.

\*\*\*\*\*

(7) All applicable Statewide Planning Goals.

Goal 1 – Citizen Involvement

**Findings:** A minor GLUP map amendment requires compliance with the overall comprehensive plan as adopted in accordance with the Goal 1 Citizen Involvement program. Procedure for review of minor amendments includes notice to nearby and affected parties and public hearings before the Planning Commission and the City Council for citizens to be heard.

Goal 2 – Land Use Planning

**Finding:** The City has a land use planning process and policy framework as a basis for all decision and actions related to use of and to assure and adequate base for such decisions. The proposed minor map amendment must comply with the City’s adopted comprehensive plan, in accordance with the requirements of Goal 2. Goal 2 also provides a procedure for taking exceptions to Statewide Planning Goals. The exceptions process is not implicated in this case where no exception is requested or required.

Goal 3 – Agricultural Lands

**Finding:** Goal 3 does not apply within urban growth boundaries

Goal 4 – Forest Lands

**Finding:** Goal 4 does not apply within urban growth boundaries

Goal 5- Natural Resources, Scenic and Historic Areas, and Open Spaces

**Finding:** No Goal 5 resource inventory includes or affects the subject property.

Goal 6 – Air, Water and Land Resources Quality

**Finding:** The adjacent and surrounding lands are fully served by the City’s sewerage system and the subject property can also be fully served by the City’s sewerage system which has



adequate capacity to process discharges and complies with applicable state and federal water quality statutes and licensure.

#### Goal 7 – Areas Subject to Natural Hazards

**Finding:** The subject property is not in an area, such as a flood hazard area, that is subject to Goal 7.

#### Goal 8 – Recreation

**Finding:** The subject property is not land that has been planned for recreational use or destination resort siting under Goal 8.

#### Goal 9 – Economic Development

**Finding:** Goal 9 provides that Comprehensive Plans shall “provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.” The subject parcel in combination with RVTD’s adjacent property to the north provide an unconstrained level 5.62 acre tract of land suitable as a medium sized industrial employment site. The Economy Element identifies typical acreage for a medium industrial site as 6 acres (see Figure 35 therein), very near the 5.62 acres available in the combined tract. The Economy Element (at Page 66) also discusses the importance of ownership pattern in analysis of employment land supply. Larger ownerships can be divided to serve the needs of smaller users more readily than small and fragmented ownerships can be aggregated to meet the needs of large and medium users. RVTD needs a medium sized industrial site but its fixed plant investment restricts its ability to relocate from its current 4.28 acre parcel. RVTD acquired the adjacent (subject) 1.34 acre parcel when a prior owner, in 2017, was informed that the property could not be developed under the existing I-L zoning for a light industrial use due to the underlying UH GLUP Map Designation. In frustration, that property owner chose to look elsewhere rather than pursue a 1.34 acre GLUP Map amendment to GI or a zone change to an MFR district for a small standalone development. As an expansion site to an existing adjoining 4.28 acre I-L zoned property, however, this presented the infrequent opportunity discussed in the Economy Element to aggregate a smaller site to meet the need of a medium user. Given the RVTD’s important function as a public service provider to many cities and the unincorporated areas in the region, this is an economic opportunity that can be shared by all.

#### Goal 10: Housing

**Finding:** Goal 10 requires that “plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.” The existing I-L zoning of the property does not now provide for housing. The underlying UH GLUP Map designation does not assure that housing will be built on the site. Policy 2-A in the General Land Use Plan states that “[t]he City of Medford General Land Use Plan Map shall not be used as the sole justification for making decisions on zone changes.



However, zone changes must be consistent with the General Land Use Plan Map designation.” The policy follows the preceding text of the plan describing the City’s General Land Use Plan Map Designations where the plan expressly states that the GLUP Map is “general”. The designations on the GLUP Map are not intended to follow property lines. Interfaces between different designations are purposefully non-site-specific so as to discourage using GLUP Map designations as the sole basis for making decisions on zone change applications. Having the appropriate GLUP Map Designation is a pre-requisite for a zone change. But the General Land Use Plan’s express description of the GLUP map as “general” provides for some flexibility in assigning zoning along peripheral transition areas such as the subject site between employment (GI) and residential (UH) areas. Similarly, the housing needs projections over a 20 year planning horizon are not so precise as to dictate an accounting down to acreage as small as the subject property. In this case, the juxtaposition of the surrounding uses and comparative importance of the City’s commitment to supporting transit – and RVTD’s need to expand at its existing headquarters – balance favorably against a minor reduction in the UH land inventory. In other areas of the City, minor adjustment from employment land to housing also are and will continue to occur at peripheral transitions where the land use pattern and site specific facts demonstrate the appropriateness in the manner anticipated by the City’s purposefully generalized GLUP map designation boundaries. High density residential developments are also permitted outright in most of the City’s commercial zoning districts, providing further flexibility to accommodate that housing need over the planning period.

Goal 11 – Public Facilities and Services:

**Finding:** The goal is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural land. The subject property is urban land that is already planned for development and can be fully served by urban public facilities and services. The subject property is already zoned for light industrial uses and designated on the GLUP as UH land – which also provides for highly intensive public facility demands. The subject site is surrounded by urban uses fully served with public facilities in an orderly fashion consistent with Goal 11.

Goal 12 – Transportation

**Finding:** The Transportation Planning Rule (TPR) implements Goal 12, and the City of Medford Transportation System Plan has been recently updated and acknowledged as compliant with both the Goal the TPR. As established in Finding 10D in Section IV here above, the proposed amendment is will not have a significant effect as verified by the calculations of the City’s Transportation Manager.

Goal 13 – Energy Conservation

**Finding:** The Goal is to conserve energy. As discussed above relating to “ESEE” consequences, the proposed amendment will facilitate the ability of RVTD to expand adjacent to its existing site and thereby save energy that would otherwise be required to move fleet and personnel between more distant sites. Also, RVTD serves an important function for regional energy reduction by providing alternatives to single occupancy vehicle travel. Transit is an



essential component in supporting more efficient land use patterns in the urban communities of the region, as well.

Goal 14 – Urbanization

**Finding:** The subject property is located within the urban growth boundary and within the city limits. That is consistent with the Goal statement to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Goals 15 to 19

**Finding:** Goals 15 to 19 are not applicable to Southern Oregon.

\*\*\*\*\*

VI

ULTIMATE CONCLUSIONS

Based upon the foregoing findings of fact and conclusions of law, it is ultimately concluded that the criteria prerequisite to a General Land Use Plan Map Minor Amendment from *UH (Urban High Density Residential)* to *GI (General Industrial)* as proposed has been substantiated for each of the relevant criteria cited herein above as Comprehensive Plan Amendment.

Respectfully submitted on behalf of Applicant:

CSA PLANNING, LTD.



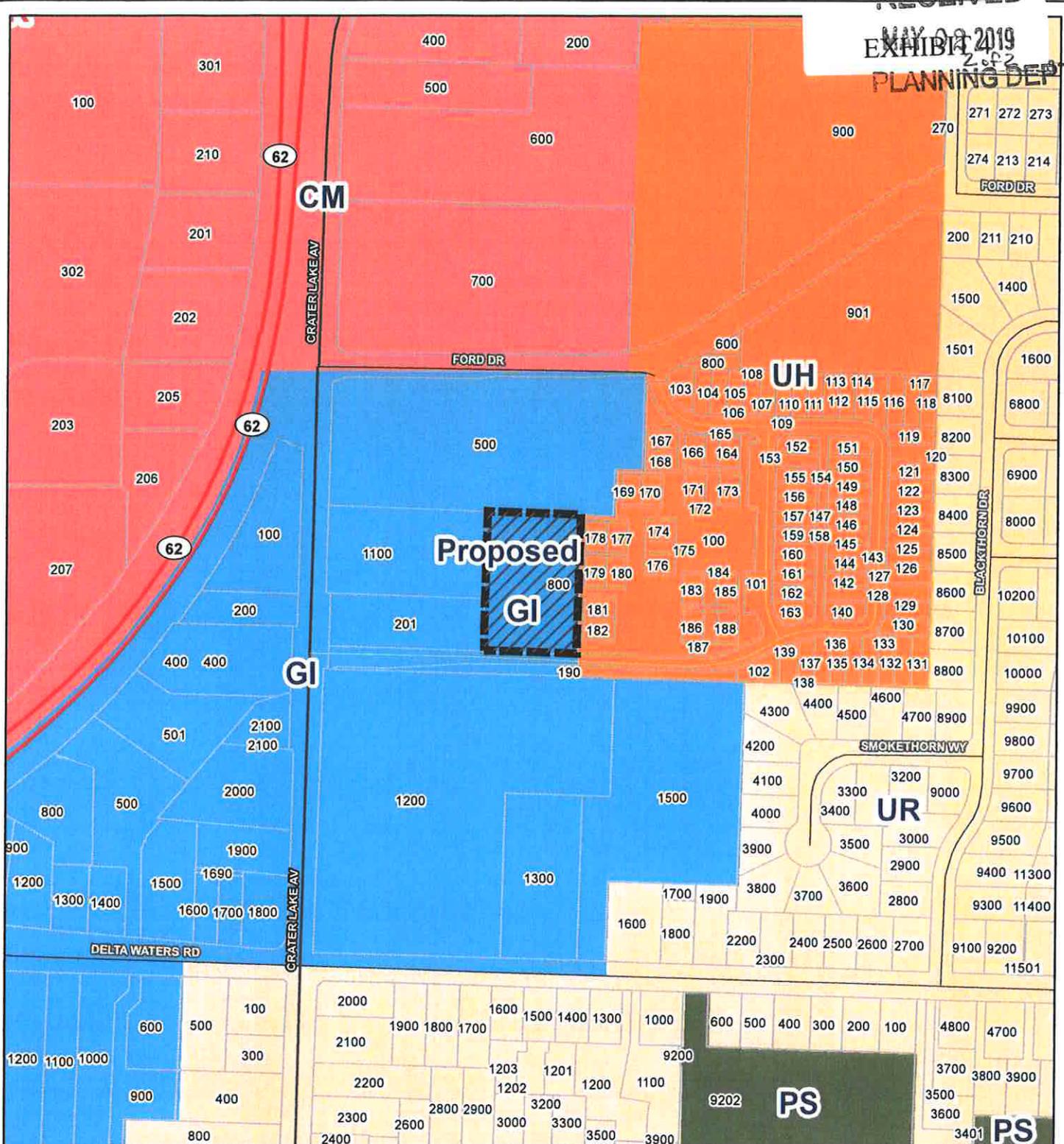
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Dated: *2 Mar 2019*





RECEIVED  
 MAY 08 2019  
 EXHIBIT # C  
 2 of 2  
 PLANNING DEPT



**GLUP**

	Subject Proposed GI		CM
	Tax Lots		GI
			PS
			UH
			UR

**Proposed General Land Use Plan (GLUP) Map**

Rogue Valley Transportation District  
 Comprehensive Plan Map Amendment  
 37-1W-08CC tax lot 800



CSA Planning LTD



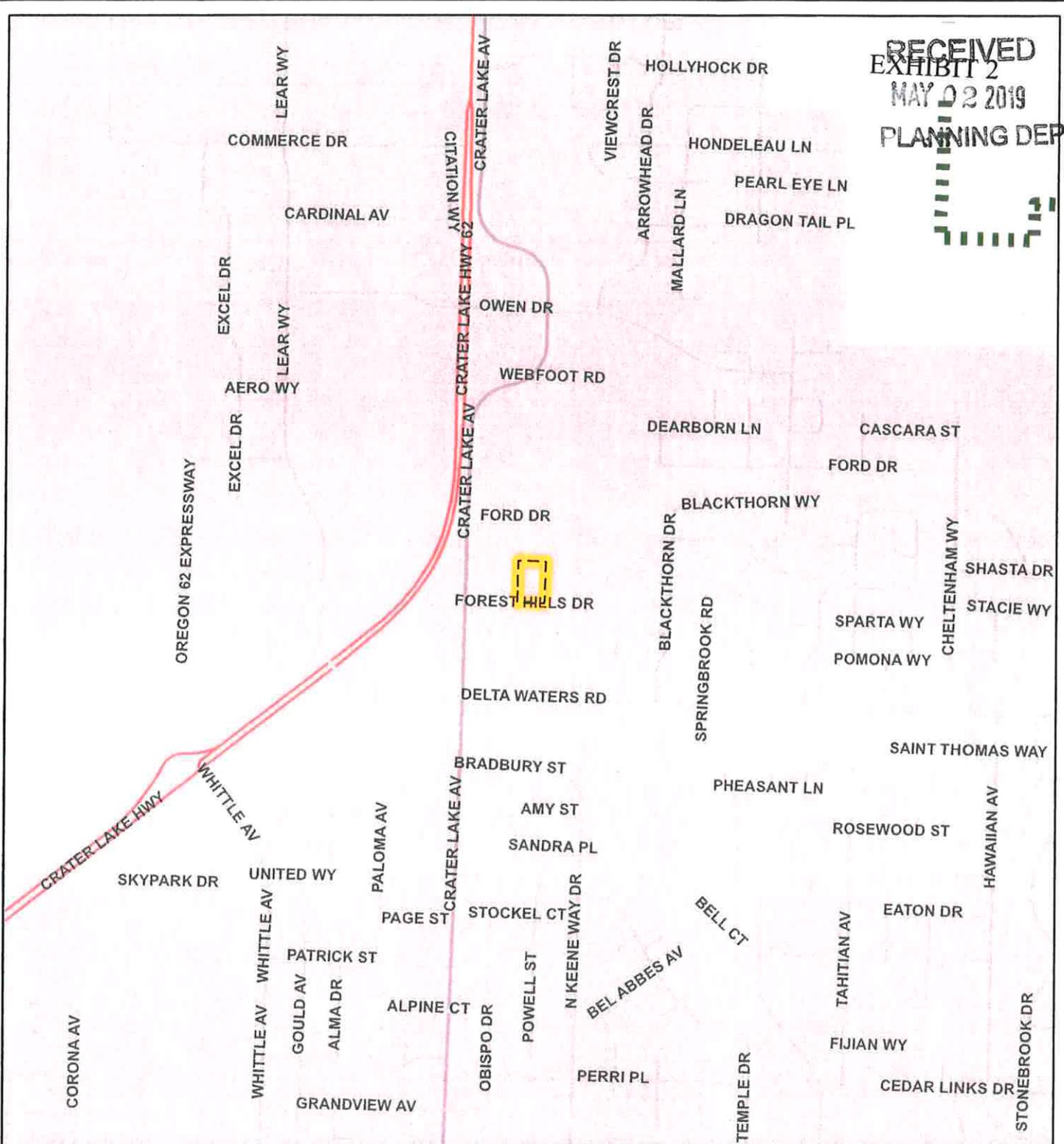
**CITY OF MEDFORD**  
 EXHIBIT # C  
 FILE # GLUP-19001

300 150 300 Feet

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

13

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EXHIBIT 2  
MAY 02 2019  
PLANNING DEPT



 Subject

 Urban Growth Boundry

 Medford City Limits

### Vicinity Map

Rogue Valley Transportation District  
Comprehensive Plan Map Amendment  
37-1W-08CC tax lot 800





 **CSA Planning LTD**

**CITY OF MEDFORD**

**FILE # CLUP-19-001**

RECEIVED

EXHIBIT 5 MAY 02 2019

DEARBORN LN  
PLANNING DEPT



-  Subject
-  Tax Lots
-  Medford Zoning

### Zoning Map

2016 Aerial



Rogue Valley Transportation District  
 Comprehensive Plan Map Amendment  
 37-1W-08CC tax lot 800

**CITY OF MEDFORD**  
**EXHIBIT # E**  
**FILE # GLUP-19-001**



CSA Planning LTD

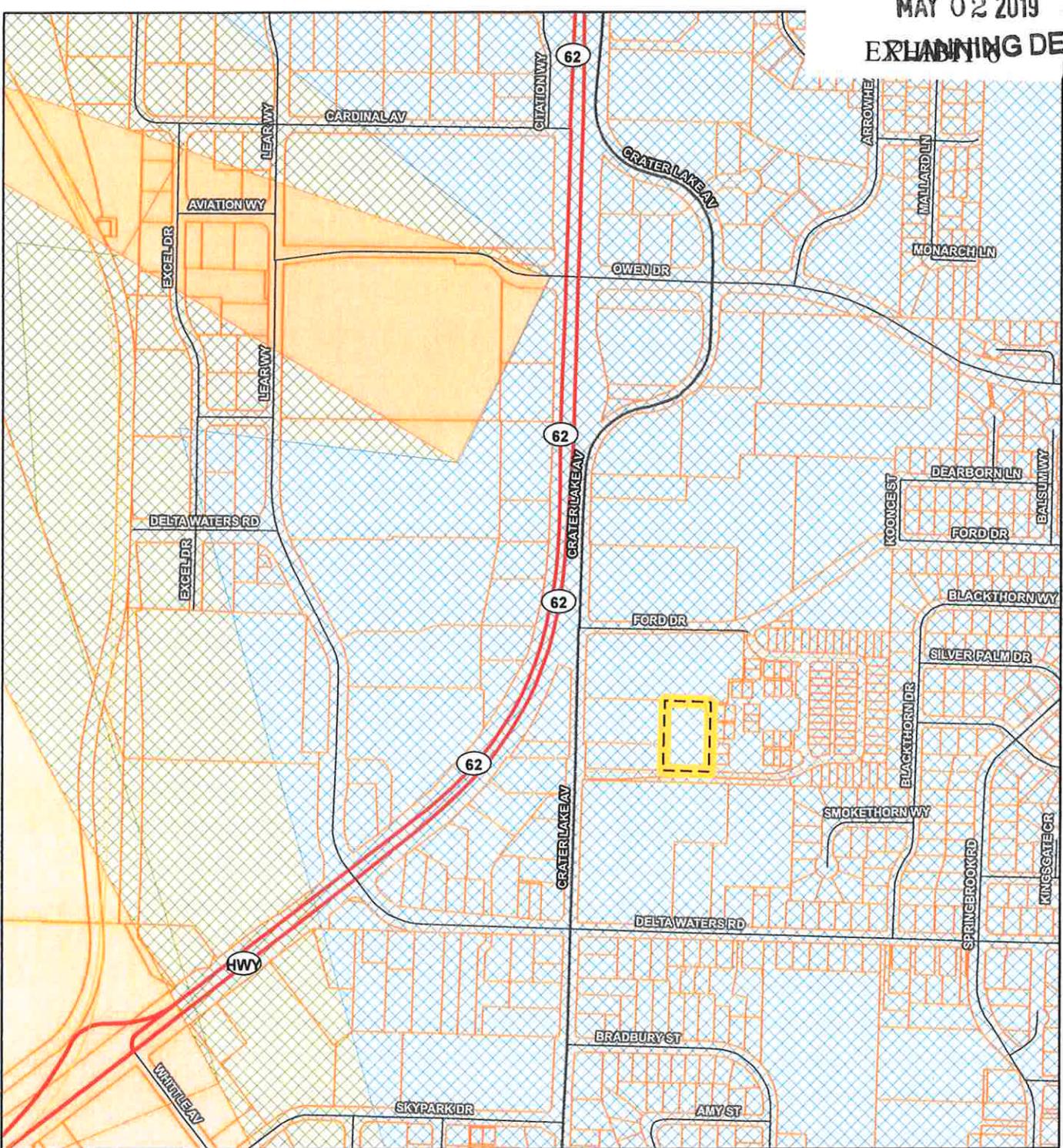
300 150 0 300 Feet



A graphic scale bar showing increments of 150 feet, with a total length of 300 feet.

HT

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MAY 02 2019  
EXHIBITING DEPT



Subject

Tax Lots

**Airport Overlays**

Horizontal Surface (Plane)

Approach Surface (20:1)

Transitional Surface (7:1)

**Airport Overlays**

Rogue Valley Transportation District  
Comprehensive Plan Map Amendment  
37-1W-08CC tax lot 800

CSA Planning LTD

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

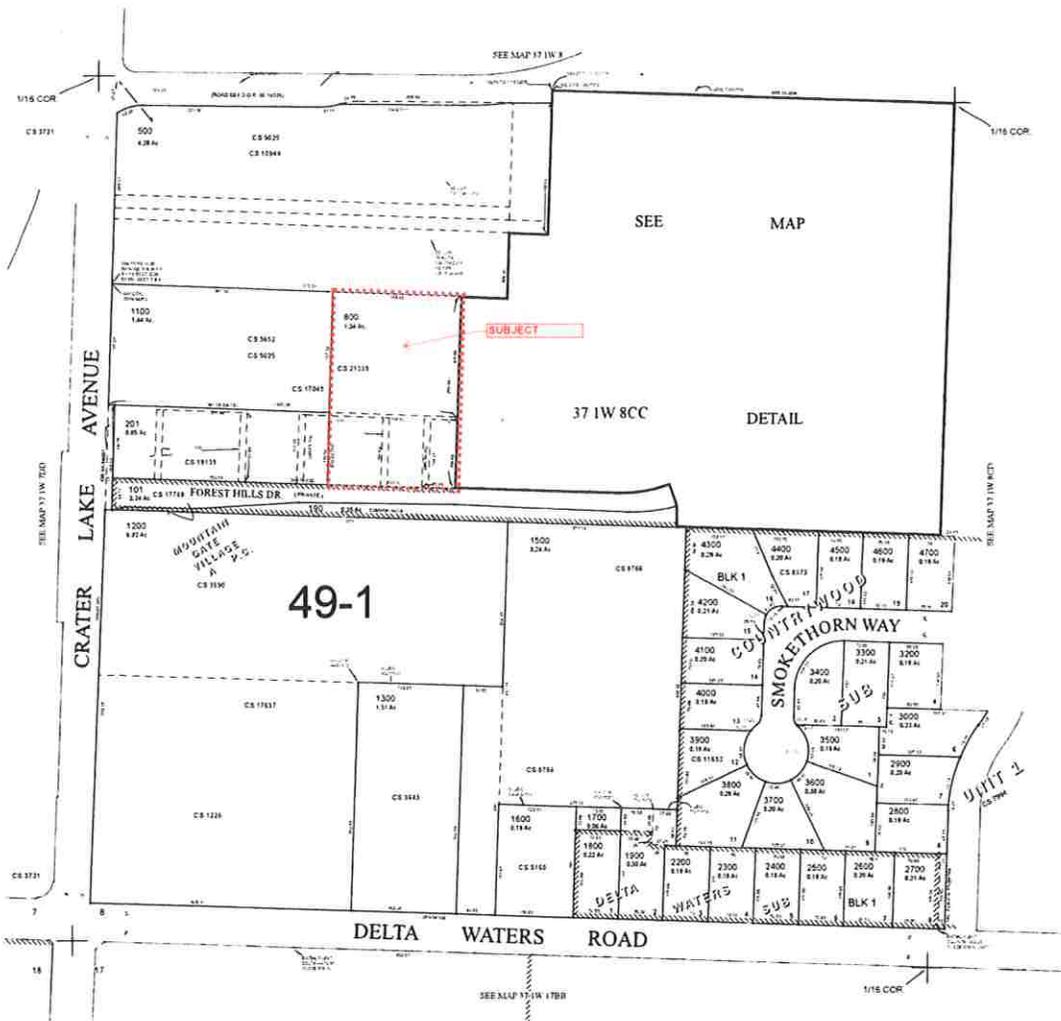
EXHIBIT # 1  
FILE # **GLUP-19-001**

52

FOR ASSESSMENT AND  
TAXATION ONLY

S.W.1/4, S.W.1/4, SEC.8, T.37S., R.1W., W.M.  
JACKSON COUNTY  
1" = 100'

37 1W 08CC  
MEDFORD



CANCELLED TAX  
LOT NUMBERS  
140 ADDED TO 150  
204 & 202 ADDED TO 199  
2004 ADDED TO 1900  
2104 ADDED TO 1900  
N/A ADDED TO 150  
3104 RECAPTURED TO 371W 11 TD  
400 & 401 ADDED TO 500  
400 & 500 RECAPTURED TO 371W 11 TD  
600 & 700 ADDED TO 500  
900 & 100 ADDED TO 100

GIS DATA  
07/10/2014 2:24 PM C:\medford

37 1W 08CC  
MEDFORD  
NEW MAP 7/25/11 1992  
REV JULY 10 2014

CITY OF MEDFORD  
EXHIBIT # 4  
FILE # GLUP-19-001

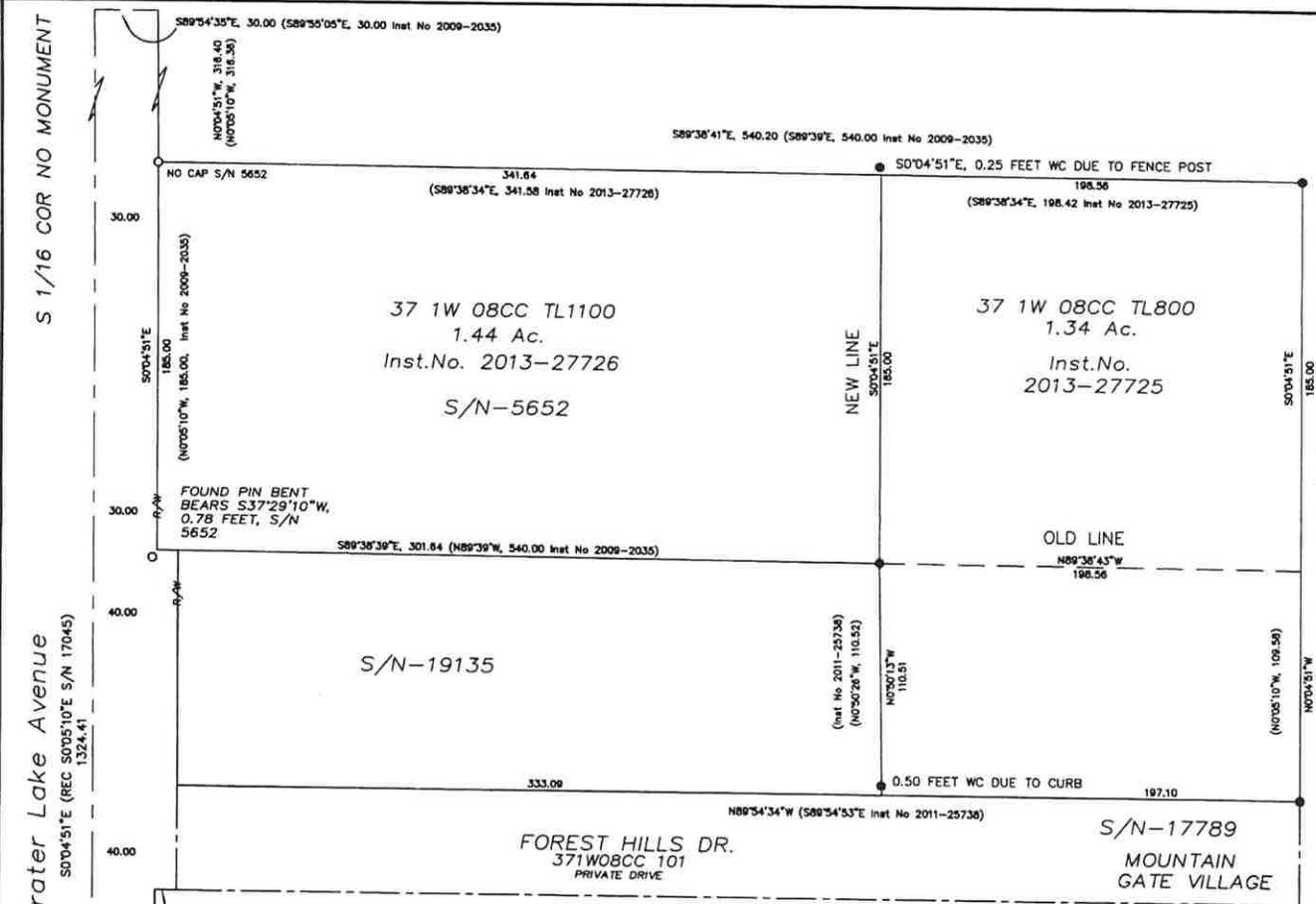
**MAP OF SURVEY  
PROPERTY LINE ADJUSTMENT**  
located in the  
SOUTHEAST QUARTER OF SECTION 8,  
TOWNSHIP 37 SOUTH, RANGE 1 WEST,  
WILLAMETTE MERIDIAN, CITY OF MEDFORD,  
JACKSON COUNTY, OREGON

for  
**THEODORE KRUSE**  
107 NW COLUMBIA STREET  
BEND, OREGON 97701  
SITE ADDRESS:  
3130 CRATER LAKE AVE.  
MEDFORD, OREGON 97501

**SURVEY NARRATIVE  
TO COMPLY WITH O.R.S. 209.250**

**Purpose:** This survey was conducted to monument the properties involved in the Property Line Adjustment approved by the City of Medford File No PLA-13-072.

**Procedure:** This office has conducted several surveys on parts of this property and some adjoining properties. In the course of producing this survey it was discovered that different surveys based on different basis of bearing resulted in different a mixed bag of results. Rather than perpetuate these differences the original deeds were recomputed relative my surveyed west boundary of section 8, I have produced this map reflecting those results and the appropriate record where applicable. The new monuments were placed at the deed record location based on the recompute of the deeds as shown hereon.



• • RECEIVED • •  
DATE 9-30-13 BY [Signature]  
This survey consists of:  
1 sheet(s) Map  
2 page(s) Narrative  
JACKSON COUNTY  
SURVEYOR

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
[Signature]  
OREGON  
JULY 20, 1985  
HERBERT A. FARBER  
5189  
RENEWAL DATE 12-31-13

**LEGEND**

- = FOUND 5/8" IRON PIN, AS NOTED
- = SET 5/8" x 24" IRON PIN w/ YELLOW PLASTIC CAP MARKED "FARBER PLS 2189"
- S/N = RECORD FILED SURVEY NUMBER
- W.M. = WITNESS MONUMENT
- S/N = RECORD FILED SURVEY NUMBER

- INST. No. = INSTRUMENT NUMBER AS RECORDED IN THE OFFICIAL RECORDS OF JACKSON COUNTY, OREGON.  
- RECORD SURVEY DATA IS SHOWN IN PARENTHESIS ADJACENT TO MEASURED SURVEY DATA WHERE APPLICABLE.

CITY OF MEDFORD APPROVALS  
Planning File PLA-13-072  
EXAMINED AND APPROVED THIS 6th DAY OF September 2013

BY: [Signature]  
PLANNING DIRECTOR

EXAMINED AND APPROVED THIS 4 DAY OF SEPT 2013

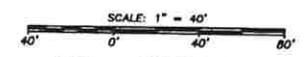
BY: [Signature]  
CITY SURVEYOR

BASIS OF BEARING IS TRUE NORTH NAD 83/91 DATUM, AS DERIVED BY GLOBAL POSITIONING SYSTEM OBSERVATIONS.

Surveyed by:  
FARBER & SONS, INC. dba



PO BOX 5286  
431 OAK STREET  
CENTRAL POINT, OREGON 97502  
(541) 664-5599



DATE: AUGUST 16, 2013  
JOB NO.: 0685-13

PLANNING DEPT

MAY 02 2019

RECEIVED

Page 58

EXHIBIT # 14  
FILE # GLUP-19-001

7/8 PER COUNTY RE-ESTAB NOTES-NOT VISITED THIS SURVEY  
18/17

ASSESSORS MAP FILE NO. 37 1W 8CC TL 1100, 800



Medford – A fantastic place to live, work and play

## CITY OF MEDFORD

LD Date: 6/19/2019  
Revised Date: 7/3/2019  
File Number: GLUP-19-001

### PUBLIC WORKS DEPARTMENT STAFF REPORT Forest Hills Drive (TL 800) Rogue Valley Transportation District

- Project:** Request for a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel.
- Location:** Located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI) (371W08CC TL 800).
- Applicant:** Applicant, Rogue Valley Transportation District; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

#### I. Sanitary Sewer Facilities

The proposed GLUP amendment has the potential to increase flows to the sanitary sewer system. However, since this amendment will change the GLUP to match the current zoning, the potential increase in flows has already been accounted for. Therefore, there is capacity in the existing sanitary sewer system to allow this GLUP amendment.

#### II. Storm Drainage Facilities

This site lies within the Upton Slough Drainage Basin. The subject property currently drains to the north. The proposed GLUP amendment has the potential to increase storm drainage flows to Upton Slough where there are known capacity constraints. However, since this amendment will change the GLUP to match the current zoning, the potential increase in flows has already been accounted for. Therefore, there is capacity in the existing storm drain system to allow this GLUP amendment. This site will be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486.

#### III. Transportation System

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

P:\Staff Reports\CP, DCA, & ZC\GLUP\GLUP-19-001 Forest Hills Dr (TL 800) GLUP Amendment - UH to GI (RVTD)\GLUP-19-001 Staff Report-Rev.docx Page 1 of 2

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION  
200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

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

CITY OF MEDFORD  
EXHIBIT # I  
FILE # GLUP-19-001

doesn't meet the requirements for a TIA, per Medford Municipal Code (MMC), Section 10.461 (3).

Prepared by: Jodi K Cope  
Reviewed by: Doug Burroughs  
Revised by: Doug Burroughs

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



BOARD OF WATER COMMISSIONERS

**Staff Memo**

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

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

**SUBJECT:** GLUP-19-001

**PARCEL ID:** 371W08CC TL 800

**PROJECT:** Request for a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI) (371W08CC TL 800); Applicant, Rogue Valley Transportation District; Agent, CSA Planning, Ltd; Planner, Dustin Severs.

**DATE:** June 19, 2019

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

**CONDITIONS**

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. Static water pressure is approximately 102 psi. (See Condition 3 above)
4. There is an existing Fire Hydrant along the north side of Forest Park Drive approximately 95-feet east of the east property line.
5. MWC-metered water service does not exist to this property.
6. Access to MWC water lines is available. There is an existing 10-inch water line located in Forest Hills Drive across the frontage of this property.

**CITY OF MEDFORD**  
**EXHIBIT # 5**  
**FILE # GLUP-19-001**



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

**Water Facility Map for GLUP-19-001**  
 June 19, 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 address compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept responsibility for errors, omissions, or outdated accuracy. There are no warranties, expressed or implied.  
 Date: 6/18/2019  
 P:\N GIS\DW\Map\MapData\Map MWC Map - MWC SDE - Later LE - May 2 2019.mxd

Page 62



## Medford Fire-Rescue Land Development Report

### Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 6/13/2019  
**Meeting Date:** 6/19/2019

**LD File #:** GLUP1900  
1

**Planner:** Dustin Severs

**Applicant:** Rogue Valley Transportation District

**Project Location:** located east of Crater Lake Avenue and north of Forest Hills Drive

**ProjectDescription:** Request for a minor General Land Use Plan (GLUP) amendment to reclassify a single 1.34 acre parcel, located east of Crater Lake Avenue and north of Forest Hills Drive, from Urban High Density Residential (UH) to General Industrial (GI) (371W08CC TL 800);

### 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)

CITY OF MEDFORD  
EXHIBIT # K  
FILE # GLUP-19-001



Project Name:

**Rogue Valley Transportation District**

Map/Taxlot:

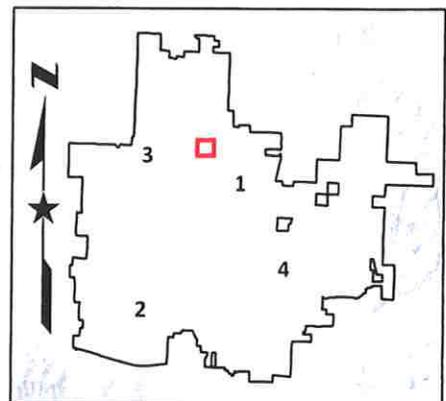
**371W08CC TL 800**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

05/22/2019





## STAFF REPORT

for a Type-III quasi-judicial decision: Zone Change & Land Division

Project Robert Sousa Zone Change & Land Division  
 Applicant: Robert Sousa; Agent: Scott Sinner Consulting, Inc

File no. LDP-19-060/ZC-19-005

To Planning Commission *for July 11, 2019 hearing*

From Liz Conner, Planner II

Reviewer Kelly Evans, Assistant Planning Director *ke.*

Date July 3, 2019

---

### BACKGROUND

#### Proposal

Consideration of a request for tentative plat approval of a proposed two lot partition on a 0.50 acre parcel located at 665 Beall Lane approximately 150 feet west of Merilee Street, and a request for a zone change from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-4 (Single Family Residential – 4 to 6 dwelling units per gross acre) (372W11DD12700).

#### Vicinity Map



Figure 1 – Vicinity Map

**Subject Site Characteristics**

Zoning	SFR-00	Single-family residential (1 dwelling unit per lot or parcel)
GLUP	UR	Urban Residential
Use	Single Family Residence	

**Surrounding Site Characteristics**

<i>North</i>	Zone:	R-2 City of Central Point
	Use:	Residential Subdivision
<i>South</i>	Zone:	SFR-6
	Use:	Single Family Residence
<i>East</i>	Zone:	SFR-00
	Use:	Single Family Residence
<i>West</i>	Zone:	SFR-00
	Use:	Single Family Residence

**Related Projects**

A-02-217 – Annexation by ORD 2003-84

**Applicable Criteria**

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

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

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

\*\*\*

- (f) For zone changes to apply or to remove an overlay zone (Limited Industrial, Exclusive Agricultural, Freeway, Southeast, Historic) the criteria can be found in the applicable overlay section (Sections 10.345 through 10.413).
- (3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.
- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.
- (b) Adequate streets and street capacity must be provided in one of the following ways:
- (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or
  - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or
  - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:
    - a. the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or
    - b. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City,

including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

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

#### PARTITION TENTATIVE PLAT APPROVAL CRITERIA

#### FROM SECTION 10.170(D) OF THE *MEDFORD LAND DEVELOPMENT CODE*

The Planning Commission 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.

## ISSUES AND ANALYSIS

### Project Summary

The subject property consists of a single 0.5 acre parcel, with an existing single family residence. The subject site was an enclave that was annexed into the City Limits of Medford in 2003 by Ordinance 2003-84. The applicant is requesting a zone change from SFR-00 to SFR-4. The applicant is additionally proposing a two lot land partition creating an 8,790 square foot lot identified as Parcel 1 and a 12,060 square foot lot identified as Parcel 2.

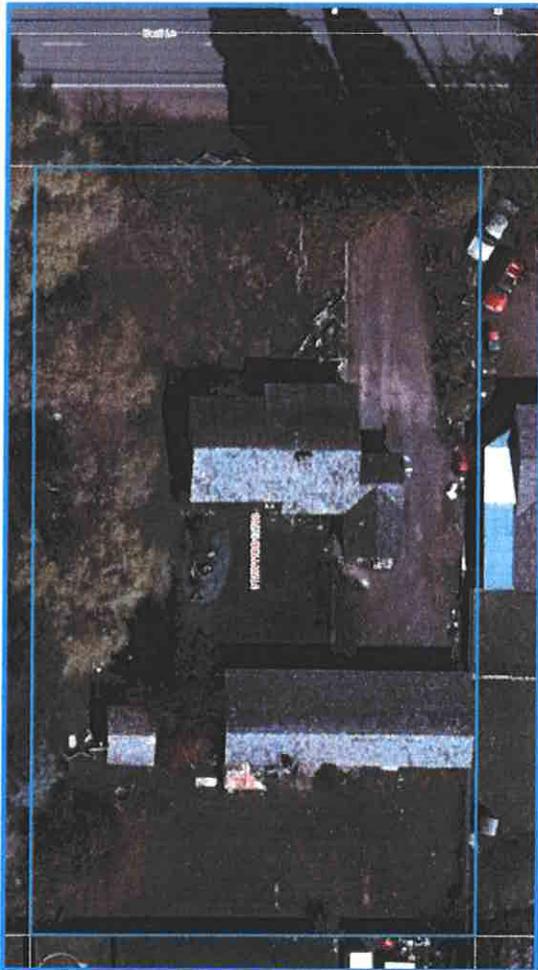


Figure 2 - Aerial View of Subject Area



Figure 3 - Tentative Partition Plat

**Development Standards**

	Lot Area	Min. lot Width	Min. lot Depth	Min. Lot Frontage
Required SFR-4	6,500-18,750 SF	60 feet	90 feet	30 feet 20 feet flag lot
Shown Parcel 1	8,790 SF	90 feet	95 feet	90 feet
Shown Parcel 2	12,060 SF	111 feet	90 feet	20 feet

Table 1 - Development Standards

As shown in the Site Development Table above, it can be found that the two lots shown on the tentative plat meet all the dimensional standards for the SFR-4 zoning district, as found in Article V of the Medford Land Development Code.

*Access*

Access to both parcels is proposed off of Beall Lane. The Public Works staff report (Exhibit I), references MLDC Section 10.550 and the requirements to close the existing driveway to the existing single family residence and take access for both parcels via a shared driveway on the western property line. In addition, the applicant shall grant an access easement to tax lot 12800 for future use of the shared driveway. A condition of approval has been included to comply with the Public Works staff report.

**Zone Change**

*General Land Use Plan Map (GLUP)*

The subject property has a GLUP designation of Urban Residential. The UR designation allows for SFR-2, SFR-4, SFR-6 and SFR-10 zones. The Housing Element of the Comprehensive Plan that was adopted December 2, 2010. The findings made for the Housing Element addressed the need for low density housing and at the time

considered this area to be Urban Residential. The applicant's request for SFR-4 is consistent with the UR designation.

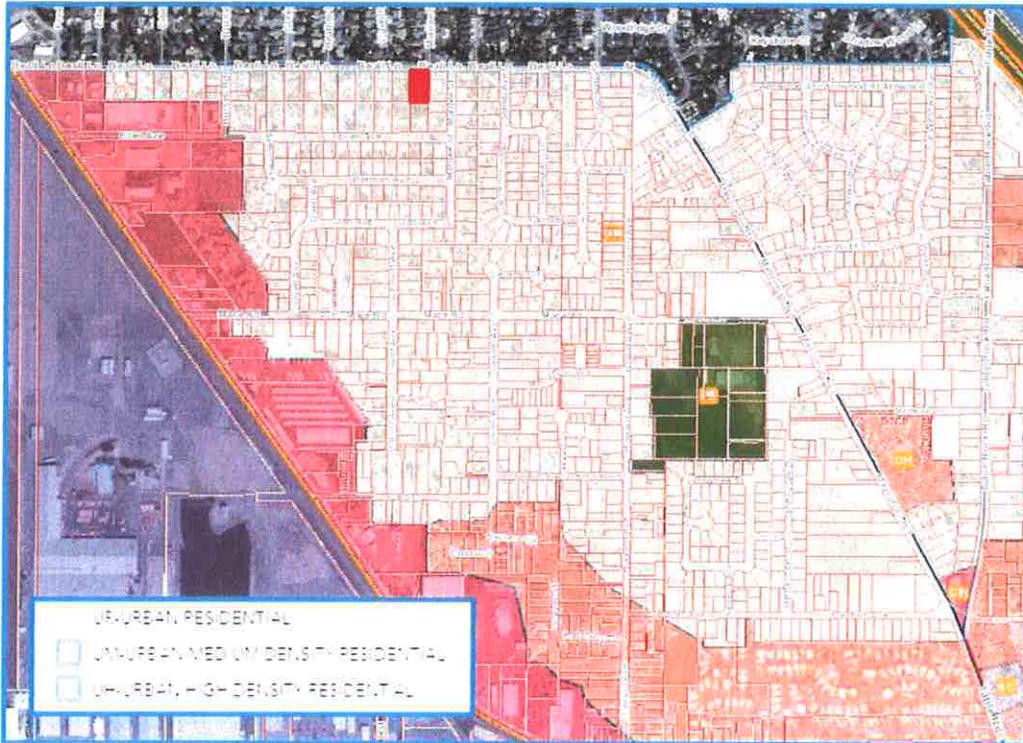


Figure 4 - General Land Use Plan of Subject Area

*Transportation System Plan*

The subject property fronts on Beall Lane, which is classified as a Major Collector Street, and provides direct access to the property as shown in the image below.



Figure 5 - Roadway Functional Classification of Subject Area

### *Sanitary Sewer*

The subject site is within the City of Medford's sanitary sewer service area. The Public Works staff report (Exhibit H), states that the sanitary sewer facility has adequate capacity to allow this zone change.

### *Storm Drainage*

The Public Works report also states that the subject property is within the Little Elk Creek Drainage Basin, and the zone change has the potential to increase storm drainage flows in the roadside ditch within the Little Elk Creek Drainage Basin, where capacity is unknown. The Public Works Department recommends that the zone change be denied, or the applicant stipulate to the following;

The property owner stipulate to only develop so the total storm drainage flows do not exceed current zoning limitations of SFR-00, or

The developer provide an engineering study of the down gradient storm drain system to show existing capacity and make any improvements shown to be necessary per the engineering study.

The Planning Commission may grant approval of this application with the Restricted Zoning administrative mapping overlay that would restrict development of Parcel 2 until the applicant/developer shows that the drainage basin has adequate capacity for future development of said Parcel 2. A condition of approval has been included to comply with the Public Works report.

### *Medford Water Commission (Exhibit M)*

The Medford Water Commission report states that there is adequate capacity available to serve the proposed development.

### **Committee Comments**

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

No other issues were identified by staff.

## **FINDINGS AND CONCLUSIONS**

Staff has reviewed the applicant's findings and conclusions (Exhibit F and G) 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 ZC-19-005 and LDP-19-060 per the staff report dated July 3, 2019, including Exhibits A through N.

## **EXHIBITS**

- A. Conditions of Approval, dated July 3, 2019
- B. Tentative Plat received April 24, 2019
- C. Conceptual Drainage Plan received April 24, 2019
- D. Assessor's Map received April 24, 2019
- E. Roadway Functional Classification adopted December 6, 2018
- F. Applicants Zone Change findings and conclusions received July 3, 2019
- G. Applicants Land Division findings and conclusions received April 24, 2019
- H. Public Works Zone Change staff report dated June 12, 2019
- I. Public Works Land Division staff report dated June 14, 2019
- J. Medford Fire Department Report dated June 12, 2019
- K. Medford Building Department memo dated June 7, 2019
- L. City of Medford Address Technician email received June 12, 2019
- M. Medford Water Commission memo dated June 12, 2019
- N. Jackson County Roads letter dated June 5, 2019  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**JULY 11, 2019**

## EXHIBIT A

ZC-19-005/LDP-19-060  
Conditions of Approval  
July 3, 2019

### ZONE CHANGE CONDITIONS

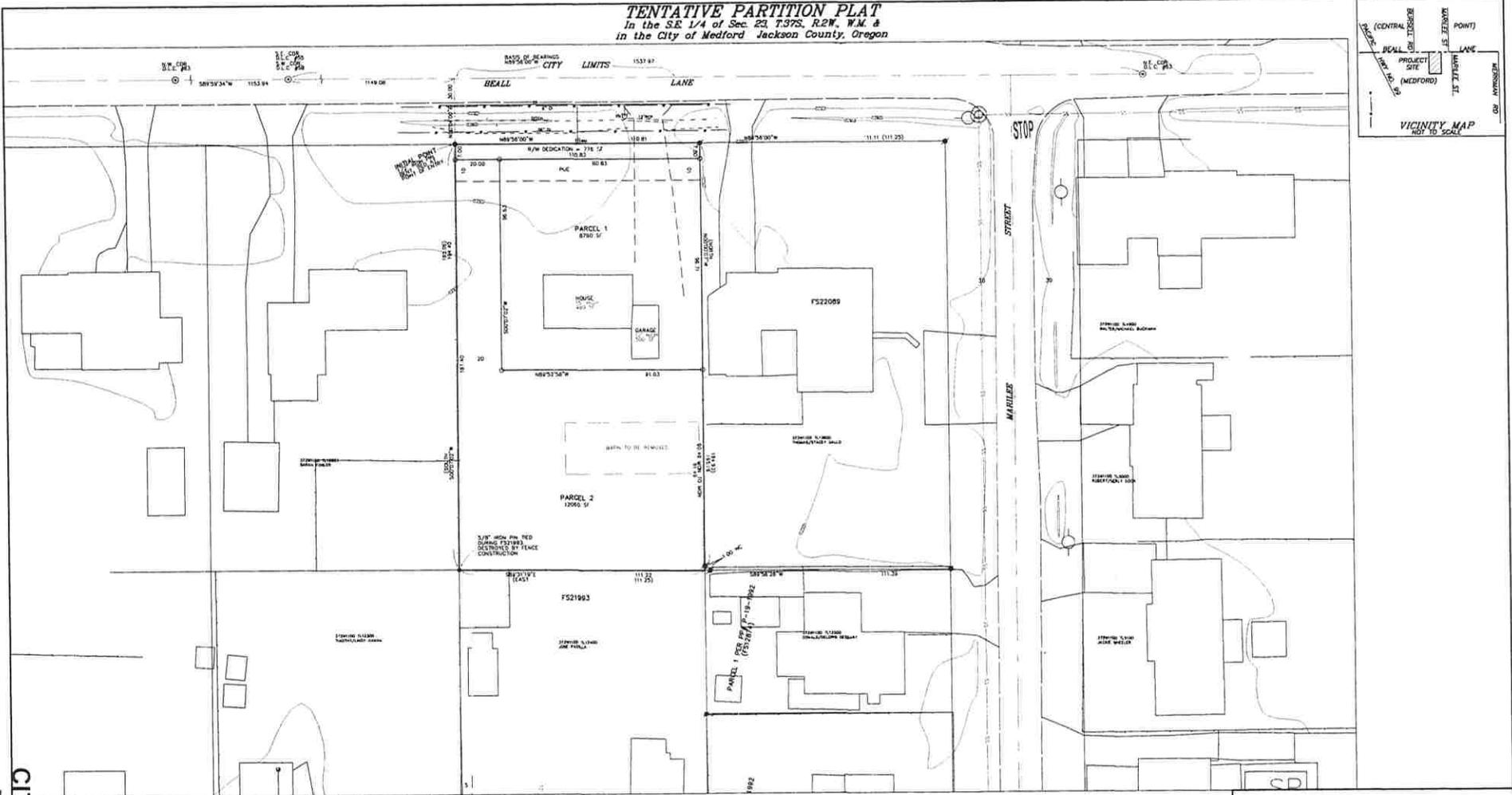
1. Provide staff with a deed restriction recorded in the official records of Jackson County stipulating to only develop the property so that the total storm drain flows do not exceed current zoning limitation, which will result in the property's approved SFR-4 zoning classification additionally be designated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

### LAND DIVISION CONDITIONS

### CODE REQUIREMENTS

2. Prior to Final Plat approval, the applicant shall comply with the:
  - a. Public Works Department Staff Reports dated June 12, 2019 and June 14, 2019 (Exhibit H and I).
  - b. Medford Fire Department Report dated June 12, 2019 (Exhibit J).
  - c. Medford Water Commission Memo dated June 12, 2019 (Exhibit M).
  - d. Jackson County Roads letter dated June 12, 2019 (Exhibit N).

**TENTATIVE PARTITION PLAT**  
 In the SE 1/4 of Sec. 23, T37S, R2W, W.M. &  
 in the City of Medford, Jackson County, Oregon



FILE NO.	DATE
APPROVED BY	DATE
PREPARED BY	DATE
REVISIONS	DATE
REVISIONS	DATE

**NOTES:**  
 SCHOOL DISTRICT: MEDFORD 548C  
 JUNCTION DISTRICT: 211D (CURRENTLY NOT BEING ASSESSED)  
 TOTAL GROSS AREA: 6.57 AC  
 NET AREA: 6.20 AC  
 OFFICE TOPOGRAPHY SHOWN SCALED FROM CITY OF MEDFORD AERIAL DATA.  
 PUCH-PROPOSED PUBLIC UTILITY CEMENT.



REGISTERED PROFESSIONAL LAND SURVEYOR  
*Jana Kille*

TENTATIVE PARTITION PLAT  
 PROJECT NO. 372W1100 TL12700  
 PREPARED BY:  
 ROBERT & RACHELLE SOUSA  
 12287 BLACKWELL ROAD  
 CENTRAL POINT, OR 97502  
 L.J. FRANT & ASSOCIATES P.C.  
 CONSULTING LAND SURVEYORS  
 100 W. 1ST STREET, SUITE 200  
 MEDFORD, OREGON 97504

**RECEIVED**  
**APR 24 2019**  
**PLANNING DEPT**

**CONCEPTUAL DRAINAGE PLAN**  
 In the SE 1/4 of Sec. 23, T.37S, R.2W, W.M. 8  
 in the City of Medford, Jackson County, Oregon



VICINITY MAP  
NOT TO SCALE

NOTES:  
 SCHOOL DISTRICT: MEDFORD 548C  
 IMPROVED: DISTRICT: 548C (CURRENTLY NOT BEING ASSESSED)  
 TOTAL GROSS ACRES: 2.51 AC.  
 NET ACRES: 0.50 AC.  
 DEPICED IMPROVEMENTS SHOWN SCALED FROM CITY OF MEDFORD AERIAL DATA.  
 PNEUMOPROPOSED PUBLIC UTILITY CASING(S).



REGISTERED PROFESSIONAL LAND SURVEYOR  
*James & Kelly*  
 JAMES T. JAMES  
 KELLY L. JAMES  
 EXPIRES: DATE 8-30-18

CONCEPTUAL DRAINAGE PLAN  
 PROJECT NO. 2  
 372W1100 TL12700  
 PREPARED BY:  
 ROBERT & RACHELLE SOUSA  
 12267 BLACKWELL ROAD  
 CENTRAL POINT, OR 97502  
 L.J. FRAR & ASSOCIATES P.C.  
 CONSULTING ENGINEERS  
 200 N. 20TH STREET, SUITE 201  
 MEDFORD, OREGON 97504

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FOR ASSESSMENT AND TAXATION ONLY

S.E. 1/4, S.E. 1/4, SEC. 11, T.37S., R.2W., W.M. JACKSON COUNTY 1" = 100'

37 2W 11DD MEDFORD

CANCELLED LOT NUMBERS CITY OF MEDFORD EXHIBIT # D FILE # LDP-19-060 / ZC-19-005



SEE MAP 37 2W 11DC

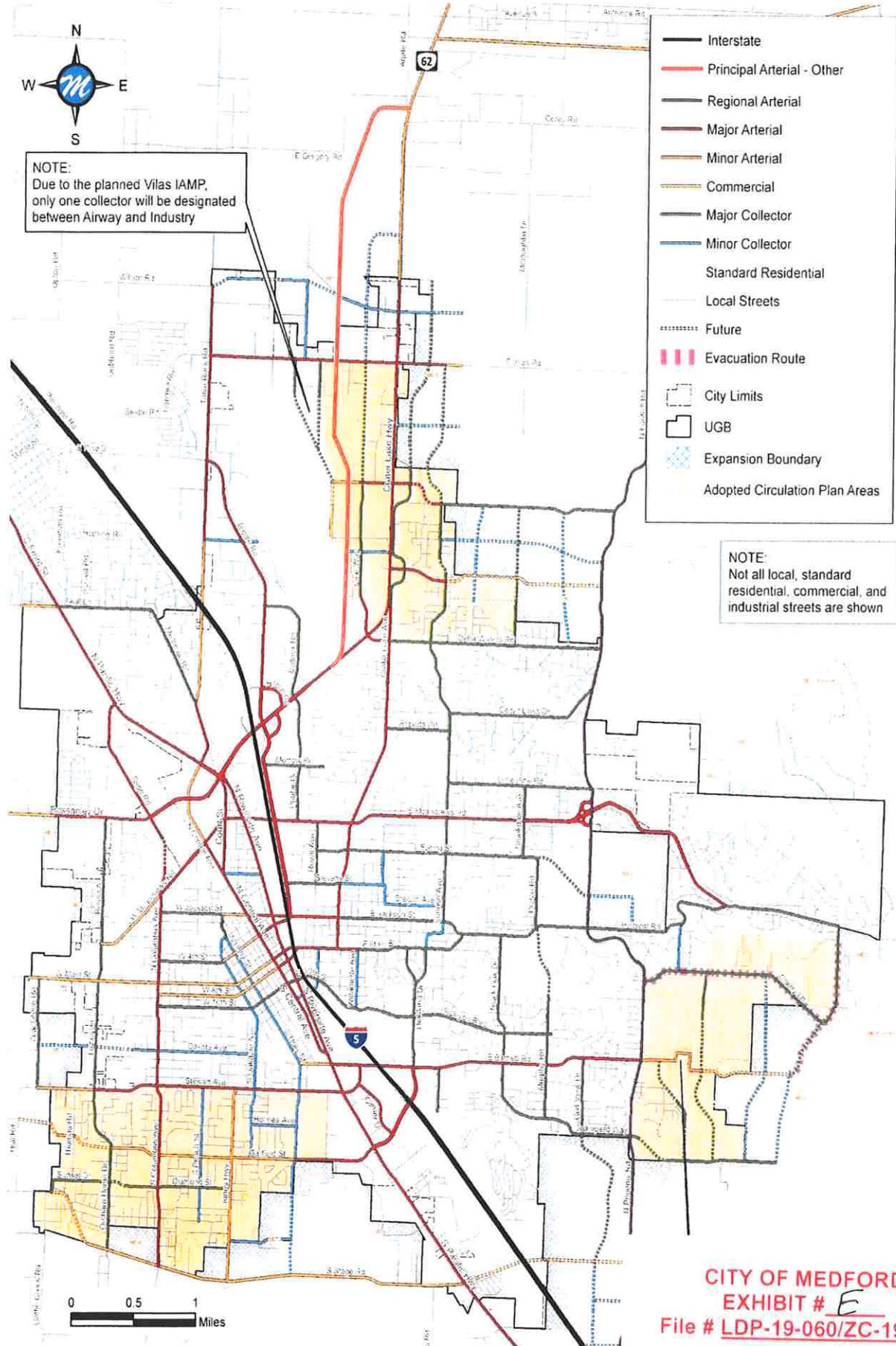
SEE MAP 37 2W 11AB

SEE MAP 37 2W 11AA

SEE MAP 37 2W 11BB

Page 78

Figure 18 Roadway Functional Classification



BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

IN THE MATTER OF AN APPLICATION FOR )  
A ZONE CHANGE FOR THE PROPERTY IDENTIFIED AS )  
T372W11DD TAX LOT 12700 )  
ROBERT SOUSA APPLICANT )  
SCOTT SINNER CONSULTING, INC. AGENT )

FINDING OF FACT  
AND  
CONCLUSIONS  
OF LAW

**RECEIVED**

JUL 03 2019

**Planning Dept.**

I. BACKGROUND INFORMATION

Applicant:

Robert Sousa  
12267 Blackwell Road  
Central Point, OR 97502

sousajr445@gmail.com

Agent:

Scott Sinner Consulting, Inc.  
4401 San Juan Dr. Suite G  
Medford, OR 97504  
scottsinner@yahoo.com

Property:

37 2W 11DD TL 12700  
665 Beall Lane  
Medford, OR 97501

.5 acres net  
.57 acres gross  
SFR-00 zoning district

Owner  
Robert Sousa  
12267 Blackwell Road  
Central Point, OR 97502  
sousajr445@gmail.com

Project Summary:

The subject property is currently zoned SFR-00. This application is submitted to demonstrate a zone change to the SFR-4 zoning district is in compliance with the Medford Land Development Code Section 10.204 B.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

This application is consolidated with an application for a land division. The proposed land division would allow for the development of 2 lots, one lot containing the existing dwelling and 1 new lot suitable for urban development.

Approval Criteria:

The relevant approval criteria for the requested land division is found within MLDC 10.204 (B) as provided below. The non-applicable elements of the zone change criteria are deleted:

***(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) and (2) below:*

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

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

...

*(b) For zone changes to SFR-6 or 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 the same as the proposed zone, either SFR-6 or SFR-10 respectively; or*

*(ii) The area to be re-zoned is five acres 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.*

...

*(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*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

*contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.*

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

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

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

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

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

*(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

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

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

Findings of Fact:

- (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;*

The Oregon Transportation Planning Rule requires a jurisdiction considers all modes of transportation in a land use decision. A review of this property determines water and rail transportation are not available.

The subject property is 2 miles from the Rogue Valley International Airport, and 2.1 miles from Interstate Highway 5 (I-5). The subject property has frontage on Beall Lane, classified as a major collector.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The nearest RVTB bus stop is located at about 30 feet east of the site, or across the street depending on your desired direction, the route is #40 between Medford and Central Point.

Beall Lane is classified as a major collector, and is the city limits line, City of Medford on the south and Central Point on the north. The north side of Beall is improved with curb, gutter, sidewalk and bike lane. The south side is no improved.

The subject property is within the General Land Use Plan Map (GLUP) UR Urban Residential map designation. The UR designation allows for the SFR-2, SFR-4, SFR-6 and SFR-10 zoning districts, and the applicant has applied for a zone change to be included in the SFR-4 zoning district. The requested zoning is consistent with the GLUP designation.

The City Council has not adopted a street circulation plan for the area of the subject parcel.

Conclusions of Law:

The Planning Commission can conclude this application is with the Comp Plan, the TSP and there are no neighborhood circulation plans. The application is consistent with the adopted Medford Transportation System Plan and the Oregon Transportation Planning Rule, and the SFR-4 zoning district is appropriate within the UR GLUP designation.

Findings of Fact:

*(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.*

Findings of Fact:

This application requests the SFR-4 zoning district. There are no locational standards for the SFR-4 zoning district.

Conclusions of Law:

The Planning Commission can conclude this application is consistent with the request for a zone change to the SFR-4 zoning district.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

*(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.*

*(c) 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.*

Findings of Fact

Storm Drainage

The site is within City of Medford jurisdiction for storm drainage. According to Roger Thom of Medford Public Works, there is adequate capacity in the storm water facility for the proposed zone change.

Future development will be subject to the current standards in effect at the time of submission.

Sanitary Sewer

The site is within the Medford Sanitary Sewer service area. According to Roger Thom of Medford Public Works, there nearest sanitary sewer connection is at the intersection of Marilee Street and Beall Lane approximately 125 feet east of the site and there is adequate capacity for the requested zone change.

Domestic Water

The site is within the Medford Water Commission jurisdiction.

According to Rodney Grehn of the Medford Water Commission, "MWC does have "adequate" capacity to serve this parcel at the proposed zoning level. There is a 6-inch water line on the south side of Beall Lane as well as a 36" transmission line.

Future development will be subject to the current standards in effect at the time of submission.

City Streets

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The subject property is .58 gross acres. The traffic impact from the highest and best use of the existing zoning district is 18 Average Daily Trips (ADT) less 9 ADT for the existing dwelling results in a net increase of 9 ADT.

According to Peter Mackprang of Medford Public Works, the MLDC does not require a Traffic Impact Analysis for Lane use application with a traffic impact of less than 250 ADT and the City transportation system has adequate capacity for the requested zone change.

Application Summary and Conclusion:

This application identifies the relevant approval criteria contained in the MLDC for a Zone Change from the SFR-00 zoning district to the SFR-4 zoning District.

The subject property is currently within the UR GLUP designation which is suitable for the SFR-4 zoning district.

The request is consistent with the Comprehensive plan, the Transportation System Plan and the Oregon Transportation Planning Rule.

The MLDC does not have locational standards for the SFR-4 zoning district.

The site has adequate capacity and access to Category A Urban Facilities for storm water, domestic water and sanitary sewer services. The requested zone change has a traffic impact of less than 250 Average daily trips and the traffic impact is not significant.

On behalf of the applicant, I request the approval of the zone change from the SFR-00 zoning district to the SFR-4 zoning district.

Scott Sinner  
Scott Sinner Consulting, Inc.

RECEIVED  
APR 24 2019

IN THE MATTER OF AN APPLICATION FOR )  
A LAND DIVISION FOR THE PROPERTY IDENTIFIED AS )  
T372W11DD TAX LOT 12700 )  
ROBERT SOUSA APPLICANT )  
SCOTT SINNER CONSULTING, INC. AGENT )

FINDING OF FACT )  
AND )  
CONCLUSIONS )  
OF LAW )

PLANNING DEPT

I. BACKGROUND INFORMATION

Applicant:

Robert Sousa  
12267 Blackwell Road  
Central Point, OR 97502  
[sousajr445@gmail.com](mailto:sousajr445@gmail.com)

Agent:

Scott Sinner Consulting, Inc.  
4401 San Juan Dr. Suite G  
Medford, OR 97504  
[scottsinner@yahoo.com](mailto:scottsinner@yahoo.com)

Property:

37 2W 11DD TL 12700  
665 Beall Lane  
Medford, OR 97501

.5 acres net  
.57 acres gross  
SFR-00 zoning district

Owner  
Robert Sousa  
12267 Blackwell Road  
Central Point, OR 97502  
[sousajr445@gmail.com](mailto:sousajr445@gmail.com)

Project Summary:

This application requests a two lot partition of the subject parcel. The existing dwelling on the property will remain on Parcel 1 and Parcel 2 will be a flag lot.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The subject property is currently zoned SFR-00, an application for a zone change to the SFR-4 zoning district has been consolidated with this application for a land division.

Approval Criteria:

The relevant approval criteria for the requested land division is found within MLDC 10.202 (E) as provided below:

*(E) Land Division Approval 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 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*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

*Use) zoning district.*

Findings of Fact:

- (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;*

The Oregon Transportation Planning Rule requires a jurisdiction considers all modes of transportation in a land use decision. A review of this property determines water and rail transportation are not available.

The subject property is 2 miles from the Rogue Valley International Airport, and 2.1 miles from Interstate Highway 5 (I-5). The subject property has frontage on Beall Lane, classified as a major collector.

The nearest RVTB bus stop is located at about 30 feet east of the site, or across the street depending on your desired direction, the route is #40 between Medford and Central Point.

Beall Lane is classified as a major collector, and is the city limits line, City of Medford on the south and Central Point on the north. The north side of Beall is improved with curb, gutter, sidewalk and bike lane. The south side is not improved.

The subject property is within the General Land Use Plan Map (GLUP) UR Urban Residential map designation. The UR designation allows for the SFR-2, SFR-4, SFR-6 and SFR-10 zoning districts, and the applicant has applied for a zone change to be included in the SFR-4 zoning district. The requested zoning is consistent with the GLUP designation.

The City Council has not adopted a street circulation plan for the area of the subject parcel.

The standards are consistent with the Medford Transportation System Plan, therefore also consistent with the Oregon Transportation Planning Rule.

Conclusions of Law:

The Planning Commission can conclude this application is with the Comp Plan, the TSP and there are no neighborhood circulation plans. The application is consistent with the adopted Medford Transportation System Plan and the Oregon Transportation Planning Rule.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

*(1) 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 subject property is .5 net acre and will be fully developed at urban densities. Access for Parcel 2 is via a flag lot.

The approval of this application will not prevent any adjoining parcel from development.

Conclusions of Law:

The Planning Commission can conclude the entire property is available for development and the adjoining properties are not prevented from development.

*(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 proposed land division is a partition and will not be named. The criterion is not applicable.

Conclusions of Law:

The Planning Commission can conclude the application is consistent with the criteria as the proposed partition does not require a name.

*(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:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The partition does not propose a street. Access for parcel two is a flag lot and will be creating a driveway for access.

The approval of this application will not prevent any street connection or circulation patterns in the vicinity that would conform to the MLDC.

Conclusions of Law:

The Planning Commission can conclude the proposed plat conforms with new and existing street patterns in the area.

*(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 application does not propose any new streets.

Conclusions of Law:

The Planning Commission can conclude the tentative plat does not propose any new streets.

*(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:

The subject parcel does not abut any properties in the County Exclusive Farm Use (EFU) zoning district.

Conclusions of Law:

The Planning Commission can conclude the subject property does not abut any properties or agricultural lands in the EFU zoning district and no mitigation is applicable.

Additional Criteria

Two additional criteria relevant to this application are the Hillside Ordinance and the Block Length Ordinance.

Hillside Ordinance

## BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

### *10.929 Hillside Ordinance, Purpose; Applicability*

*Sections 10.929 to 10.933 establish procedural requirements for development on Slopes in excess of fifteen percent (15%) to decrease soil erosion and protect public safety. Sections 10.929 to 10.933 apply in addition to all other requirements set forth by ordinance. In the case of conflict between Sections 10.929 to 10.933 and other requirements set forth by ordinance, Sections 10.929 to 10.933 shall govern.*

The subject property is located on Beall Lane and is not in any steep slope areas. As per the referenced section of the MLDC, the site is not within a high slope area and the requirements to comply with the hillside ordinance requirements, including the constraints analysis do not apply to this property and the current development application.

As required by the MLDC, this application contains the submittal the City of Medford Hillside Development Constraints Analysis Status Form signed by Staff and indicating the site has slopes of less than 2% and the requirements of the Hillside Ordinance have been met.

### **Conclusions of Law**

The Planning Commission can conclude the application complies with the requirements for compliance with the submittal requirements contained within the Medford Hillside Ordinance and the requirements of the relevant sections are not applicable to this application.

### **Block Length Ordinance**

The MLDC includes the following Block Length sections to assure the City provides circulation and connectivity in land division applications.

#### *10.426 Street Circulation Design and Connectivity*

##### *A. Street Arrangement Suitability.*

*The approving authority shall approve or disapprove street arrangement. In determining the suitability of the proposed street arrangement, the approving authority shall take into consideration:*

- 1. Adopted neighborhood circulation plans where provided; and*
- 2. Safe, logical and convenient access to adjoining property consistent with existing and planned land uses; and*
- 3. Efficient, safe and convenient vehicular and pedestrian circulation along parallel and connecting streets; and*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

- 4. *Compatibility with existing natural features such as topography and trees; and*
- 5. *City or state access management standards applicable to the site.*

*B. Street Connectivity and Formation of Blocks Required.*

- 1. *Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to planned higher order streets adopted in the City of Medford Transportation System Plan.*
- 2. *Proposed streets, alleys and accessways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.*
- 3. *Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.*
- 4. *Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.*

*C. Maximum Block Length and Block Perimeter Length.*

- 1. *Block lengths and block perimeter lengths shall not exceed the following dimensions as measured from centerline to centerline of through intersecting streets, except as provided in Subsections 10.426 C.2.*

<i>MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH</i>		
<i>Table 10.426-1</i>		
<i>Zone or District</i>	<i>Block Length</i>	<i>Block Perimeter Length</i>
<i>a. Residential Zones</i>	<i>660'</i>	<i>2,100'</i>
<i>b. Central Business Overlay District</i>	<i>600'</i>	<i>1,800'</i>

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

c. Transit Oriented Districts (Except SE Plan Area)	600'	1,800'
d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones	720'	2,880'
e. Regional Commercial and Industrial Zones	940'	3,760'

2. The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:

- a. Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10,426 C.1.,
- b. Environmental constraints including the presence of a wetland or other body of water,
- c. The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet
- d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,
- e. The subject site is in SFR-2 zoning district,
- f. Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,
- g. The proposed use is a public or private school, college or other large institution,
- h. The proposed use is a public or private convention center, community center or arena,
- i. The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.
- j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

3. Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,
4. When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.

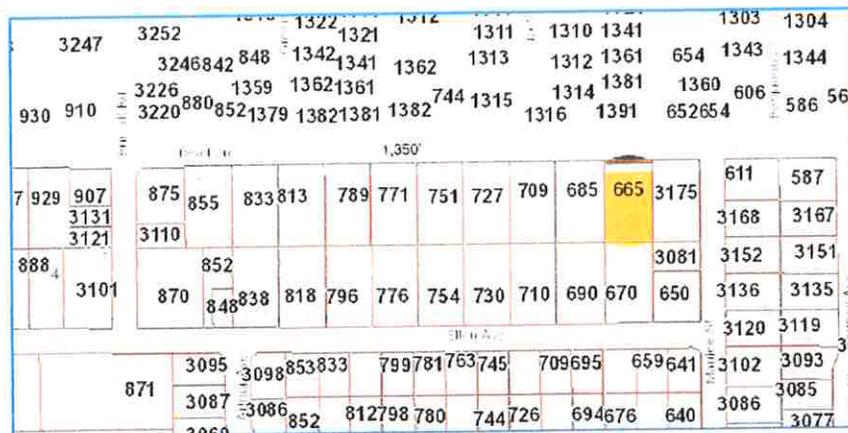
**D. Minimum Distance Between Intersections.**

Streets intersecting other streets shall be directly opposite each other, or offset by at least 200 feet, except when the approving authority finds that utilizing an offset of less than 200 feet is necessary to economically develop the property with the use for which it is zoned, or an existing offset of less than 200 feet is not practical to correct.

**Findings of Fact**

The subject parcel is .5 acre located within 125' of Marilee Drive. The subject parcel could not create a circulation pattern conforming to the street intersection spacing patterns of the MLDC.

The remainder of the block between Marilee on the east and Bursell road on the west is fully developed with half acre lots and single family dwellings.



The properties in this area developed in the late 1950's under the land use process of the time.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The proposed land division will not have any opportunity to impact the elements of the Block Length ordinance as the property is surrounded by existing development and any public road would create conflicts the intersection spacing requirements of the MLDC.

Conclusions of Law

The Planning Commission can conclude the application is consistent with the block length ordinance contained in the MLDC.

*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.*

*(2) If a cul-de-sac is necessary, then the following standards shall apply: (a) Cul-de-sac streets shall be as short as possible and shall not exceed 450 feet in length. (b) Cul-de-sac streets shall have a vehicle turnaround area with a minimum right-of-way radius of forty-five (45) feet and a minimum paved section radius of thirty-seven (37) feet.*

*(3) If a flag lot is necessary, then the following standards shall apply:*

*(a) The access drive, or flag pole, shall have a minimum width of twenty (20) feet.*

*(b) The minimum lot frontage for a flag lot shall be twenty (20) feet.*

*(c) The required front yard setback shall be measured from the lot frontage property line.*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

*(d) The minimum driveway throat width shall be determined as per Section 10.550.*

**Findings of Fact**

*(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.*

This application proposes a flag lot. To be allowed, a flag lot must meet one of the criteria of 10.450 (1) (a)-(c). This application is consistent with (b), As discussed in the Block Length Ordinance section of these findings, it is not possible to create a street pattern which meets the design requirements for streets.

Existing development on adjoining properties prevent the creation of a public street, any public street created on this parcel would be too close to an existing street, Marilee Street to the east, and street alignment with existing streets, Marilee on the Central Point side of Beall Lane.

*(4) If a flag lot is necessary, then the following standards shall apply:*

*(b) The access drive, or flag pole, shall have a minimum width of twenty (20) feet.*

*(b) The minimum lot frontage for a flag lot shall be twenty (20) feet.*

*(c) The required front yard setback shall be measured from the lot frontage property line.*

*(c) The minimum driveway throat width shall be determined as per Section 10.550.*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

A flag lot is necessary to redevelop this parcel. The proposed tentative plat meets the standards identified above.

**Conclusions of Law**

The Planning Commission can conclude the application is consistent with MLDC 10.450 for Flag lots development.

**Application Summary and Conclusion:**

This application identifies the relevant approval criteria contained in the MLDC for a land division.

The Findings of Fact demonstrate consistency with the Oregon Transportation Planning Rule, the Medford Transportation System Plan and the General Land Use Plan Map.

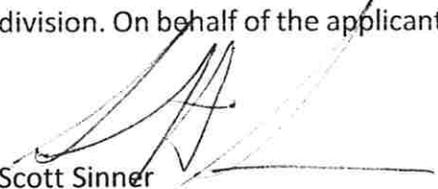
The Tentative Plat will not prevent development of the remainder of the subject parcel or any adjoining parcels.

The partition does not propose a subdivision name.

The subject property is not in a steep slope area and the Hillside provisions of the code are not applicable.

The application is consistent with the block length ordinance and the Flag Lot standards within the MLDC.

This application is consistent will all approval criteria contained in the MLDC for a land division. On behalf of the applicant, I respectfully request the approval of this application.

  
Scott Sinner  
Scott Sinner Consulting, Inc.



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**CITY OF MEDFORD**

LD Date: 6/12/2019  
File Number: ZC-19-005

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
665 Beall Lane (TL 12700)  
Zone Change**

- Project:** Consideration of a request for tentative plat approval of a proposed two lot partition and a request for a zone change from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-4 (Single Family Residential – 4 to 6 dwelling units per gross acre).
- Location:** Located at 665 Beall Lane approximately 150 feet west of Merilee Street.
- Applicant:** Applicant, Robert Sousa; Agent, Scott Sinner Consulting Inc.; Planner, Liz Conner.

The Medford Land Development Code (MLDC), Section 10.227 (2) requires a zone change application demonstrate Category 'A' urban services and facilities are available or can and will be provided to adequately serve the subject property. The Public Works Department reviews zone change applications to assure the services and facilities under its jurisdiction meet those requirements. The services and facilities that Public Works Department manages are sanitary sewers within the City's service boundary, storm drains, and the transportation system.

**I. Sanitary Sewer Facilities**

This site lies within the City of Medford Sewer Service area. There is adequate capacity in the existing sanitary sewer system to allow this Zone Change.

**II. Storm Drainage Facilities**

This site lies within the Little Elk Creek Drainage Basin. The subject property currently drains to the east. The proposed zone change has the potential to increase storm drainage flows in the roadside ditch on the south side of Beall Lane where system capacity is unknown. Based on this information, the Public Works Department recommends this zone change be denied, or the applicant stipulate to only develop so the total storm drainage flows do not exceed current zoning limitations, or the Developer provide an engineering study of the down gradient storm drain system to show existing capacity and make any improvements shown to be necessary per

the engineering study. This site will be required to provide stormwater quality and detention at time of development in accordance with MLDC, Section 10.729 and/or 10.486

### III. Transportation System

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

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

Prepared by: Jodi K Cope  
Reviewed by: Doug Burroughs

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

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## CITY OF MEDFORD

LD Date: 6/12/2019  
Revised Date: 6/14/2019  
File Numbers: LDP-19-060

### PUBLIC WORKS DEPARTMENT STAFF REPORT 665 Beall Lane – 2-Lot Partition (TL 12700)

- Project:** Consideration of a request for tentative plat approval of a proposed two lot partition on a 0.50 acre parcel.
- Location:** Located at 665 Beall Lane approximately 150 feet west of Merilee Street, and a request for a zone change from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-4 (Single Family Residential – 4 to 6 dwelling units per gross acre) (372W11DD12700).
- Applicant:** Applicant, Robert Sousa; Agent, Scott Sinner Consulting Inc.; Planner, Liz Conner.

---

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

- Approval of Final Plat:  
Dedications, construction and/or assurance of the public improvements (if required) 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, if required, (Items A through E)
- Issuance of Certificates of Occupancy for individual units:  
Sidewalks, if required, (Items A2)

## A. STREETS

### 1. Dedications

**Beall Lane** is classified as a Major Collector street within the Medford Land Development Code (MLDC) 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the respective frontage to comply with the half width (37-feet) of right-of-way. **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 **Beall Lane**, 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.**

**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

**Beall Lane** – Currently has pavement with no other improvements. **No additional improvements are required with this partition.**

#### b. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage to Beall Lane.

#### c. Access and Circulation

In accordance with MLDC 10.550, the applicant shall close the existing driveway access and take access to both parcels via a shared driveway on the western property line. The applicant shall also grant an access easement to tax lot 12800 for future use of the shared driveway.

### 3. Section 10.668 Analysis

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

#### 10.668 Limitation of Exactions

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

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

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

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

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, 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 dedication recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

#### Beall Lane

The additional right-of-way on Beall Lane will provide the needed width for a future planter strip

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PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

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

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and sidewalk. Beall Lane is a 35 mile per hour facility, which currently carries approximately 4,000 vehicles per day. The 8-foot planter strip moves pedestrians a safe distance from the edge of the roadway. Beall Lane will be a primary route for pedestrians traveling to and from this development.

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

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

## **B. SANITARY SEWERS**

The proposed development is situated within the Medford sewer service area. The Developer shall provide one service lateral to each buildable lot prior to approval of the Final Plat.

## **C. STORM DRAINAGE**

### **1. Drainage Plan**

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

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

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

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

## 2. Grading

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

## 3. Mains and Laterals

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

## 4. Erosion Prevention and Sediment Control

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

### D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to the final "walk-through" inspection of the public improvements by City staff.

Final plat will refer to document(s)/land division(s) that created Beall Lane. Any road dedication required per this application that adjoins Beall Lane or any other public road will do so based on a properly surveyed and resolved survey of said road.

### E. GENERAL CONDITIONS

#### 1. Phasing

The proposed plans do not show any phasing.

#### 2. 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.

#### 3. Permits

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

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Department until the Final Plat has been recorded.

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

#### 4. 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.

#### 5. 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.

Prepared by: Jodi K Cope  
Reviewed by: Doug Burroughs

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## SUMMARY CONDITIONS OF APPROVAL

665 Beall Lane – 2-Lot Partition (TL 12700)

LDP-19-060

### A. Streets

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

- Beall Lane – Dedicate additional right-of-way.
- Dedicate 10-foot public utility easements (PUE).

#### 2. Improvements:

##### a. Public Streets

- Beall Lane – No additional improvements are required with this partition.

##### b. Lighting and Signing

- No additional street lights are required.

##### c. Access and Circulation

- The applicant shall close the existing driveway access and take access to both parcels via a shared driveway on the western property line. The applicant shall also grant an access easement to tax lot 12800 for future use of the shared driveway.

##### d. Other

- There is no pavement cutting moratorium currently in effect along this frontage.

### B. Sanitary Sewer:

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

### C. Storm Drainage:

- Provide an investigative drainage report, with future development.
- Provide a comprehensive grading plan, with future development.
- Provide storm drain laterals to each tax lot, with future development.

### D. Survey Monumentation

- Provide all survey monumentation.
- Final plat will refer to document(s)/land division(s) that created Beall Lane. Any road dedication required per this application that adjoins Beall Lane or any other public road will do so based on a properly surveyed and resolved survey of said road.

### E. General Conditions

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

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

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**Medford Fire-Rescue Land Development Report**

**Review/Project Information**

**Reviewed By:** Kleinberg, Greg

**Review Date:** 6/3/2019  
**Meeting Date:** 6/12/2019

**LD File #:** LDP19060    **Associated File #1:** ZC19005

**Planner:** Liz Conner

**Applicant:** Robert Sousa

**Project Location:** 665 Beall Lane approximately 150 feet west of Merilee Street

**ProjectDescription:** Consideration of a request for tentative plat approval of a proposed two lot partition on a 0.50 acre parcel located at 665 Beall Lane approximately 150 feet west of Merilee Street, and a request for a zone change from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-4 (Single Family Residential – 4 to 6 dwelling units per gross acre) (372W11DD12700);

**Specific Development Requirements for Access & Water Supply**

Conditions

Reference	Comments	Description
OFC 505	Minimum access address sign required.	The developer must provide a minimum access address sign. A pre-approved address sign can also be utilized. A brochure is available at:

CITY OF MEDFORD  
EXHIBIT # J  
FILE # LDP-19-060 / ZC-19-005

OFC  
503.4

Parking shall be posted as prohibited along the minimum access driveway.

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).

Where parking is prohibited for fire department vehicle access purposes, NO PARKING-FIRE LANE 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's. The signs shall have red letters on a white background stating "NO PARKING-FIRE LANE" (See handout).

For privately owned properties, posting/marking of fire lanes may be accomplished by any of the following alternatives to the above requirement (consult with the Fire Department for the best option):

**Alternative #1:**

Curbs shall be painted red along the entire distance of the fire department access. Minimum 4" white letters stating "NO PARKING-FIRE LANE" shall be stenciled on the curb at 25-foot intervals.

**Alternative #2:**

Asphalt shall be striped yellow or red along the entire distance of the fire department access. The stripes shall be at least 6" wide, be a minimum 24" apart, be placed at a minimum 30-60 degree angle to the perimeter stripes, and run parallel to each other. Letters stating "NO PARKING-FIRE LANE" shall be stenciled on the asphalt at 25-foot intervals.

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).

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

A brochure is available on our website at:

<http://www.ci.medford.or.us/Files/Fire%20Lane%20Brochure.pdf>

### **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)

"J"

# Memo



**To:** Liz Conner, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** Robert Sousa, Applicant; Scott Sinner Consulting Inc., Agent  
**Date:** June 7, 2019  
**Re:** LDP-19-060\_ZC-19-005

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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. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished.
5. 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.

**Liz A. Conner**

---

**From:** Jennifer L. Ingram  
**Sent:** Wednesday, June 12, 2019 1:39 PM  
**To:** Liz A. Conner  
**Subject:** LDP-19-060

Hi Liz,

An appropriate address for proposed parcel 2 would be 669 or 671 Beall Ln. Please let me know if you have any questions.

Thanks!  
Jennifer



BOARD OF WATER COMMISSIONERS

**Staff Memo**

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

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

**SUBJECT:** LDP-19-060/ZC-19-005

**PARCEL ID:** 372W11DD TL 12700

**PROJECT:** Consideration of a request for tentative plat approval of a proposed two lot partition on a 0.50 acre parcel located at 665 Beall Lane approximately 150 feet west of Merilee Street, and a request for a zone change from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-4 (Single Family Residential – 4 to 6 dwelling units per gross acre) (372W11DD12700); Applicant, Robert Sousa; Agent, Scott Sinner Consulting Inc.; Planner, Liz Conner.

**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.
3. Proposed Parcel 1 has an existing water meter which is located approximately mid-lot along Beall Lane that shall continue to serve the existing home at 665 Beall Lane.
4. Proposed Parcel 2 will require the installation of a new water meter. Proposed water meter shall be located outside of proposed driveway improvements. Applicant shall coordinate with MWC Engineering staff for approved location of water meter and payment for installation and system development charges (SDC).
5. Static water pressure is expected to be 91 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. There is Adequate Capacity to serve this development.

*Continued to Next Page*

CITY OF MEDFORD  
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## Staff Memo

*Continued from Previous Page*

4. Static water pressure is approximately 91 psi. (See Condition 5 above)
5. MWC-metered water service does exist to this property. A  $\frac{3}{4}$ " water meter serves the existing dwelling at 665 Beall Lane. (See Condition 3 above)
6. Access to MWC water lines is available. There is an existing 6-inch water line in Beall Lane for domestic water usage.

"M"





# 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 5, 2019

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

RE: Plat approval & a zone change on  
Beall Lane – a county maintained road  
Planning File: LDP-19-060 / ZC-19-005

Dear Elizabeth:

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 0.5 acre parcel, along with a request for a change of zone from Single Family Residential – 1 dwelling unit per lot (SFR-00) to Single Family Residential – 4-6 dwelling unit per lot (SFR-4) at 655 Beall Lane (37-2W-11DD tax lot 12700). Jackson County Roads has the following comments:

1. 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.
2. Storm water should meet City of Medford requirements that also include water quality.
3. If frontage improvements are required off Beall Lane, they shall be permitted and inspected by the City of Medford.
4. Any new or improved road approaches off Beall Lane shall be permitted and inspected by the City of Medford.
5. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
6. We would like to be notified of future development proposals, as county permits may be required.

CITY OF MEDFORD  
EXHIBIT # N  
FILE # LDP-19-060 / ZC-19-005

7. Beall Lane is a County Minor Arterial and is county-maintained. The Average Daily Traffic Count was 4,700 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

"N"



Project Name:

**Robert Sousa**  
**665 Beall Lane**

Map/Taxlot:

**372W11DD TL 12700**



**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

05/22/2019

