Planning Commission Agenda August 8, 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

August 8, 2019
5:30 P.M.
Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

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10. Roll Call

20. Consent Calendar / Written Communications (voice vote)

20.1 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.

20.2 ZC-19-009 Consideration of a request for a zone change of a 0.7 acre parcel located at 1335 Garfield Street from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) (372W36CD3400); Applicant: Rory Wold; Agent: Taylor Wold; Planner: Steffen Roennfeldt.

30. Approval or Correction of the Minutes from July 25, 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 requests this item be continued to the Thursday, August 22, 2019 Planning Commission meeting.**

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

New Business

50.2 ZC-19-011 Consideration of a request for a zone change of three contiguous parcels totaling 5.26 acres located north of Barnett Road and east of Murphy Road, from MFR-30 (Multiple Family, thirty dwelling units per gross acre) to C-S/P (Commercial, Service & Professional Office) (371W28DC TL 400, 500 & 600); Applicant, Mahlum Architects; Planner, Dustin Severs.

60. Reports

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

70. Messages and Papers from the Chair

80. City Attorney Remarks

90. Propositions and Remarks from the Commission

100. Adjournment

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF)
THE MEADOWS AT CROOKED CREEK, PHASE 1 [LDS-19-040]) ORDER

ORDER granting approval of a request for tentative plat for *The Meadows at Crooked Creek, Phase 1,* described as follows:

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).

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 *The Meadows at Crooked Creek, Phase 1,* as described above, with the public hearing a matter of record of the Planning Commission on July 25, 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 *The Meadows at Crooked Creek, Phase 1,* 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 *The Meadows at Crooked Creek, Phase 1,* stands approved per the Planning Commission Report dated July 25, 2019, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Planning Commission Report dated July 25, 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 8th day of August, 201p.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

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

IN THE MATTER OF PLANNING COMMISSION FILE CUP-19-041 APPLICATION FOR A)
CONDITIONAL USE PERMIT SUBMTTED BY MEADOWS AT CROOKED CREEK, LLC) **ORDER**

ORDER granting approval of a request for a conditional use permit for *The Meadows at Crooked Creek, Phase 1,* described as follows:

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).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Land Development Code, Section 10.184; and,

2. The Medford Planning Commission has duly held a public hearing on the matter of an application for a conditional use permit for *The Meadows at Crooked Creek, Phase 1,* as described above, with a public hearing a matter of record of the Planning Commission on July 25, 2019.

3. At the public hearing on said application, evidence and recommendations were received and presented by the applicant's representative and Planning Department staff; and,

4. At the conclusion of said public hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded, granted a conditional use permit for *The Meadows at Crooked Creek, Phase 1*, as described above.

THEREFORE LET IT BE HEREBY ORDERED that the application for *The Meadows at Crooked Creek, Phase 1,* as described above, stands approved in accordance per the Planning Commission Report dated July 25, 2019.

AND LET IT FURTHER BE OF RECORD that the action of the Planning Commission in approving this request for *The Meadows at Crooked Creek, Phase 1*, as described above, is hereafter supported by the findings referenced in the Planning Commission Report dated July 25, 2019.

Accepted and approved this 8th day of August, 2019.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

MEDFORD
PLANNING

PLANNING COMMISSION REPORT

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

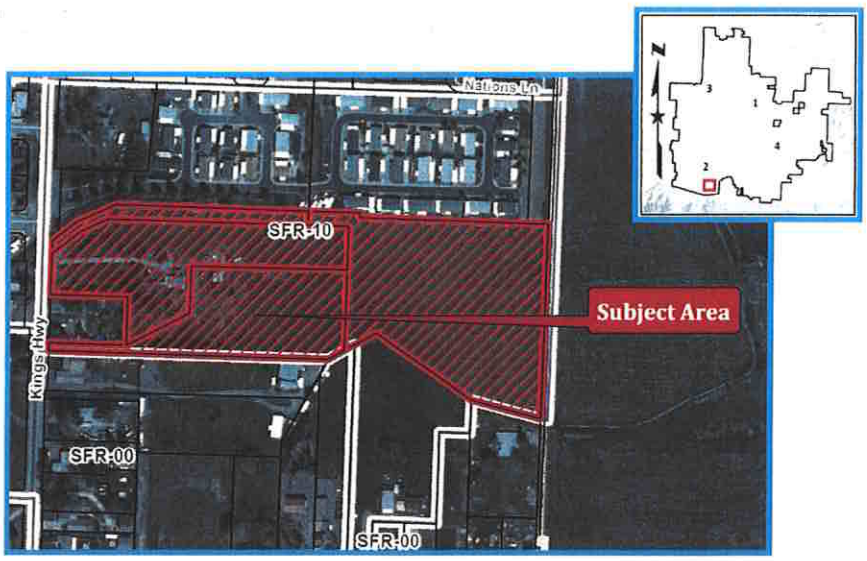
PROJECT	The Meadows at Crooked Creek Applicant: Meadows at Crooked Creek, LLC. Agent: CSA Planning
FILE NO.	LDS-19-040 / CUP-19-041
DATE	July 25, 2019

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



Subject Site Characteristics

Zoning: SFR-10

GLUP: UR (Urban Residential)

Overlay(s): None

Use(s): Single-family residence

Surrounding Site Characteristics

North Zone: SFR-10
Use(s): Residential

South Zone: SFR-00
Use(s): Residential

East Zone: Jackson County EFU
Use(s): Residential

West Zone: SFR-6 & SFR-00
Use(s): Residential

Related Projects

ZC-05-069	Zone Change
LDS-07-168	Tentative Plat approval for Kings Place Subdivision (expired)

Applicable Criteria

MLDC §10.202(E): Land Division Criteria

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

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

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

MLDC §10.184(C) Conditional Use Permit Approval Criteria

(1) The Planning Commission must determine that the development proposal complies with either of the following criteria before approval can be granted.

(a) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

(b) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

(2) In authorizing a conditional use permit the approving authority (Planning Commission) may impose any of the following conditions:

(a) Limit the manner in which the use is conducted, including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

(b) Establish a special yard or other open space or lot area or dimension requirement.

(c) Limit the height, size, or location of a building or other structure.

(d) Designate the size, number, location, or nature of vehicle access points.

(e) Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.

(f) Designate the size, location, screening, drainage, surfacing, or other improvement of parking or truck loading area.

(g) Limit or otherwise designate the number, size, location, height, or lighting of signs.

(h) Limit the location and intensity of outdoor lighting, or require its shielding.

(i) Require screening, landscaping, or other facilities to protect adjacent or nearby property, and designate standards for installation or maintenance thereof.

(j) Designate the size, height, location, or materials for a fence.

(k) Protect existing trees, vegetation, water resources, wildlife habitat, or other significant natural resources.

MLDC §10.184(D) Conditional Use Permits, Mitigation of Impacts

A conditional use requiring the mitigation of impacts under Subsection (C)(1)(b) above must do one of the following:

(1) Preserve unique assets of interest to the community.

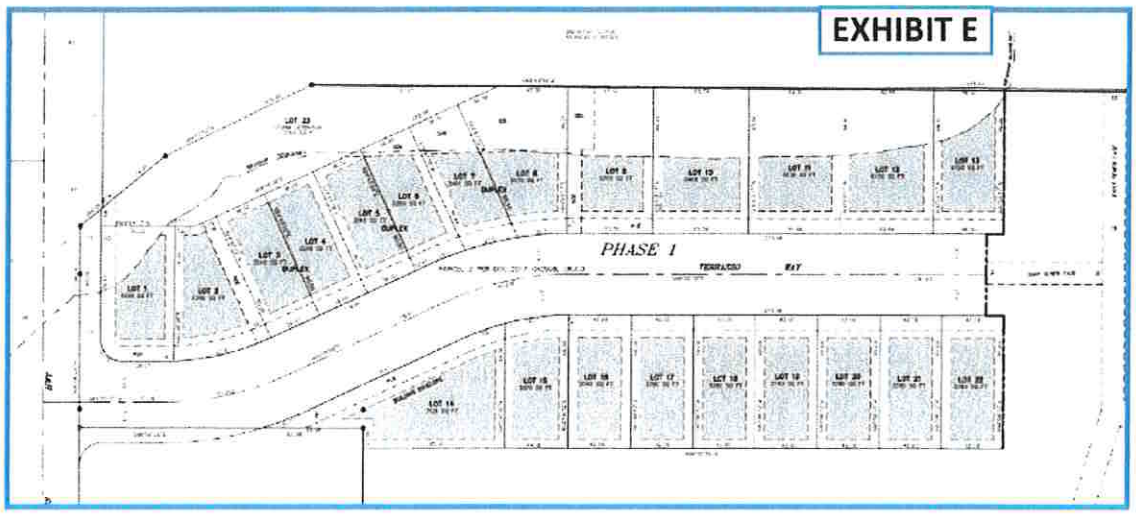
(2) Provide a public facility or public nonprofit service to the immediate area or community.

(3) Otherwise provide a use or improvement that is consistent with the overall needs of the community in a location that is reasonably suitable for its purpose.

ISSUES AND ANALYSIS

Project Summary

With the subject development, the applicant is requesting to subdivide the site, developing a 3.28-acre portion of the site as The Meadows at Crooked Creek, a proposed 22-lot residential subdivision consisting of 16 single-family lots and 6 duplex lots (divided by lot lines); while the remaining 7.02 acres of the site – tracts B, C and D, as identified on the tentative plat – are proposed as Reserve Acreage to be developed in the future. Tract A, as identified on the tentative plat, is proposed for stormwater detention, and therefore, as with Reserve Acreage, is considered a Non-Development Area (NDA), pursuant to MLDC 10.708(3)(d).



Access to the subject site is currently provided solely by Kings Highway, classified as a Major Arterial, while the unimproved right-of-way of Marsh Lane abuts the site at its northeast corner. The submitted tentative plat shows the creation of a new public street, Terrazzo Way, proposed as a 55-foot wide Minor Residential street running east-west through the project from Kings Highway and stubbed at the easterly boundary of the subject development.

Density

Density Table

SFR-10	Allowed	Shown
Min. /Max. Density *6.0 to 10.0 dwelling units per gross acre*	20 to 33 lots	22 lots

As shown on the Density Table above, based on 3.28 acres of developable land, the creation of 22 lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-10 zoning districts, respectively, as per MLDC 10.710.

Development Standards

Site Development Table

SFR-10	Lot Area	Min. lot Width (Interior)	Min. lot Width (Corner)	Min. lot Depth	Min. Lot Frontage
Required SFR-10 standard lots	3,600 to 8,125	40 feet	50 feet	90 feet	30 feet
Shown	3,780 to 7,121	41.59 feet *(lowest)*	50 feet *(lot 1)*	90 feet	41.59 feet *(lowest)*
Required SFR-10 duplex lots	3,000 to 6,250	25 feet	NA	90 feet	15 feet
Shown	3,240 to 5,575	25.4 feet (lowest)	NA	90 feet (lowest)	25.4 (lowest)

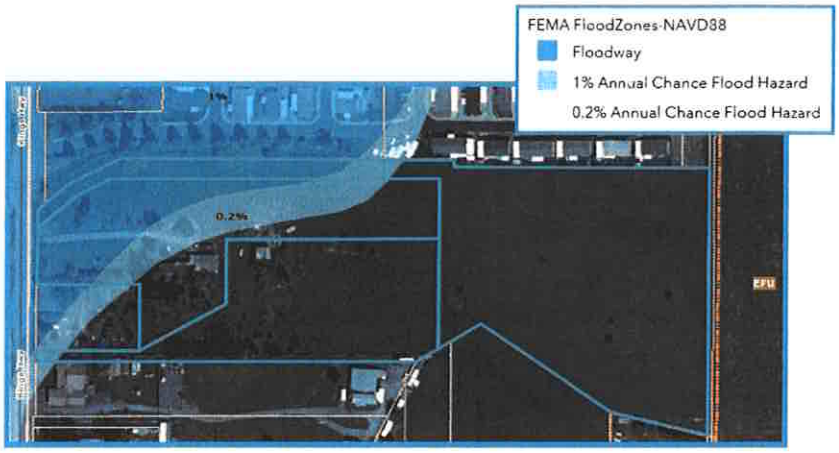
As shown in the Site Development Table above, it can be found that the 22 lots shown on the tentative plat meet all the dimensional standards for the SFR-10 zoning districts as found in Article V of the Medford Land Development Code.

Reserve Acreage

The submitted tentative plat shows Tract A reserved for storm detention, while Tracts B, C and D are identified as Reserve Acreage. Pursuant to MLDC 10.728(A)(3)(a), that portion of the project site which is not intended to be part of the development and can be separately developed at a later time – Non-Development Areas (NDAs) – may be removed from the density calculation at the discretion of the developer. The portions of the project site identified as NDAs are not subject to the dimensional standards of the underlying zoning district (lots conforming to the dimensional standards of the underlying zone will be required with the future development of the Reserve Acreage portion of the site), and while the construction of public improvements along all abutting rights-of-way are required of subdivisions prior to final plat approval, the public improvements for the tracts identified as Reserve Acreage will be delayed until the time at which the properties are developed, pursuant to MLDC 10.708(A)(3)(a).

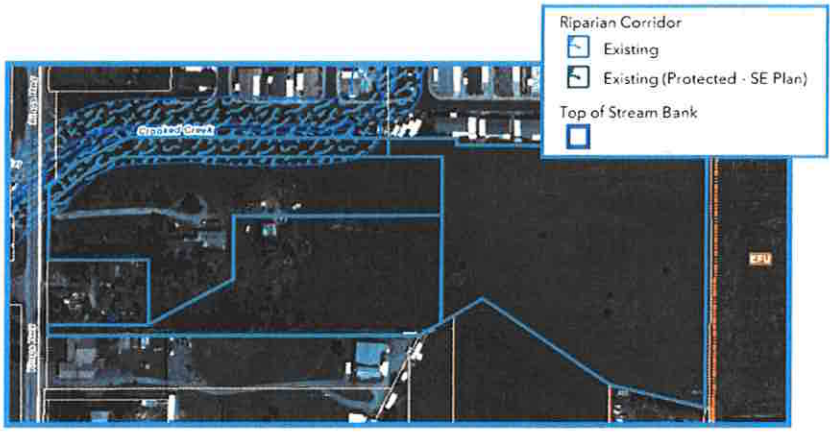
Floodplain

Much of the proposed development is located within the 1% Special Flood Hazard Area (SFHA). As a condition of approval, the applicant will be required to obtain a floodplain permit through the City prior to final plat approval.



Riparian Corridor

The northwesterly portion of the site is encumbered by the riparian corridor of Crooked Creek. Per MLDC 10.922, Crooked Creek is identified as a protected waterway within the City. As such, a 50-foot riparian corridor, measured horizontally from the top-of-bank on both sides of the creek, is applied to the section of Crooked Creek abutting the lot, restricting development within this established corridor. The creek's southerly top-of-bank encroaches within the boundary of the subject site along its northwesterly corner, with the 50-foot riparian corridor area almost completely covering lot 3900. Per MLDC 10.925, titled *Conditional Uses within Riparian Corridors*, water-related or water-dependent uses, including drainage facilities, are allowed within a riparian corridor subject to the approval of a Conditional Use Permit.



With the subject request, the applicant is requesting a CUP in order to place the site's storm detention facilities (tract A) partially within the riparian corridor of Crooked Creek. The subdivision has been designed in a manner that all dwellings are capable of being sited outside the 50-foot riparian corridor. Consistent with the requirements found in MLDC 10.925, the applicant has submitted a Mitigation Plan (Exhibit H) that shows planting and a continuous row of trees along the creek's south side and the plantings within and throughout the storm detention facilities. The applicant has also provided a letter of recommendation from the Oregon Department of Fish and Wildlife (ODFW) (Exhibit Z), and staff has received an email from ODFW confirming its approval of the proposal (Exhibit Y).

It is further staff's view that the submitted Mitigation Plan will provide greater protection of the riparian corridor from what currently exists. Therefore, the granting of the CUP request can be made in keeping with the purpose and intent of the *Medford Land Development Code*, and will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

As a condition of approval, the applicant will be required to install the plantings and irrigation system in accordance with the approved Riparian Planting Plan, and provide staff with documentation of a conservation easement to ensure that the section of the Riparian Corridor contained within the subject site will be protected in perpetuity, prior to the approval of the final plat.

Lot Line Dispute

Staff was contacted by an abutting neighbor of the proposed development, Christian Nelson (2165 Kings Hwy) on May 15, 2019 (Exhibit CC). Mr. Nelson is disputing the accuracy of the submitted tentative plat, specifically the location of his shared (northerly) property line with lot 4000. City staff is currently working with Mr. Nelson and the applicant in investigating the matter. At the time of this writing, a resolution has not been reached.

Facility Adequacy

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

Other Agency Comments

Jackson County Roads (Exhibit X)

Jackson County Roads memo includes an itemized list of 11 comments, including the requirement that the applicant submit construction plans to Jackson County Roads, so that they may determine if County permits will be required.

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

Medford Irrigation District (Exhibit AA)

The subject site is located within the Medford Irrigation District (MID). Per the letter submitted by the District Manager, MID requests that the developer contact the district about water rights within the proposed development to be transferred off prior to subdividing.

Committee Comments

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

FINDINGS AND CONCLUSIONS

Land Division

Staff finds the subdivision plat consistent with the Comprehensive Plan and all applicable design standards set forth in Article IV and V. Furthermore, the subdivision will not prevent development of the remainder of the property under the same ownership or of adjoining land; bears a name (The Meadows at Crooked Creek), which has been reviewed and approved by the City's Address Technician; the plat includes the creation of a public street (Terrazzo Way), which are laid out to be consistent with existing and planned streets of the adjoining properties; and criteria 5 and 6 are inapplicable.

Conditional Use Permit

The approving authority (Planning Commission) must determine that the development proposal complies with either of the following criteria before approval can be granted.

(1) The development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

The Commission can find that the submitted Mitigation Plan will provide greater protection of the riparian corridor from what currently exists, therefore, the granting of the CUP to allow the applicant to locate the site's storm detention facilities (tract A) partially within the riparian corridor of Crooked Creek can be made in keeping with the purpose and intent of the *Medford Land Development Code*, and will cause no significant adverse impact on the livability, value, or appropriate development of abutting property, or the surrounding area when compared to the impacts of permitted development that is not classified as conditional.

This criterion is satisfied.

(2) The development proposal is in the public interest, and although the development proposal may cause some adverse impacts, conditions have been imposed by the approving authority (Planning Commission) to produce a balance between the conflicting interests.

This criterion is not applicable.

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

REVISIONS

At the public hearing held on May 23, 2019, Christian Nelson – Neighbor at 2165 Kings HWY – requested that the Planning Commission keep the record open so as to provide him with additional time to consult with a lawyer concerning the property line dispute with the applicant, and to possibly submit additional information into the record. The Planning Commission consented, and the hearing was closed/record kept open, for the following meeting scheduled for June 13, 2019. During this interim period, staff received emails from neighbor, Andy Nager (Exhibit HH), and a letter from Christian Nelson (Exhibit II), along with a survey by Mr. Nelson (Exhibit JJ). Staff also received a request from the applicant that the record be reopened, and, if so required by the Commission, that the item be continued to the July 11, 2019, meeting, so that a revised tentative plat could be submitted into the record for review.

Pursuant to ORS 197.763(6), when a request is made for the public hearing to be closed and the record to remain open for additional written evidence, arguments or testimony, new evidence may only be submitted within the seven-day period following the initial hearing, while the following seven days is reserved exclusively as a rebuttal period in order to allow the applicant, or other effected parties, to respond to the new evidence submitted during the initial seven-day period. Accordingly, in order to re-open the hearing, as was requested by the applicant at the June 13, 2019 hearing, the Planning Commission voted to continue the application to July 11, 2019, in order to provide an opportunity for the property owners who submitted written testimony during the initial seven-day period, to respond to the new evidence submitted by the applicant, and for notices to be re-mailed to all the affected property owners, consistent with the due process requirements outlined in MLDC 10.124.

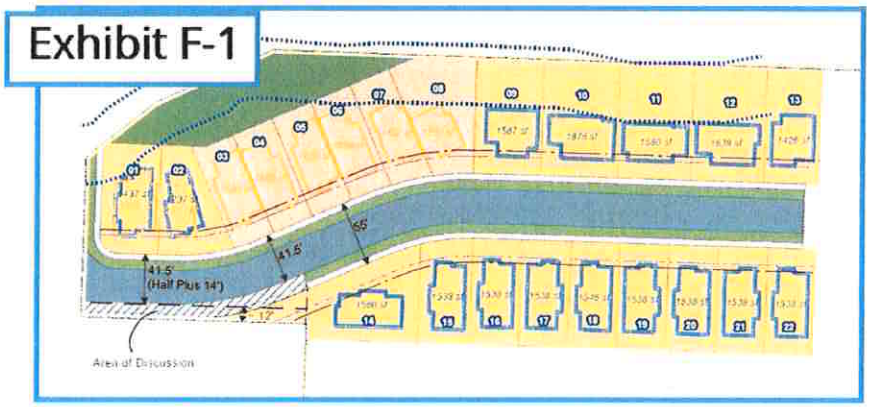
The July 11, 2019, hearing was also continued – at the request of the applicant – to the July 25, 2019, hearing in order to provide the applicant with additional time to prepare a revised tentative plat.

With this revised staff report, staff has also included three new submittals from the applicant: a map of the riparian area (Exhibit KK), an updated request letter (LL), and a revised tentative plat (MM).

The revised tentative plat (Exhibit LL) is being proposed in light of the concerns raised by Mr. Nelson concerning the ongoing property line dispute. The submitted revised tentative plat shows the center line of Terrazzo Way shifted approximately ten feet to the north (the storm detention area – Tract A – reduced in size in order to accommodate the relocation of Terrazzo Way), and shows the entire 55-foot right-of-way within the subject site. Along the first 192 feet (frontage along lot 4100), the applicant proposes to construct the full paved street, curb-to-curb (27.5 + 14 = 41.5 feet), while requesting that the sidewalk and planter strip along the frontage of the adjacent lot 4100 not be constructed as part of this subdivision.

Shifting the centerline of the Terrazzo Way an additional ten feet to the north will move the proposed street even closer to the nearest intersecting streets on Kings Hwy, which already

did not meet the minimum distance between intersections – pursuant to MLDC 10.426(D) – with the plat originally submitted by the applicant (Exhibit B). Staff had been supportive of the reduced distance proposed by the applicant with the original plat submitted, as the reduced offset was necessary to economically develop the property, and the centerline of the proposed street was proposed to be located as far from the closest intersecting street as practicably possible. The applicant's submitted a transportation analysis conducted by SOTE at the May 23, 2019, hearing (Exhibit GG), which found that the proposed street connection can be approved without any adverse impacts to the surrounding transportation system, including the reduced offset.



In the updated request letter submittal (Exhibit MM), the applicant has made three additional requests: 1.) Flexibility to either plat proposed Lots 1 and 2 as shown on the tentative plat or consolidate the two lots into a single duplex lot. (The same number of housing units would be accommodated); 2.) Flexibility to site the storm drainage pipe easement (currently reflected on the easterly boundary of proposed Lot 2) to be located as shown or shifted to the Kings Highway right-of-way or to be shifted to the westerly portion of Lot 1, outside the PUE; and 3.) Relief from constructing improvements along the 114 feet of frontage contained in the triangular portion of lot 14, lying north of tax lot 4100. The applicant further requests – in the event that the Commission finds it necessary for improvements to be constructed within said area – that the construction of said improvements be delayed until the time that the reserve acreage tracts identified on the tentative plat are developed in the future.

In the revised staff report received by Public Works (Exhibit S-1), Public Works is supportive of the applicant's request to shift the centerline of Terrazzo Way ten feet to the north, and to site the storm drain easement as requested. Public Works is also supportive of the applicant's request to construct the full paved street, curb-to-curb, while not requiring sidewalk and planter strip along the frontage of the adjacent lot 4100 (Nelson's property); however, Public Works is unsupportive of the applicant's request not to construct improvements (sidewalk and planter strip) along the 114 feet of frontage contained in the triangular portion of Lot 14.

With this revised staff report, staff has also added two conditions of approval: 1.) A condition – condition #9 – requiring that the applicant submit an arterial street frontage landscape

plan showing a vertical separation feature that is a minimum of eight feet and height, and including a fence or wall, consistent with the requirements outlined MLDC 10.797(A)(1); and 2.) a condition – condition # 10 – requiring that the applicant submit a revised tentative plat showing the right-of-way of Terrazzo Way extended to the easterly limit of lots 13 and 22.

DECISION

At the Public hearing held on July 25, 2019, the Commission voted unanimously to approve the request, including:

- Exhibits A-2 through NN. (Letter received by Christian Nelson was added into the record at the public hearing as Exhibit NN).
- Adoption of the applicant's stipulations as stated in the submitted *Findings of Fact and Conclusions of Law* (Exhibit Q).
- Approval of the applicant's request for a reduced offset (less than 200 feet) between the proposed Terrazzo Way and the nearest intersecting street along Kings Highway, pursuant to 10.426(D).
- Approval to either plat proposed lots 1 and 2 as shown on the tentative plat or consolidate the two lots into a single duplex lot.
- Approval to site the storm drainage pipe easement (currently reflected on the easterly boundary of proposed Lot 2) to be located as shown or shifted to the Kings Highway right-of-way or to be shifted to the westerly portion of Lot 1, outside the PUE.
- The addition of condition #11, stating that the applicant self-stipulates to be responsible for the removal of any vegetation located on the abutting property to the south (Lot 4100), if the removal of said vegetation is deemed necessary by the City in order to comply with MLDC 10.735, concerning the clear view of intersecting streets.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of LDS-19-040 & CUP-19-041 per the revised planning commission report dated July 25, 2019, including:

- Exhibits A-1 through MM.
- Adoption of the applicant's stipulations as stated in the submitted *Findings of Fact and Conclusions of Law* (Exhibit Q).

- Approval of the applicant's request for a reduced offset (less than 200 feet) between the proposed Terrazzo Way and the nearest intersecting street along Kings Highway, pursuant to 10.426(D).
- Approval to either plat proposed lots 1 and 2 as shown on the tentative plat or consolidate the two lots into a single duplex lot.
- Approval to site the storm drainage pipe easement (currently reflected on the easterly boundary of proposed Lot 2) to be located as shown or shifted to the Kings Highway right-of-way or to be shifted to the westerly portion of Lot 1, outside the PUE.

EXHIBITS

A-2 Conditions of Approval (Revised), dated July 25, 2019.
B Tentative Plat (1 of 2), received May 14, 2019.
C Conceptual Grading and Drainage Plan, received April 17, 2019
D Conceptual Utility Plan, received April 17, 2019.
E Building Envelopes Plan, received April 17, 2019.
F-1 Proposed Lots by Type Plan (Revised), received July 11, 2019.
G Conceptual Future Division Plan, March 4, 2019.
H Proposed Mitigation Plan, received March 4, 2019.
I Subdivision Layout on Aerial, received March 4, 2019.
J Floodplain Information Map (1 of 2), received March 4, 2019.
K Adopted Southwest Medford Circulation Map, received March 4, 2019.
L Medford Irrigation Map, received March 4, 2019.
M GLUP Map, received March 4, 2019.
N Zoning Map, received March 4, 2019.
O Assessor's Map (1 of 3), received March 4, 2019.
P Applicant's narrative, received March 4, 2019.
Q Finding of Fact and Conclusion of Law, received March 4, 2019.
R Demonstration of Compliance with Applicable Land Division Criteria, received March 4, 2019.
S-1 Public Works report (Revised), received July 18, 2019.
T Medford Water Commission memo and associated map, received May 8, 2019.
U Fire Department report, received May 8, 2019.
V Rogue Valley Sewer Services (RVSS) report, received May 9, 2019.
W Floodplain report, drafted May 8, 2019.
X Jackson County Roads memo, received April 30, 2019.
Y Oregon Department of Fish & Wildlife email, received April 29, 2019.
Z Oregon Department of Fish & Wildlife letter of recommendation, dated January 29, 2019.
AA Medford Irrigation District letter, received April 30, 2019.

BB Applicant's supplemental findings, received May 14, 2019.
CC Neighbor email (Christian Nelson, 2165 King Hwy), received May 15, 2019.
DD Email received from applicant addressing lot line dispute, submitted into the record at May 23, 2019, public hearing.
EE Email received from neighbor (Christian Nelson, 2165 Kings HWY) addressing the lot line dispute, submitted into the record at the May 23, 2019, public hearing.
FF Email received by applicant responding to Nelson's comments, submitted into the record at the May 23, 2019, public hearing.
GG Traffic study prepared by Southern Oregon Transportation Engineering on behalf of the applicant, submitted into the record at the May 23, 2019, public hearing.
HH Email received from neighbor (Andy Nager) concerning the applicant's CUP request for placement of stormwater detention facilities within the riparian corridor of Crooked Creek, received May 26, 2019.
II Letter to Planning Commission received from neighbor (Christian Nelson, 2165 Kings HWY), received May 30, 2019.
JJ Survey submitted by neighbor (Christian Nelson, 2165 Kings HWY), received May 30, 2019.
KK Applicant's riparian area map, received June 6, 2019.
LL Revised Tentative Plat (2 of 2), received July 11, 2019.
MM Applicant's updated request letter, received July 11, 2019.
NN **Letter from Christian Nelson, received July 25, 2019.**
Vicinity map

MEDFORD PLANNING COMMISSION

_____

Mark McKechnie, Chair

PLANNING COMMISSION AGENDA:

MAY 23, 2019
JUNE 13, 2019
JULY 11, 2019
JULY 25, 2019
AUGUST 8, 2019

EXHIBIT A-2

The Meadows at Crooked Creek
LDS-19-040 / CUP-19-041
Conditions of Approval
July 25, 2019

DISCRETIONARY CONDITIONS

1. The Commission accepts the applicant's stipulations as stated in the submitted *Findings of Fact and Conclusions of Law* (Exhibit Q), and applies them as conditions except as modified.

CODE REQUIRED CONDITIONS

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

2. Comply with all requirements of the Medford Public Works Department (Exhibit S-1).
3. Comply with all conditions stipulated by the Medford Water Commission (Exhibit T).
4. Comply with all requirements of the Medford Fire Department (Exhibit U).
5. Comply with all requirements of the Rogue Valley Sewer Services (Exhibit V).
6. Comply with all requirements of Jackson County Roads (Exhibit X).
7. Comply with all requirements outlined in the Floodplain report (Exhibit W).
8. Install the plantings and irrigation system in accordance with the approved Mitigation Plan (Exhibit H), and provide staff with documentation of a conservation easement to ensure that the section of the Riparian Corridor contained within the subject site will be protected in perpetuity.
9. Submit an arterial street frontage landscape plan showing a vertical separation feature that is a minimum of eight feet in height, and including a fence or wall, consistent with the requirements outlined MLDC 10.797(A)(1).
10. Submit a revised tentative plat showing the right-of-way of Terrazzo Way extended to the easterly limit of lots 13 and 22.

DISCRETIONARY CONDITION

11. **The applicant stipulates to be responsible for the removal of any vegetation located on the abutting property to the south (Lot 4100) if the removal of said vegetation is deemed necessary by the City in order to comply with MLDC 10.735, concerning the clear view of intersecting streets.**

CITY OF MEDFORD
EXHIBIT # A-2
File # LDS-19-040 /CUP/19-04

Project:	The Meadows at Crooked Creek
File No.:	LDS-19-040/CUP-19-041
Regarding:	Public Meeting July 25th, 2019
To:	Planning Commission
From:	Christian Nelson, 2165 Kings Hwy, Medford OR 97501

Narrative Summary:

I have several concerns regarding the planned development and how it will affect both my property and the traffic flow of the area. While I am not an obstructionist in general I am concerned that this development might go forward without appropriately addressing many concerns that I have. Unfortunately I can not be there in person on July 25th as I will be out of town. In an attempt to be concise I have outlined my questions/concerns with a brief description.

Places of Concern:

1. **Minor Residential Street Adequacy:**

The request to use a Minor Residential street is probably sufficient for the 22 lots but it is not sufficient for the future development of the area. As the entire area is developed there will be more than 100 lots that will end up using this road and it is being undersized. This development may look like just an infill project but it will actually end up being the gateway to a large section of land that will be developed in the future. The entire area owned by them is over 13 acres and at MFR-10 the minimum development requirements are not sufficient for this to only be a minor residential street. Any reference to future roads of access is no guarantee and transfers the requirement/responsibility to others.

It is improbable to assume the trailer park to the north will connect to this development and as open lands to the east are developed traffic may flow that way but planning code does not state that you can use unknown future planned developments as part of your overall traffic flow requirements.

2. **Kings Hwy Access:**

The proposed access way "Terrazo Way" onto Kings Hwy does not conform with 10.426 (D) as it is less than 200 feet, and only 150 feet from Trinity Way, which is on the west side of Kings Hwy. There is also a trailer park that accesses Kings Hwy just north of Trinity Way.

I realize that a traffic review was conducted and the applicant has requested relief from this requirement. The code states:

"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."

This provides only the following two reasons to allow relief:

CITY OF MEDFORD
EXHIBIT # NN
File # LDS-19-040 / CUP-19-041

1. Utilizing an offset of less than 200 feet is necessary to economically develop the property or
2. Existing offset of less than 200 feet is not practical to correct.

Neither of these reasons appears to be argued. Regarding the first reason, it shouldn't be assumed that it is not economically feasible. There has been no information provided to argue that it is not economically feasible to develop the property with a road across from Trinity. In fact, the property was acquired approximately $400,000 below market value. (Assuming $100,000/acre market rate assumption) There should be sufficient funds that they saved from the low purchase price to develop this area correctly and plenty of future developed lots that the costs could be spread over.

Regarding the second reason, this is a new intersection so the existing offset rule doesn't apply.

I would propose the purpose of 10.426 (D) is just for this sort of situation. Having yet another access to Kings Hwy this close to Trinity Way conflicts with the code and an appropriate relief is not being asked.

3. Alternative Access and Plan for Whole Property:

The developers seem to be only focused on the development of this portion of their property. They do own alternative access to the property from Experiment Station Rd at 570 Experiment Station Rd.

In this application the developers are requesting a tentative plat for a small portion (Phase I). They haven't phrased it this way but there will be at least 1 to 2 more phases to develop the rest of the property. They are requesting to change the general traffic flow plan for the area and it would be appropriate for them to put together a new general traffic flow and how their property would connect with both developed and undeveloped parcels.

4. Right of Way in Disputed area and Set Back from Terrazo Way:

Even with moving the proposed road 12 feet north of the previous application the Right of Way that is being dedicated to the city includes the area that is in dispute and not owned by them. Additionally the planned development of the road puts the future Public Utility Easement where our house is located. The area that is in dispute is our property and it is illegal for them to dedicate that to public use.

The placement of Terrazo Way puts any future development in question as it would not be possible to put in sidewalks and other public use areas as it goes through our home. Even if somehow it was done, our home would be right next to the street/sidewalk with inadaquete set backs.

5. Kings Hwy Bridge over Crooked Creek Development Costs

It is unclear to me how the street improvement of Kings Hwy in conjunction with the bridge over Crooked Creek will be improved. The creek, and related bridge, cuts diagonally across Kings Hwy west of the entire development area. If they are not required to improve the bridge at this time then the cost will fall to the city in the future. A better detailed drawing or requirements should be in place to deal with this bridge.

6. Clear View of Intersecting Streets:

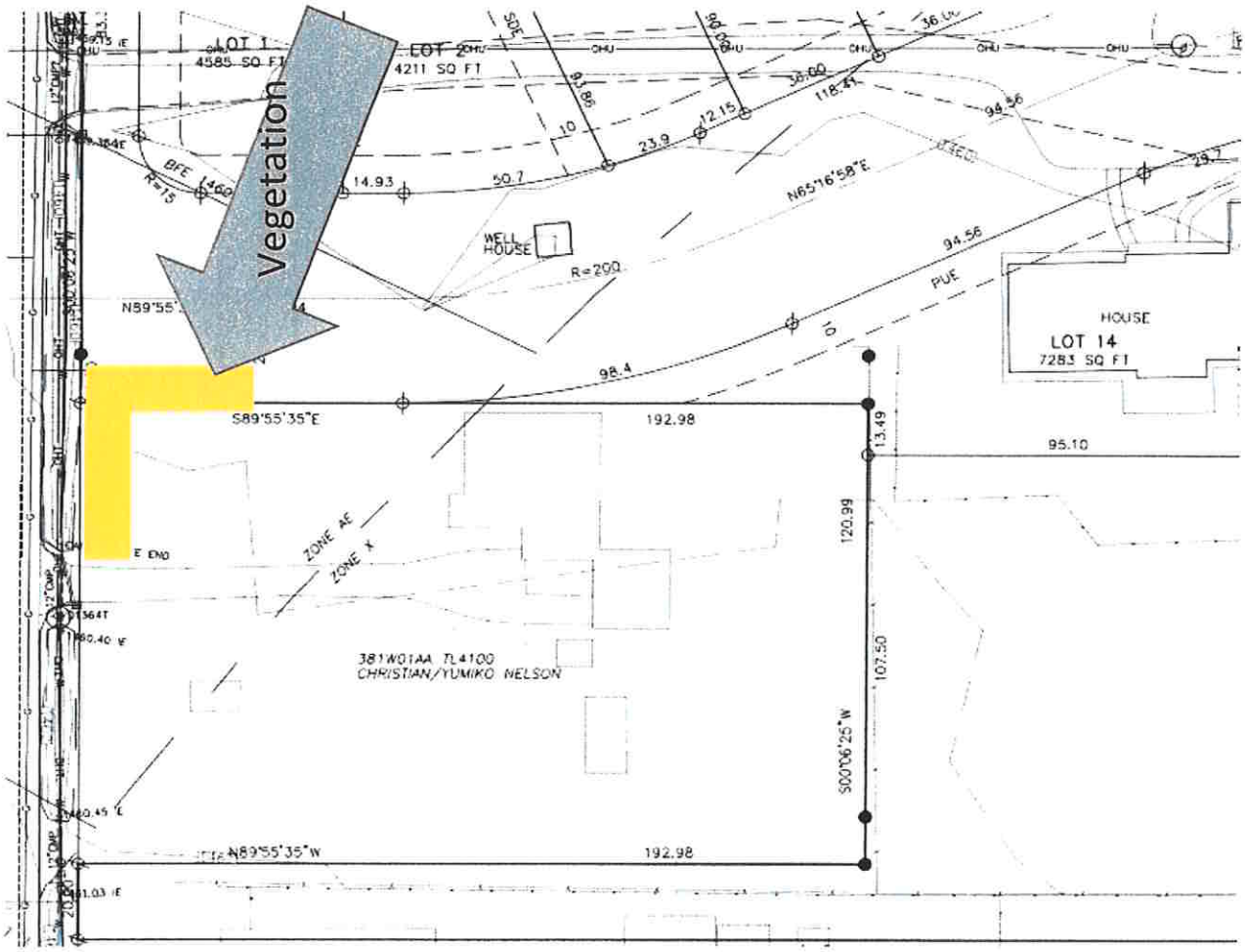
Item 10.735 (3) states: "On any portion of a lot that lies within the triangular area described and illustrated in Figures 10.735-1 & 2, below, nothing shall be erected, placed, planted or allowed to grow

in such a manner as to impede vision between a height of three (3) feet and ten (10) feet above the height of the top of the curb. Where there is no curb, the height shall be measured from the street center lines."

Table 10.735-1 requires a 250 feet sight distance and table 10.735-2 requires a 13.5 ft sight distance.

Because they are proposing to develope without a curb on the southside of the proposed road the sight distance comes from the middle of Terrazo Way. It is unclear to me if it starts at the point the road begins around lot 1 or on the southside of the road adjacent to our property. It seems that it should be the further place back where traffic control signs would be placed. Assuming the center of the road is taken from the start of the road at lot 1 attached is a crude approximation of the required site lines.

Even if this line isn't quite in the correct spot a large portion of our front yard that is vegetated would have to be cleared. I've added to the site plan where there is vegetation that would definitely impact the line of site requirements. According to a conversation with City of Medford Planner the city will be requireed to remove the vegetation in my yard even though I do not want it removed. We currenty enjoy the vegetation as a privacy fence.



Conclusion

I realize it is not your job to mediate any sort of dispute between the applicant and us related to the disputed area. Regardless the fact is that they are attempting to dedicate as a right of way, plan for public utility easement land, require our bushes and plants to be removed for line of sight requirements is a serious issue and one we intend to fight. I am requesting though that you look at the issues and concerns I have brought up and not give relief to the 200 feet requirement. They haven't made an appropriate argument for relief. They can develop the property through Marsh Lane (they already have a development on this road) or off of property they own on Experiment Station Rd. If for some reason code 10.426 does not need to be enforced then I request that they build an appropriately sized road that does not put the right of way or public utility easements on our property (including the disputed property line area).

I would also like them to present the plan for the entire property and not just a subset of it. They own over 13 acres and at a minimum have some idea how they intend to develop it.

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-19-009 APPLICATION)
FOR A ZONE CHANGE SUBMITTED BY RORY WOLD) **ORDER**

ORDER granting approval of a request for a zone change for *Rory Wold,* described as follows:

A zone change of a 0.7 acre parcel located at 1335 Garfield Street from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre).

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

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated July 25, 2019, and the Findings contained therein – Exhibit "A," and Legal Description – Exhibit "B" attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 2W 36CD Tax Lot 3400

is hereby changed as described above.

Accepted and approved this 8th day of August, 2019.

CITY OF MEDFORD PLANNING COMMISSION

_____
Planning Commission Chair

ATTEST:

_____
Planning Department Representative

MEDFORD
PLANNING

COMMISSION REPORT

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

Project Rory Wold Zone Change
Applicant: Rory Wold; Agent: Taylor Wold

File no. ZC-19-009

Date July 25, 2019

BACKGROUND

Proposal

Consideration of a request for a zone change of a 0.7 acre parcel located at 1335 Garfield Street from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre). (372W36CD3400)

Vicinity Map

Subject Site Characteristics

GLUP	UR	Urban Residential
Zoning	SFR-00	Single Family Residential, 1 dwelling unit per lot
Overlay	None	
Use	One Single Family Dwelling	

Surrounding Site Characteristics

North	Zone:	SFR-10
	Use:	Duplexes
South	Zone:	SFR-6 (Single Family Residential, 4 to 6 dwelling units per gross acre)
	Use:	Single Family Dwellings
East	Zone:	SFR-6
	Use:	Single Family Dwellings
West	Zone:	SFR-10
	Use:	Single Family Dwellings

Related Projects

None.

Applicable Criteria

Medford Municipal Code §10.204. Zone Change.

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

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

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

***

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

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

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

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

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:

a. the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP

(State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

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

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

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

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

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

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

Corporate Names

Rory Wold is the Registered Agent & President for Rory Wold Insurance Agency, Inc. according to the Oregon Secretary of State Business Registry. Darla Wold is listed as the Secretary.

ISSUES AND ANALYSIS

Background

The subject property shares its south and east boundaries with the Georianna Village Subdivision which received approval in 1993. The properties across the street were developed in 2011 as part of McLane Meadows subdivision.

Site Compliance

Density

Currently, the maximum density of one dwelling unit for the parcel is reached. With the proposed zone change to SFR-10, the new density ranges between a minimum of four dwelling units with a maximum of eight dwelling units (Exhibit O).

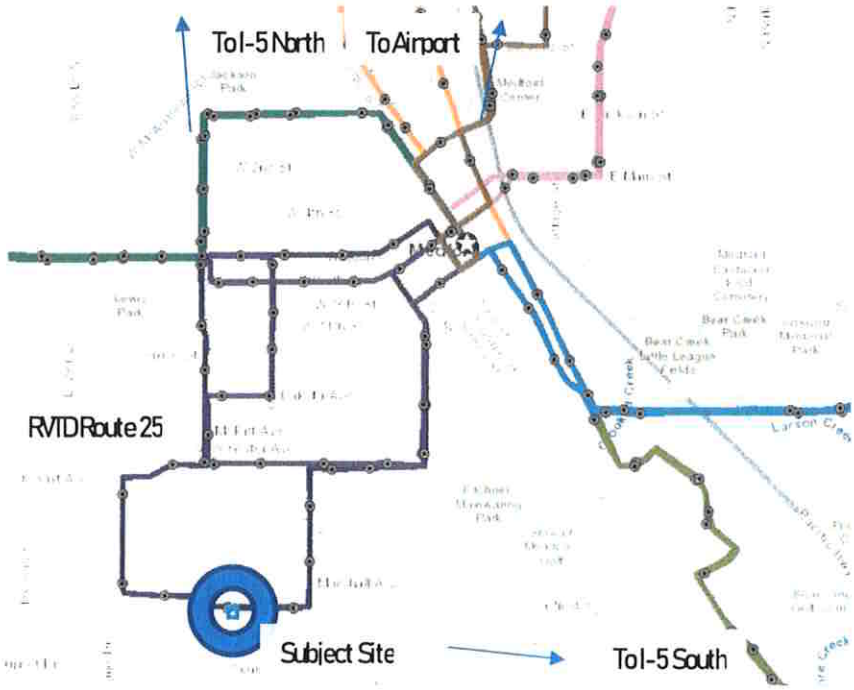
Criteria Compliance

GLUP/TSP

The General Land Use Plan (GLUP) designation for the subject site is UR (Urban Residential). According to the GLUP Element of the Comprehensive Plan, the SFR-10 zoning district is a permitted zone within the UR GLUP designation.

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

Pedestrian and bicycle access will be made available via the sidewalk and bicycle lanes in the immediate vicinity. The site is accessible by motor vehicle via Garfield Street and is served by a bus stop at the northwesterly corner of the subject site. The Rogue Valley Transportation District uses the bus stop as part of Route 25 connecting Southwest Medford with Downtown. As can be seen on the image below, the site does not have access to rail, light rail, water, or other alternative transportation facilities or services.



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

Locational Criteria

Section 10.204(B)(2)(b) is applicable to this application for the location standard requesting SFR-10 zoning. The application is in compliance with the locational standards found in subsection (b): Abutting parcels to the north and west are already zoned SFR-10.

Facility Adequacy

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

The Public Works Staff Report (Exhibit F) states that the proposed Zone Change has the potential to increase storm drainage flows to Crooked Creek where there are known capacity constraints. Based on this information, Public Works suggests three options: One, to deny the proposed zone change, or two, the applicant to stipulate to only develop so the total storm drainage flows do not exceed current zoning

limitations, or three, 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 applicant does not propose any construction work to be done as part of this application.

There are no known issues regarding transportation, sewer or water facilities for the subject area.

Prior to the hearing, Public Works submitted a revised Staff Report indicating that there are no longer any storm drain issues. Therefore, the report recommends approval of the zone change without any restrictions.

Restricted Zoning

Based on the storm drainage issues and MLDC 10.204(3)(c)(i), the Commission can implement a restriction of uses by type or intensity. As there is no construction proposed as part of this application, the requested zone change will not impact the storm drainage issues at this time.

Based on the revised Public Works Staff Report (Exhibit F-1), a restricted zoning overlay is no longer necessary and Exhibit A – Conditions of Approval can be removed from the record.

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

Staff has reviewed the applicant's findings and conclusions (Exhibit E) and recommends the Commission adopt the findings with the following modifications.

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UR General Land Use Plan Map designation and the Transportation System Plan. The Commission can find that this criterion is met.
- With regard to Criterion 2, the locational criterion for a change of zone to SFR-10 is met.

- With regard to Criterion 3, the agency comments included as Exhibits F to K demonstrate that with the imposition of the conditions of approvals contained in Exhibit A, and the imposition of the restricted zoning overlay Category A facilities can be made to be adequate to serve the property at the time of issuance of a building permit for vertical construction. The Commission can find that this criterion is met.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of ZC-19-009 per the staff report dated July 16, 2019, including Exhibits B through O.

EXHIBITS

~~**A Conditions of Approval, dated July 16, 2019**~~
B Zoning Map
C General Land Use Plan Map
D Assessor Map, received May 22, 2019
E Findings of Fact, received May 22, 2019
F-1 Public Works Department Staff Report, dated June 26, 2019
G Rogue Valley Sewer Services Letter, dated June 17, 2019
H Medford Fire-Rescue Land Development Report, dated June 25, 2019
I Board of Water Commissioners
J Medford Building Department Memo, dated June 26, 2019
K Jackson County Roads Letter, dated June 14, 2019
L City Surveyor Memo, dated June 12, 2019
M Legal Description, received May 22, 2019
N Traffic Impact Analysis Form, received May 22, 2019
O Density Calculation, created June 27, 2019
Vicinity map

PLANNING COMMISSION AGENDA: **JULY 25, 2019**
AUGUST 8, 2019

Mark McKechnie, Chair

Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 6/26/2019
Revised Date: 7/18/2019
File Number: ZC-19-009

PUBLIC WORKS DEPARTMENT STAFF REPORT
1335 Garfield Street – Zone Change
(TL 3400)

Project: **Consideration of a request for a zone change of a 0.7 acre parcel.**

Location: **Located at 1335 Garfield Street from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) (372W36CD3400).**

Applicant: **Applicant: Rory Wold; Agent: Taylor Wold; Planner, Steffen Roennfeldt.**

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

I. Sanitary Sewer Facilities

This site lies within the Rogue Valley Sewer Service (RVSS) area. The Applicant shall contact RVSS to see if sanitary sewer services and facilities are available and have capacity to serve this property under the proposed zoning.

II. Storm Drainage Facilities

This site lies within the Crooked Creek Drainage Basin. The subject property currently drains to the north. 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.

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

CITY OF MEDFORD
EXHIBIT # F-1
File # ZC-19-009

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).

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

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.

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
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TELEPHONE (541) 774-2100
FAX (541) 774-2552

RECEIVED
MAY 22 2019
PLANNING DEPT.

Exhibit "B"

Real property in the County of Jackson, State of Oregon, described as follows:

COMMENCING AT THE NORTHWEST CORNER OF DONATION LAND CLAIM NO. 82, TOWNSHIP 37 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE SOUTH 0° 05' 20" EAST (RECORD SOUTH) ALONG THE WEST LINE OF SAID DONATION LAND CLAIM 30.00 FEET TO INTERSECT THE SOUTH LINE OF THE COUNTY ROAD (GARFIELD STREET) FOR THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT OF WAY LINE, SOUTH 89° 56' 20" EAST (RECORD EAST) 160.00 FEET; THENCE SOUTH 0° 05' 20" EAST 180.00 FEET; THENCE NORTH 89° 56' 20" WEST 160.00 FEET TO INTERSECT THE WEST LINE OF SAID DONATION LAND CLAIM; THENCE ALONG SAID DONATION LAND CLAIM LINE, NORTH 0° 05' 20" WEST 180.00 FEET TO THE POINT OF BEGINNING.

NOTE: This legal description was created prior to January 01, 2008.

Tax Parcel Number: 1-045336-2

CITY OF MEDFORD
EXHIBIT # M
FILE # ZC-19-009

7

PLANNING COMMISSION MINUTES

MEDFORD
OREGON

July 25, 2019
5:30 P.M.
Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

The regular meeting of the Planning Commission was called to order at 5:30 PM in the Medford City Hall, Council Chambers, 411 West 8th Street, Medford, Oregon on the above date with the following members and staff in attendance:

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

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

Commissioner Absent
Patrick Miranda, Excused Absence

10. Roll Call

20. Consent Calendar / Written Communications (voice vote)
20.1 **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.

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

Moved by: Vice Chair Foley Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 8-0-0.

30. Approval or Correction of the Minutes from July 11, 2019 hearing
30.1The minutes for July 11, 2019, were approved as submitted.

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.**

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

Continuance Requests

50.1 DCA-17-104 A code amendment to Chapters 2, 6, and 10 of the Municipal Code to permit temporary mobile food vendors to sell from the street (the public right-of-way) and add provisions for mobile food vendor pods. Applicant: City of Medford; Planner, Carla Paladino. **Staff requests this item be continued to the Thursday, August 22, 2019 Planning Commission meeting.**

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the August 22nd 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 August 22nd. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued DCA-17-104, per staff's request, to the Thursday, August 22, 2019, Planning Commission meeting.

Moved by: Vice Chair Foley Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 8-0-0.

50.2 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, August 8, 2019 Planning Commission meeting.**

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the August 8th 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 August 8th. 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, August 8, 2019, Planning Commission meeting.

Moved by: Vice Chair Foley Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 8-0-0.

50.3 ZC-18-178 Consideration of a request for a zone change of an approximately 91.5 gross acre parcel located at the terminus of Cadet Drive from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-4 (Single Family Residential, 4 to 6 dwelling units per gross acre) (371W15C TL 300); Applicant: Mike & Gayle Jantzer; Agent: Richard Stevens & Associates Inc.; Planner: Liz Conner. **The applicant requests this item be continued to the Thursday, August 22, 2019 Planning Commission meeting**.

Chair McKechnie stated that if there are members in the audience that have come to testify on this agenda item and cannot attend the August 22nd 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 August 22nd. There will be no decisions made this evening on this agenda item.

Motion: The Planning Commission continued ZC-18-178, per the applicant's request, to the Thursday, August 22, 2019, Planning Commission meeting.

Moved by: Vice Chair Foley Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 8-0-0.

Old Business

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

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

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

Dustin Severs, Planner III reported that staff received a letter from neighbor Christian Nelson. The letter was emailed to the Planning Commission and will be submitted into the record as Exhibit NN. The Land Division approval criteria can be found in the Medford Land Development Code Section 10.202(E). The Conditional Use Permit approval criteria can be found in the Medford Land Development Code Section 10.184(C). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

Commissioner McFadden is curious of staff coming up with the criteria for the Conditional Use Permit of not creating a loss of value for surrounding properties? It is obvious with a new street planned that is three feet off a wall it will affect property value. Staff responded that the Conditional Use Permit is on the riparian issues.

The public hearing was opened.

a. Mike Savage, CSA Planning, Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Savage thanked the Commission for their consideration of reopening this application to allow the applicant to accommodate the road access to Kings Highway and the concerns by the neighbor to the south. The way the applicant is proposing this the will have the ability to convey the entire 55 feet of right-of-way.

The applicant would like to withdraw their request for relief along the westerly frontage of Lot 14. They are fine with doing the sidewalks and frontage improvement for Lot 14.

Staff mentioned a proposed discretionary condition regarding the removal of vegetation in the vision triangle on property that is not the applicants. If there is vegetation to be removed one someone else's property it is not the applicant's responsibility. Mr. Savage is not sure the Planning Commission has the authority to impose that condition. If the applicant self-stipulates to that condition it is appropriate to accept and they would do that. They would self-impose a condition that requires the property owner to pay for removal of vegetation should there be any on Mr. Nelson's property to the south.

Mr. Savage addressed Christian Nelson's submitted letter (Exhibit NN) concern over minor residential street appropriateness. This was addressed in the prior hearing and in the applicant's application in written form. Public Works was specifically asked this question at the prior hearing. The applicant is in agreement that as the project develops there will be alternative street connections. This will not be the sole connection.

Addressing the built-in exceptions to the 200 foot spacing requirement Mr. Nelson asserted that the applicant did not address that. The applicant addressed it multiple times in multiple

correspondence in the record and orally at the prior hearing. There is a bridge across from Trinity Way and across from that on the east of Kings Highway is land not under the applicant's control. As testified in the prior hearing, after lengthy discussions with CEC Engineering, if the applicant were able to obtain that right-of-way an intersection at that location would require a bridge serving an arterial street that would be extremely expensive.

Mr. Nelson asserts that the applicant should reconstruct the bridge at Kings Highway. There is no nexus or proportionality for the applicant to do that. The City is responsible for constructing, maintaining and building out higher order streets.

Chair McKechnie asked, since the applicant does not know which way Lots 1 and 2 are going to go will they combine them or will they be individual whichever works best. Is that the applicant's preference? Mr. Savage replied that is correct. If the Engineers report the storm detention and access point needs to be where it showed on the original plat they will probably move forward with the two lots. If it needs to move over they will likely do one lot with a duplex on it.

Chair McKechnie asked, would the storm water detention on this particular property run parallel with Kings Highway? Mr. Savage stated that currently it is shown as an easement that is on the easterly side of Lot 2. If there is a need to push it further to the west along Kings Highway then it would become one lot.

Chair McKechnie asked, does the right-of-way improvements go to Kings Highway? Mr. Savage responded that prior to final plat for any property under the control of the applicant they will provide the full improvements.

Vice Chair Foley asked, will Terrazzo Way go the end of Lots 13 and 22 and are there any issues? Mr. Savage stated that there are no issues.

Commissioner Culbertson, stated that in Mr. Nelson's letter he mentioned he did not want the vegetation removed. Would Mr. Savage or Mr. Mitton address how that would be handled? Mr. Mitton reported the site tringle is a safety issue. Public Works would need the site triangle cleared by someone. He does not know how tall the vegetation is and whether it creates a site triangle problem right now. If it does, he does not think the applicant would have the ability to stipulate to leave it because it is a traffic safety issue.

Mr. Savage reported that Mr. Nelson cited that there is a required alternatives analysis. Mr. Savage pointed out that there is no such requirement.

Mr. Savage reserved rebuttal time.

Alex Georgevitch, City Engineer addressed the clearing vegetation on someone's property that does not want it cleared stating that once an intersection is created, per the code, if there is a violation on a property it is the property owners responsibility to mitigate. If they do not do it the City will do it and potentially charge them. It is complaint based. The site distance triangle is 18 inches off the ground and 10 feet.

b. Andy Nager, P. O. Box 8519, Bend, Oregon, 97708. Mr. Nager owns the mobile home park north of the subject property. Mr. Nager still has concerns that the riparian corridor and wetlands of Crooked Creek will not be adequately protected. The riparian corridor Ordinance 2011-123 clearly states *"that when reviewing these applications for properties containing a riparian corridor the approving authority must consider how well the proposal satisfies the objectives of Goal 5 which is to protect the wetlands. The approving authority must designate with certainty what uses and activities are allowed for future property owners and buyers what uses are not allowed".* The proposed lot lines encroach on the riparian corridor. He requested but has not seen the conservation easement that would protect the riparian corridor. The lot lines run to the top of the bank and not set back 50 feet. He would like the Planning Commission to consider moving the lot lines south to protect the riparian corridor and prohibit fencing along the corridor.

Mr. Severs addressed Mr. Nager's concern stating that the code requires that a conservation easement be recorded on deeds and plats describing conditions and restrictions of the riparian corridor. That will be required to be submitted before final plat approval. Also, staff received two exhibits from the Oregon Department of Fish and Wildlife in support of the applicant's request to put the storm drain facilities within the riparian corridor. They state they feel the addition of riparian vegetation will aid in cooling the creek as well as providing a needed habitat.

Chair McKechnie stated that the conservation easement would affect any of the lots that extend beyond the 50 foot limitation. Mr. Severs replied that is correct.

Chair McKechnie asked, what about fencing? Mr. Severs reported that fencing is allowed. It is an extra security measure to prevent people from getting in the protected area.

Mr. Mitton reported that earlier Mr. Severs commented that Mr. Mitton may want to comment on what affect there would be to the adverse possession case if that property is dedicated right-of-way. He does not want to comment on that because it is not part of the criteria before this Commission. That is something the applicant and Mr. Nelson needs to speak with their private counsel about.

Mr. Mitton encouraged the Planning Commission to discuss why they are voting the way they do before they vote. If any aggrieved party were to appeal this application the reviewing body could see why and how the Commission voted.

Mr. Savage stated he agrees with staff regarding the riparian provision.

Commissioner McFadden asked, will the fence behind the duplexes be as shown in the blue line? Mr. Savage stated that he cannot say whether or not there will be fences. Fences are allowed.

Commissioner McFadden commented that it is also within the riparian easement and he is not aware general access is approved. Mr. Savage responded that the City went through a process that developed the codes to implement the riparian protection. That process expanded riparian protection from 25 feet to 50 feet and identified the uses that area allowed. If anyone wants to do something other than what is allowed in the riparian corridor they will be obligated to go to the City and ODFW for permission.

Commissioner McManus asked Mr. Savage to clarify his comment earlier about self-imposed regarding the vegetation removal on the property to the south by the applicant. Mr. Savage responded that the applicant accepts that condition. The applicant will accept the condition that sometime during construction there would be an inspection by staff and determined that vegetation needed to be removed the applicant will pay for that.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare the Final Orders for approval of LDS-19-040 and CUP-19-041 per the revised staff report dated July 18, 2019, including:

- Exhibits A-1 through MM, adding Exhibit NN.
- Adoption of the applicant's stipulations as stated in the submitted *Findings of Fact and Conclusions of Law* (Exhibit Q).
- Approval of the applicant's request for a reduced offset (less than 200 feet) between the proposed Terrazzo Way and the nearest intersecting street along Kings Highway, pursuant to 10.426(D).
- Approval to either plat proposed Lots 1 and 2 as shown on the tentative plat or consolidate the two lots into a single duplex lot.
- Approval to site the storm drainage pipe easement (currently reflected on the easterly boundary of proposed Lot 2) to be located as shown or shifted to the Kings Highway right-of-way or to be shifted to the westerly portion of Lot 1, outside the PUE.
- The applicant's request for removal of granting relief from constructing street improvements along the 114 feet of frontage contained in the triangular portion of Lot 14, lying north of tax lot 4100; and, if applicable, that the construction of said improvements be delayed until the time that the reserve acreage tracts identified on the tentative plat are developed in the future.

- The addition of condition #11 that the applicant self-stipulated that they would be initially responsible for removing the vegetation should it be deemed necessary by the City as part of their safety review of the safety triangle.
- Including the completion of Terrazzo Way to the end of Lots 14 and 22.

Moved by: Vice Chair Foley Seconded by: Commissioner McFadden

Vice Chair Foley stated they went through a lot of discussion as it related to the riparian corridor making sure it is protected and what is and what is not allowed.

He understands the concern with moving the street closer to the intersection. The applicant has done as well as they can do on this property since the applicant does not own the property. The applicant has worked hard to make this particular plat work.

Chair McKechnie stated that Oregon Department of Fish and Wildlife commented in their letter that the storm water management the way the applicant suggested is an improvement to the creek.

In Mr. Nelson's letter he suggested the applicant buy property on the south end and use that as an access but looking on a larger map that particular access will have issues as well. That does not necessarily solve anything better than the access they have now.

Roll Call Vote: Motion passed, 8-0-0.

50.5 ZC-19-009 Consideration of a request for a zone change of a 0.7 acre parcel located at 1335 Garfield Street from SFR-00 (Single Family Residential, one dwelling unit per parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) (372W36CD3400); Applicant: Rory Wold; Agent: Taylor Wold; Planner: Steffen Roennfeldt.

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

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

Steffen Roennfeldt, Planner III reported that staff received an updated Public Works report that eliminates the need for restricted zoning as stated in the original staff report. There are no more restricted constraints identified in the report. The updated Public Works report was emailed to the Commission and will be submitted into the record as Exhibit F-1. The Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204(B). The applicable criteria were addressed in the staff report, included with the property owner notices, and hard copies are

available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

Vice Chair Foley asked, is Exhibit A being eliminated? Mr. Roennfeldt reported that the three conditions in Exhibit A were tied to the Public Works report. The fourth condition was from the Medford Water Commission but those conditions were general comments. They labeled them as conditions in their report but staff agrees that Exhibit A can be eliminated as a whole.

Chair McKechnie asked, what order of street is Garfield? Mr. Georgevitch commented from the gallery that it was a minor arterial.

Chair McKechnie asked, are there any access limitations? Mr. Roennfeldt reported nothing that can be identified.

The public hearing was opened.

a. Rory Wold, 2102 Martin Drive, Medford, Oregon, 97504. Mr. Wold reported the property is underutilized. There are three young men sharing the property in proportion to each other.

Mr. Wold 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 ZC-19-009 per the staff report dated July 16, 2019, including Exhibits B through O, replacing Exhibit F with Exhibit F-1.

Moved by: Vice Chair Foley Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 8-0-0.

60. Reports

60.1 Site Plan and Architectural Commission

Commissioner Culbertson reported that the Site Plan and Architectural Commission met on Friday, July 19, 2019. They approved a 4,456 square foot restaurant with drive-thru (McDonald's) in a shopping center on East Barnett Road and South Riverside Avenue.

60.2 Transportation Commission

Commission Pulver reported that the Transportation Commission met yesterday, Wednesday, July 24, 2019. They continued the discussion of funding the Mega Corridor (South Stage overpass and North Phoenix/Foothills). The main options increasing the SDC fees, increasing utility fees and

imposing a gas tax that would require a vote by the city. The recommendation the body is considering to forward to Council is 1/3 for each. Each method has pros and cons. The goal is to raise $50 million in a 20 year horizon to that project.

Several meetings ago they were looking at concurrency. CSA Planning Ltd., submitted a memorandum identifying a number of concerns. Staff has tried to address those concerns. They will see it again before it comes back to the Planning Commission.

60.3 Planning Department
Kelly Evans, Assistant Planning Director reported that there is a Planning Commission study session scheduled for Monday, August 12, 2019. Discussion will be on concurrency. There are several items for the study session on Monday, August 26, 2019.

There is business scheduled for Thursday, August 8, 2010 and Thursday, August 22, 2019.

Last week the City Council over turned the Site Plan and Architectural Commission decision to deny the Circle K project on Springbrook and McAndrews. The also approved an annexation for the right-of-way on Lozier Land from Main Street to Stewart Avenue.

Next week the City Council will hear the minor historic review amendment, cottage housing and an annexation on North Ross Lane from Rossanley to Sterns.

70. Messages and Papers from the Chair. None.

80. City Attorney Remarks. None.

90. Propositions and Remarks from the Commission. None.

100. Adjournment
101. The meeting was adjourned at approximately 6:40 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards Recording Secretary	Mark McKechnie Planning Commission Vice-Chair

Approved: August 8, 2018

STAFF REPORT – CONTINUANCE REQUEST

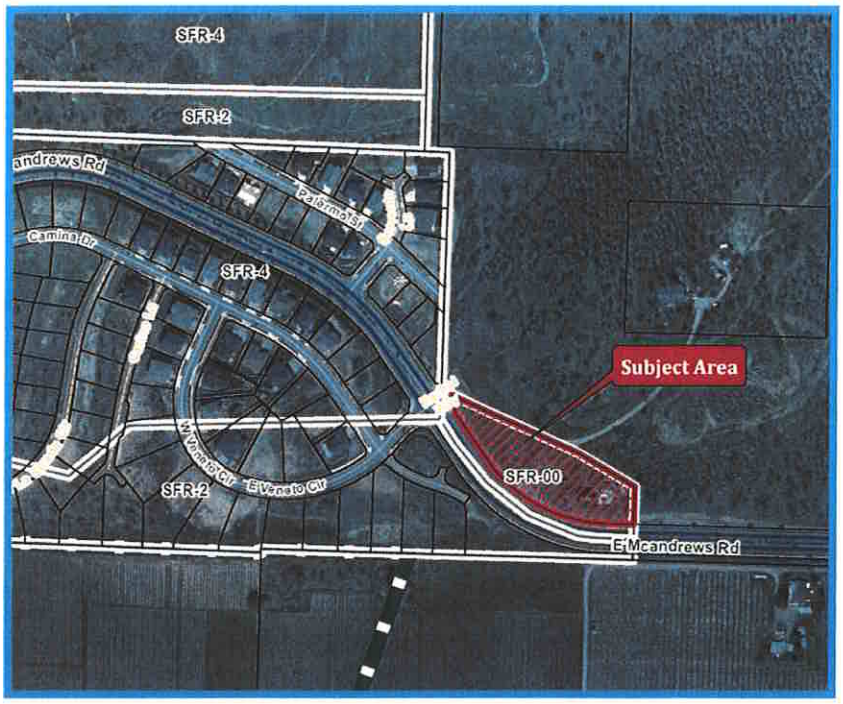
for a Type-III quasi-judicial decision: **Zone Change**

Project	Hagle Zone Change Applicant: Jane Erin Griffin-Hagle	
File no.	ZC-18-189	
To	Planning Commission	*for August 8, 2019 hearing*
From	Dustin Severs, Planner III	
Reviewer	Kelly Evans, Assistant Director	
Date	August 1, 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 August 22, 2019, in order to provide additional time to complete a sewer study to support the zone change request. The applicant submitted the sewer study for staff's review on July 10, 2019; however, Public Works found that there is some additional information needed in the report.

EXHIBITS

Continuance request, received via email on July 31, 2019.
Vicinity Map

COMMISSION AGENDA:

FEBRUARY 14, 2019
MARCH 14, 2019
MARCH 28, 2019
April 11, 2019
April 25, 2019
May 9, 2019
May 23, 2019
June 13, 2019
June 20, 2019
July 11, 2019
July 25, 2019
August 8, 2019

Dustin J. Severs

From: HAGLE Jane <Jane.Hagle@state.or.us>
Sent: Wednesday, July 31, 2019 1:30 PM
To: Dustin J. Severs
Subject: Extension Request

<EXTERNAL EMAIL>

Hi Dustin,

Per our conversation just now, CEC is working on the sewer study with the parameters requested by Roger Thom, so it appears we need another extension, to 8/22/19.

Thanks!
Jane Hagle

*****CONFIDENTIALITY NOTICE*****
This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.
****

City of Medford
Planning Department

Vicinity Map

File Number:
ZC-18-189

Project Name:

Griffin-Hagle Zone Change

Map/Taxlot:

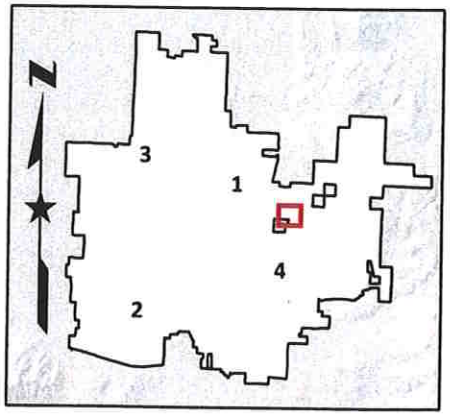
371W22 TL 400

0 250 500 Feet

Legend

- Subject Area
- Zoning Districts
- Tax Lots

12/19/18



MEDFORD
PLANNING

STAFF REPORT

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

Project	Asante Zone Change Applicant: Mahlum Architects	
File no.	ZC-19-011	
To	Planning Commission	*for August 8, 2019 hearing*
From	Dustin Severs, Planner III	
Reviewer	Kelly Evans, Assistant Director	
Date	August 1, 2019	

BACKGROUND

Proposal

Consideration of a request for a zone change of three contiguous parcels totaling 5.26 acres located north of Barnett Road and east of Murphy Road, from MFR-30 (Multiple Family, 30 dwelling units per gross acre) to C-S/P (Commercial, Service & Professional Office) (371W28DC TL 400, 500 & 600).

Vicinity Map

Subject Site Characteristics

Zoning:	MFR-30
GLUP:	CM (Commercial)
Overlay(s):	None
Use(s):	Vacant land owned by Asante

Surrounding Site Characteristics

North	Zone: SFR-4 (Single-Family Residential, four dwelling units per gross acre) Use(s): Single-Family residential homes
South	Zone: C-S/P (Commercial – Service/Professional) Use(s): Vacant land
East	Zone: MFR-30 Use(s): Brookdale Medford – Senior Living Solutions
West	Zone: MFR-30 & C-S/P Use(s): Barnett Woods – Senior Living

Related Projects

CP-19-014 GLUP change from UH (Urban High Density Residential) to CM

AC-19-059 SPAC application submitted for a 70,000 square foot oncology center

Applicable Criteria

MLDC 10.204: Zone Change Criteria

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

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

(2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (1)(a), (1)(b), (1)(c), or (1)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.

*****

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

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

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

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

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

*****

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

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

(b) Adequate streets and street capacity must be provided in one (1) of the following ways:

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one (1) of the following occurs:

(a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

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

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

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

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

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

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

ISSUES AND ANALYSIS

Background

Site History

FILE #	DATE	DESCRIPTION
CP-19-086	May 2, 2019 (approved)	GLUP change from UH to CM approved by City Council
ZC-19-011	June 5, 2019 (application received)	Subject zone change request: MFR-30 to C-S/P
AC-19-059 E-19-049	August 2, 2019 (application received)	SPAC application currently under review

The subject site consists of three contiguous, vacant parcels totaling 5.26 acres, and is owned by Asante. It is the applicant's intent to develop the subject property as the future location of Asante's new Regional Cancer Center, which will require the property's land use designation to be changed to a commercial classification. The first step of this process – changing the site's GLUP designation from UH to CM – was approved by City Council on May 2, 2019. The applicant is now requesting to change the site's underlying zoning classification from MFR-30 to C-S/P, in order to bring the site's zoning into compliance with its newly acquired Commercial GLUP designation.

The applicant opted not to submit the zone change request concurrently with the GLUP change request. Consequently, demonstration of the site's available capacity for urban services and facilities to serve the future development of the site (e.g., storm drainage, sanitary sewer, water facilities, and traffic capacity) was not required as part of the GLUP change application review, and therefore any necessary upgrades to public facilities needed to serve the future development of the site including, but not limited to, traffic impact studies, are required to be addressed as part of the subject application.

On August 2, 2019, the applicant submitted an application for site plan and architectural review of the proposed Cancer Treatment Center. At the time of this writing, the applicant is being reviewed by staff. SPAC approval for the proposed development of the site is contingent on approval of the subject zone change request.

Traffic Study

A Traffic Impact Analysis (TIA) is required when an application has the potential of generating more than 250 net Average Daily Trips (ADT) or the Public Works Department has concerns due to operations or accident history.

Public Works determined that a TIA was required with the subject request, and the applicant submitted a traffic study prepared by Southern Oregon Transportation Engineering (SOTE) on May 29, 2019 (Exhibit I), and a later addendum dated July 15, 2019 (Exhibit K). As stated in their submitted staff report (Exhibit F), Public Works concurs with the findings included in the submitted TIA, finding that the trip generation for the full potential of the zone change can be supported by the transportation system with mitigation. A Restricted Zoning (RZ) overlay will be applied to the site, restricting development, until the time at which all mitigation measures have been completed.

Storm Sewer Constraints

This site lies within the Larson Creek Drainage Basin. Per the staff report received from Public Works (Exhibit F), the subject property currently drains to the southwest, and the proposed Zone Change has the potential to increase storm drainage flows to Larson Creek where there are known capacity constraints. Based on this information, the Public Works Department recommends this Zone Change be denied, or the applicant stipulate to only develop so the total 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.

A Restricted Zoning (RZ) overlay will be applied to the site, restricting development, until the time at which upgrades have been made to the storm drainage system, 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.

CRITERIA COMPLIANCE

GLUP/TSP Consistency

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

The Transportation System Plan (TSP) serves as a blueprint to guide transportation decisions as development occurs in the City. A traffic Impact Analysis (TIA) is required when an application has the potential of generating more than 250 net Average Daily Trips (ADT) or the Public Works Department has concerns due to operations or accident history.

Public Works determined that a TIA was required with the subject request, and the applicant submitted a traffic study prepared by Southern Oregon Transportation Engineering (SOTE) on May 29, 2019, and a later addendum dated July 18, 2019. The Public Works staff report (Exhibit F) states concurrence with the submitted TIA, finding that the trip generation for the full potential of the zone change can be supported by the transportation system with mitigation. A Restricted Zoning (RZ) overlay will be applied to the site restricting development until the time at which all mitigation measures have been completed.

It can be found that the proposed zone change is consistent with the goals outlined in the City's Comprehensive Plan, and the submitted TIA demonstrates consistency with the TSP – with the Restricted Zoning (RZ) overlay district applied to the subject site – and accordingly, this demonstration of consistency assures compliance with the Oregon Transportation Planning Rule.

Locational Criteria

Zone change requests require an assessment of the locational criteria for the proposed zoning district; however, there are no locational criteria which apply to the C-S/P zoning district, pursuant to MLDC 10.204(C). Accordingly, this criterion is satisfied.

Facility Adequacy

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

The agency comments included in Exhibits F-G, demonstrate that, with the Restricted Zoning (RZ) overlay district applied to the subject site, Category A facilities can be made to be adequate to serve the property at the time it is developed.

Committee Comments

Staff has received no comments from committees such as BPAC.

FINDINGS AND CONCLUSIONS

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

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UR General Land Use Plan Map designation and the Transportation System Plan. The Commission can find that this criterion is met.

- With regard to Criterion 2, there are no locational criteria for C-S/P zone. The Commission can find that this criterion is met.
- With regard to Criterion 3, the agency comments included as Exhibits F-G, demonstrate that with the imposition of the Restricted Zoning (RZ) overlay district applied to the subject site, Category A facilities can be made to be adequate to serve the property at the time of issuance of a building permit for vertical construction. The Commission can find that this criterion is met.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of ZC-19-011 per the staff report dated August 1, 2019, including Exhibits A through K.

EXHIBITS

A Conditions of approval, dated August 1, 2019.
B Applicant's Findings of Fact and Conclusions of Law, received June 5, 2019.
C Site map of Asante, submitted by the applicant on June 5, 2019.
D Zoning map, submitted by the applicant on June 5, 2019.
E New Diagnosed Cancer Case (Analytic), submitted by applicant on June 5, 2019.
F Public Works staff report, received on August 1, 2019.
G Medford Water Commission report, received on July 17, 2019.
H Oregon Department of Transportation email, received July 9, 2019.
I Traffic Impact Analysis (Executive Summary), received May 30, 2019.
J Public Works (Engineering Division) report to SOTE, dated June 19, 2019.
K TIA addendum, received July 15, 2019.
Vicinity Map

PLANNING COMMISSION AGENDA: AUGUST 8, 2019

EXHIBIT A

Asante Zone Change
ZC-19-011
Conditions of Approval
August 1, 2019

CODE REQUIRED CONDITIONS

With the approval of the zone change, the applicant shall:

1. Provide staff with a deed restriction recorded in the official records of Jackson County stipulating to only develop the property so that the total storm drainage flows do not exceed current zoning limitations, which will result in the property's approved C-S/P zoning classification additionally be designated with a Restricted Zoning (R-Z) administrative mapping overlay, restricting future development of the property; 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.

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EXHIBIT # A
FILE # ZC-19-011

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mahlum

MEMORANDUM

04 June 2019

City of Medford
Planning Department
200 South Ivy Street, Lausmann Annes, Room 240
Medford, Oregon 97501

To: City of Medford Planning Department
From: Steven Schwaeber, Mahlum Architects

RE: Zone Change - Findings of Fact (Section 10.240)

The diagnosis, treatment and monitoring of cancer places a significant burden on patients, their families and care givers. Frequent visits are required for laboratory tests, imaging services, physician visits, inpatient or outpatient surgeries, chemotherapy and infusion, and radiation treatment. Patients enrolling in clinical trials may require additional trips for testing and monitoring.

Patients and families often travel great distances for care. Coordinating this care requires a team of multiple specialty physicians, nurses, psychosocial care professionals, pharmacists and coordinators working together for the delivery of care for these patients. From the first contact for an appointment, to information gathering prior to the first physician visit, screening for clinical trial eligibility and coordinating multiple visits on one day or spanning a week, providing as much care as possible in one facility reduces the burden on patients, families, and providers.

> *"The City of Medford is recognized as a regional health service center, serving several counties from around southern Oregon and northern California and a population base exceeding 500,000. As a regional health service center providing general and specialized care, Medford has become a destination for those seeking temporary and long-term health care treatment." (City of Medford Comprehensive Plan – Public Facilities Element page 124)*

The Asante Health System is the largest health care provider in the nine-county area and is actively making strides to simplify the treatment process for patients. By bringing providers together with the Asante Cancer Treatment Team, they are working to create a coordinated and integrated regional cancer program. This program aims to deliver medical excellence through a value-based treatment system where patients and families come first. Asante has been working with the Design Team, including Oncology Resource Consultants (ORC), to determine the anticipated growth of the cancer patient pool in the nine-county service area. ORC projected the number of people in the service area that will be diagnosed with cancer over a ten-year period. Based on the aging of the population in Jackson and Josephine Counties, the number of newly diagnosed cancer patients will increase over the next ten years (*Reference Appendix C*). One of the major goals of Asante Health System's work is to develop a new Regional Cancer Center located at the Asante Rogue Regional Medical Center Campus in Medford, Oregon, providing treatment and care for the increased demand of patients.

The new Center would be able to provide patients with coordinated care at a single location, including Medical Oncology, Radiation Therapy, Infusion Therapy, Imaging and Lab Services, Patient Education, Cancer Research, and Pharmacy Access. Patients would also be connected to Hematology Oncology

CITY OF MEDFORD
EXHIBIT # B
FILE # ZC-19-011

Associates physicians, an independent practice specializing in cancer and blood disorders. An initial programming exercise estimated the new facility would be between 70,000 - 85,000 square feet in size and would cost the Asante Health System approximately $60 million dollars.

A struggle in the development of a new facility has been finding the right location on Campus for the new Center. Due to federal regulations with medical billing, specifically Medicare reimbursables (340B), a building is only eligible for hospital reimbursement levels if it is located within 750 feet (250 yards) of the main campus building. Unfortunately, when evaluating the estimated program for the Regional Cancer Center, it became clear that the project would not be feasible if the site cannot meet this designation. Within the required 340B boundary on the Asante Rogue Regional Medical Center Campus, an available site does not currently exist to support the volume of this program without significantly displacing current and future planned hospital services (*Reference Appendix A*).

However, at the east edge of the boundary Asante owns a small site off Doctors Park Drive that would qualify for the reimbursement. Combining the Doctors Park Drive site with the adjacent Asante-owned sites off Barnett Road would provide enough site area for the new comprehensive Regional Cancer Center program. The General Land Use Planning [GLUP] designation has been approved to be revised to SC (approved May 2, 2019). This application is asking the City of Medford to revise the current zoning of the sites to be C-S/P (Commercial – Service/Professional) Zone. The revised Zoning Designations would match existing designations of adjacent sites (*Reference Appendix B).*

The Design Team believes the impact to the site due to this change in zoning designations would be minimal since the designations assume the sites to have a high density of people per acre. If the designations are approved, the Design Team would submit a request to combine the Doctors Park Drive site to the adjacent Barnett Road sites through a Property Line Adjustment Application. The combined sites would provide adequate area for the new Regional Cancer Center and allow opportunity for multiple entry/access points into the site for vehicles, pedestrians, and bicyclists, as well as provide a clear line of site to the building from Barnett Road.

The new Regional Cancer Center would become a vital public facility for the City of Medford and Asante's nine-county service area. The creation of this facility would result in an increase of available jobs in the Health Care sector, subsequently attracting new talent into the region. The design team feels that the proposed zone change complies with the City of Medford Municipal Code Section 10.204 Zone Change, Section (B) (1) – (3) and supports the justification of revising the Barnett Road sites to SC-Service Commercial designations. Findings from relevant Land Development Code, Article V – Site Development Standards, Section 10.204 (B) are as follows:

City of Medford Municipal Code Section 10.204 Zone Change, Section (B)(1):

B. Zone Change Approval Criteria.

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

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

APPLICANT RESPONSE:
Refer to the attached Traffic Impact Analysis (TIA). The TIA demonstrates the proposed project is consistent with the TSP and can be accommodated on the transportation system with planned improvements and proposed mitigations.

(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.*

APPLICANT RESPONSE:
Subsections (a) through (f) are not applicable.

(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.*

APPLICANT RESPONSE:
The sites to the south and to the west are currently zoned as C-S/P. Therefore, urban services and facilities are currently available to adequately serve the subject property.

(a) Adequate storm drainage, sanitary sewer, and water facilities are, or will be, in adequate condition, capacity, and location to serve the property at the time of issuance of a building permit for vertical construction.
(b) Refer to the attached TIA. The TIA demonstrates adequate streets and street capacity will be provided with planned improvements and proposed mitigations.
(c) Noted.

The design team is requesting a zone change in the hopes of creating a site that could house a new and cohesive cancer treatment center for the residents of Medford and the Rogue Valley region. As cancer rates continue to rise for the aging population of Jackson County, the expansion and collaboration of care at the new cancer facility will be crucial. The combined Doctors Park Drive site and the Barnett Road sites are the only available sites that can accommodate the required program size and 340B licensure constraints on the Asante Rogue Regional Medical Center Campus. Asante hopes to work in collaboration with the City of Medford to make this project a reality for the region and for the City of Medford.

Findings of Fact - Appendix A
Rogue Regional Medical Center Campus

APPENDIX A
HOSPITAL PROXIMITY
OUTPATIENT ONCOLOGY CLINIC
ASANTE | 16 January 2019
MAHLUM ARCHITECTS INC

Mahlum

- Proposed Site - Asante Owned Property
- Other Properties Currently Owned by Asante
- Asante Rogue Regional Medical Center
- Asante Owned Buildings on Campus
- Future Asante Buildings, Structures, and Planned Developments
- (White Dashed Line) 340B Licensing Boundary - 250 Yards From Hospital

NOT TO SCALE

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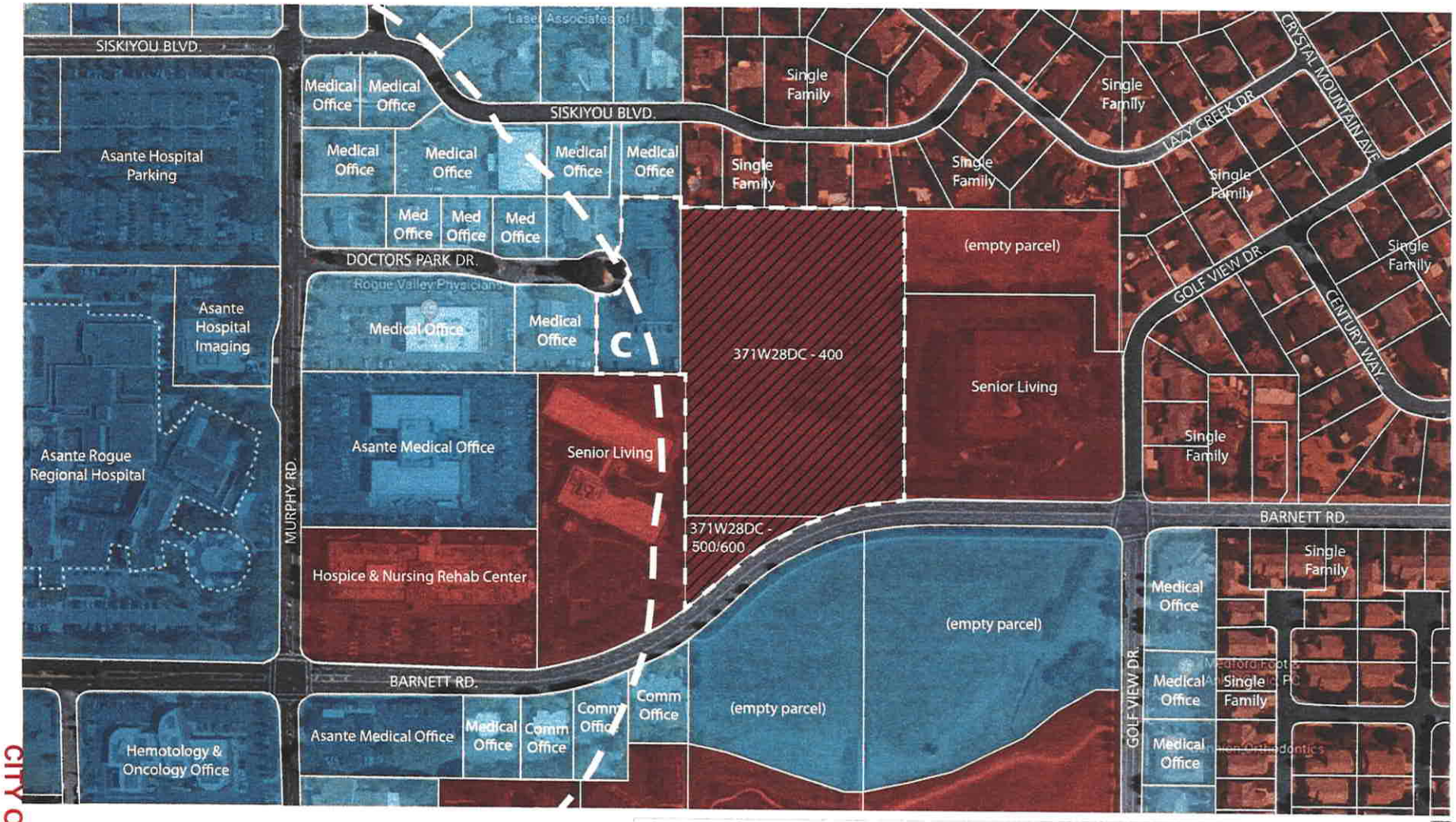
EXHIBIT # C
FILE # ZC-19-011

Findings of Fact - Appendix B
Site - 371W28DC - 400, 500, 600



APPENDIX B - GLUP/ZONING DESIGNATIONS
OUTPATIENT ONCOLOGY CLINIC
ASANTE | 16 January 2019
MAHLUM ARCHITECTS INC

mahlum

COMMERCIAL USE
GLUP-SC ZONE: C-SP ASANTE OWNED
GLUP-SC ZONE: C-SP OWNED BY OTHERS

RESIDENTIAL USE
GLUP-UH ZONE: MFR-30
GLUP-UR ZONE: SFR-4

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EXHIBIT # D
FILE # ZC-19-011

New Diagnosed Cancer Cases (Analytic) Pool Growth, 2018 - 2028

County	Years										
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Jackson County	1,341	1,367	1,394	1,420	1,447	1,473	1,500	1,526	1,552	1,579	1,605
Josephine County	628	638	649	660	671	681	692	703	713	724	735
Subtotal Jackson and Josephine Counties	**1,969**	**2,006**	**2,043**	**2,080**	**2,117**	**2,154**	**2,191**	**2,229**	**2,266**	**2,303**	**2,340**
Other Additional Counties											
Klamath County	362	366	371	376	380	385	389	394	399	403	408
Curry County	166	169	171	174	176	178	181	183	186	188	190
Siskiyou County	290	292	294	296	299	301	303	305	307	309	312
Douglas County	459	466	474	481	488	496	503	510	518	525	532
Del Norte County	139	139	140	141	142	142	143	144	145	145	146
Subtotal Other Counties	**1,416**	**1,433**	**1,450**	**1,468**	**1,485**	**1,502**	**1,519**	**1,537**	**1,554**	**1,571**	**1,588**
Total	**3,384**	**3,439**	**3,493**	**3,548**	**3,602**	**3,656**	**3,711**	**3,765**	**3,820**	**3,874**	**3,928**

ONCOLOGY RESOURCE CONSULTANTS

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EXHIBIT # E
FILE # ZC-19-011

MEDFORD
PUBLIC WORKS

LD DATE: 7/17/2019
File Number: ZC-19-011

PUBLIC WORKS DEPARTMENT STAFF REPORT

Asante Health Systems – Regional Cancer Center
Barnett Road (TLs 400, 500/600)

Project: Consideration of a request for a zone change of three contiguous parcels totaling 5.26 acres.

Location: Located north of Barnett Road and east of Murphy Road, from MFR-30 (Multiple Family, thirty dwelling units per gross acre) to C-S/P (Commercial, Service & Professional Office) (371W28DC TL 400, 500 & 600).

Applicant: Applicant, Mahlum Architects; Planner, Dustin Severs

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I. Sanitary Sewer Facilities

The sanitary sewer system has capacity for the proposed zone change.

II. Storm Drainage Facilities

This site lies within the Larson Creek Drainage Basin. The subject property currently drains to the southwest. The proposed Zone Change has the potential to increase storm drainage flows to Larson Creek where there are known capacity constraints. Based on this information, the Public Works Department recommends this Zone Change be denied, or the applicant stipulate to only develop so the total 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

Public Works received a Transportation Impact Analysis titled, "Asante MFR-30 to C-S/P Zone Change," dated May 29, 2019. Comments were returned on June 19, 2019. A response

CITY OF MEDFORD
EXHIBIT # F
FILE # ZC-19-011

to those comments was received on July 15, 2019. As of the Land Development meeting on July 17, 2019, Public Works has not had enough time to review the report and recommends denial until all transportation issues are adequately addressed.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

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

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-19-011

PARCEL ID: 371W28DC TL's 400, 500, 600

PROJECT: Consideration of a request for a zone change of three contiguous parcels totaling 5.26 acres located north of Barnett Road and east of Murphy Road, from MFR-30 (Multiple Family, thirty dwelling units per gross acre) to C-S/P (Commercial, Service & Professional Office) (371W28DC TL 400, 500 & 600); Applicant, Mahlum Architects; Planner, Dustin Severs

DATE: July 17, 2019

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

COMMENTS

1. The Medford Water Commission has adequate water supply to provide water service and fire protection water to the proposed medical office building.

2. Off-site water line installation will be required to make connections to existing nearby water lines for "on-site" extension for domestic water, fire protection water, and landscape irrigation water.

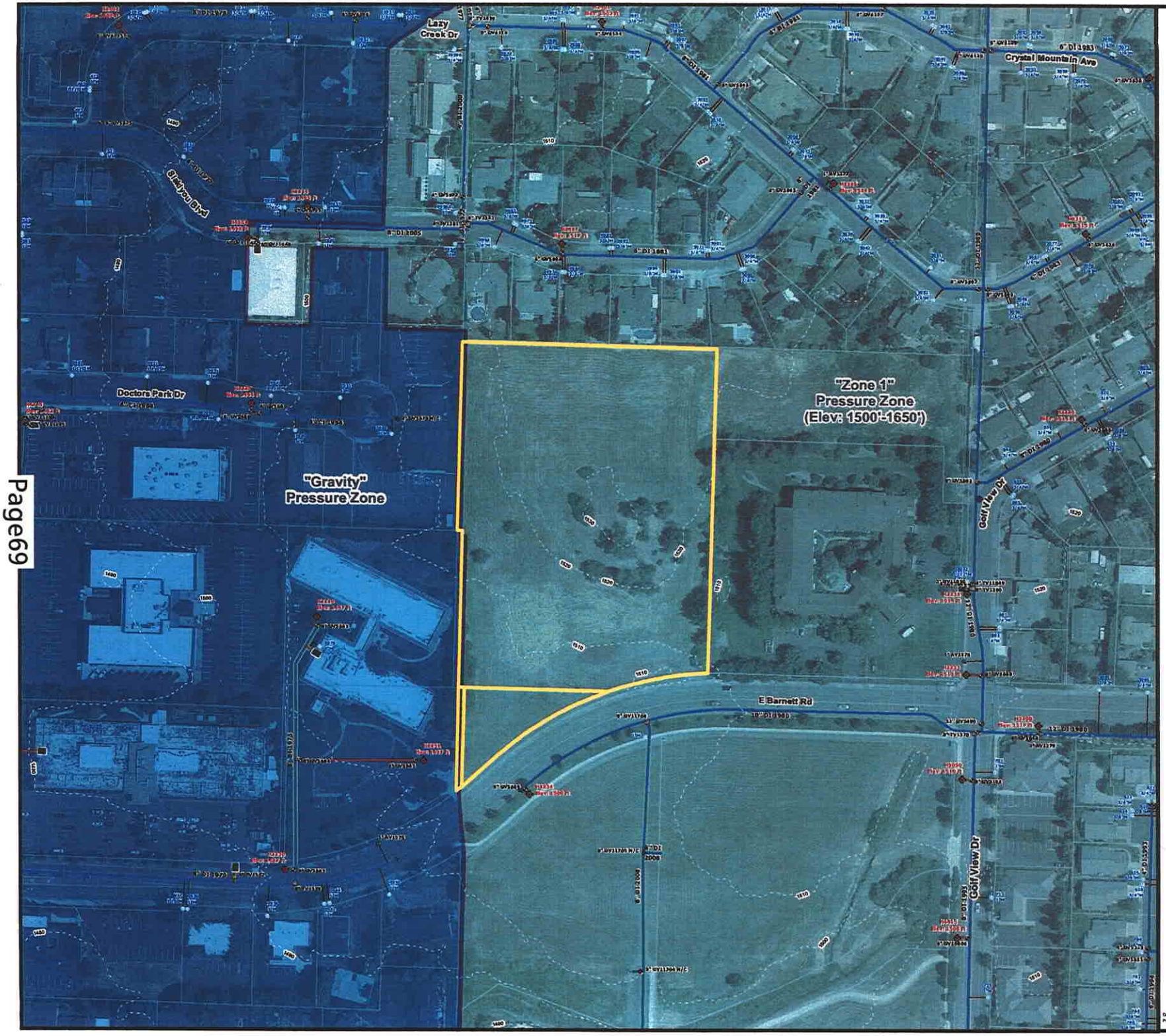
3. Water facilitity improvements will be conditioned at time of future site plan review.

4. MWC-metered water service does not exist to this property.

5. These properties are currently located in MWC's Pressure Zone 1A. Pressure Zone 1A extends from elevation 1500 ft to 1650 ft.

6. Access to MWC water lines is available. There is an existing Pressure Zone 1A 10-inch ductile iron water on the south side of Barnett Road. There is also an existing Pressure Zone 1A 8-inch water line in Siskiyou Blvd.

CITY OF MEDFORD
EXHIBIT # G
FILE # ZC-19-011


Lazy Creek Dr
Crystal Mountain Ave
Doctors Park Dr
"Gravity" Pressure Zone
"Zone 1" Pressure Zone (Elev: 1500'-1650')
E Barnett Rd
Golf View Dr
N
Feet
0 50 100 200
Scale: 1"= 200'
Water Facility Map
City of Medford
Planning Application:
ZC-19-011
July 17, 2019
Legend
Air Valve
Sample Station
Fire Service
Hydrant
Reducer
Blow Off
Plugs-Caps
Water Meters:
Active Meter
On Well
Unknown
Vacant
Water Valves:
Butterfly Valve
Gate Valve
Tapping Valve
Water Mains:
Active Main
Abandoned Main
Reservoir Drain Pipe
Pressure Zone Line
Boundaries:
Urban Growth Boundary
City Limits
Tax Lots
MWC Facilities:
Control Station
Pump Station
Reservoir
MEDFORD WATER COMMISSION

Dustin J. Severs

From: Cinthya Y. Perezchica
Sent: Tuesday, July 9, 2019 8:33 AM
To: 'MCDONALD John'; Dustin J. Severs
Cc: WANG Wei * Michael; SCRUGGS Julee Y; HOROWITZ Micah
Subject: RE: Land Development meeting July 17, 2019

Thank you, I will forward your comments to Dustin Severs.

From: MCDONALD John [mailto:John.MCDONALD@odot.state.or.us]
Sent: Tuesday, July 9, 2019 7:26 AM
To: Cinthya Y. Perezchica
Cc: WANG Wei * Michael ; SCRUGGS Julee Y ; HOROWITZ Micah
Subject: RE: Land Development meeting July 17, 2019

Cinthya,

ZC-19-011 – we are currently working with the applicant's engineer on a traffic impact analysis for the zone change. We request the following condition of approval: applicant shall complete a traffic impact analysis; to demonstrate compliance with the Transportation Planning Rule (OAR 660-012), the traffic impact analysis shall identify significant effects to the transportation system, the year the effect(s) is anticipated to occur, and mitigation; applicant shall identify how the proposed mitigation will be funded.

PA-19-059 – no comments

Sincerely,

John McDonald
Development Review Planner
ODOT Southwestern Region
541-957-3688

From: Cinthya Y. Perezchica <Cinthya.Perezchica@cityofmedford.org>
Sent: Monday, July 8, 2019 10:58 AM
To: Angela R. Durant <Angela.Durant@cityofmedford.org>; 'Bob Neathamer' <bob@neathamer.com>; Brian <Brian@GWEarch.com>; Brian N. Sjothun <Brian.Sjothun@cityofmedford.org>; Brian W. Robinson <Brian.Robinson@cityofmedford.org>; Carla G. Paladino <Carla.Paladino@cityofmedford.org>; HARSHMAN Cathaleen A * Cathy <Cathaleen.A.HARSHMAN@odot.state.or.us>; Chad E. Wiltrout <Chad.Wiltrout@cityofmedford.org>; 'Chad Pliler - ECSO' <Chad.Pliler@ECSO911.com>; 'Darrell - Hoffbuhr' <dlh@hoffbuhr.com>; David Searcy <david.searcy@medfordwater.org>; MOREHOUSE Donald <Donald.MOREHOUSE@odot.state.or.us>; Douglas E. Burroughs <Douglas.Burroughs@cityofmedford.org>; Dustin J. Severs <Dustin.Severs@cityofmedford.org>; Earl R. Lighthill <Earl.Lighthill@cityofmedford.org>; Gayle G. Cotone <Gayle.Cotone@cityofmedford.org>; 'Gene Abell' <gabell@abellarchgroup.com>; Greg G. Kleinberg <John.Kleinberg@cityofmedford.org>; Haley C. Cox <Haley.Cox@cityofmedford.org>; 'Heather M. Merrihew' <Heather.Merrihew@cityofmedford.org>; Jennifer L. Ingram <Jennifer.Ingram@cityofmedford.org>; 'Jim Maize' <jmaize3145@charter.net>; 'Jim Martin - Century Link' <jim.martin@centurylink.com>; Jodi K. Cope <Jodi.Cope@cityofmedford.org>; Joe Slaughter <Joe@joeslaughterplanner.com>; MCDONALD John <John.MCDONALD@odot.state.or.us>; Karen M. Spoonts <Karen.Spoonts@cityofmedford.org>; Karl H. MacNair <Karl.MacNair@cityofmedford.org>; Katie M. Zerkel <Katie.Zerkel@cityofmedford.org>; Kelly Evans <Kelly.Evans@cityofmedford.org>; Kimberly Bouttiete

CITY OF MEDFORD
EXHIBIT # H
FILE # ZC-19-011

I. EXECUTIVE SUMMARY

Summary

Southern Oregon Transportation Engineering, LLC prepared a traffic impact analysis for the proposed Asante zone change from Multi-family Residential MFR-30 to Professional Office/Service Commercial C-S/P in Medford, Oregon. The subject property is located along the north side of Barnett Road, west of Golf View Drive on Township 37S Range 1W Section 28DC, Tax Lots 400, 500, and 600.

The proposed zone change to C-S/P is estimated, using City of Medford trip generation methodology, to generate 2,630 average daily trips (ADT) with 210 trips occurring during the a.m. peak hour and 263 trips during the p.m. peak hour. The site is currently vacant.

Any intersection (involving collectors and arterials) impacted by 25 or more peak hour trips was considered a study area intersection. Study area intersections and site driveways were evaluated under existing year 2019, design year 2020, and future year 2038 no-build and build conditions. Intersections under ODOT jurisdiction were additionally evaluated during the a.m. peak hour.

Conclusions

The findings of the traffic impact analysis conclude that the proposed zone change from MFR-30 to C-S/P on Township 37S Range 1W Section 28DC, Tax Lots 400, 500, and 600 in Medford, Oregon can be accommodated on the transportation system with planned improvements and proposed mitigations. A summary of results and conclusions are as follows:

1. The signalized intersection of N Phoenix Road / Barnett Road operates at a level of service "E" under design year 2020 build conditions with pipeline trips considered during the p.m. peak hour. A planned improvement is to change the northbound and southbound left turn phasing from protected to protected-permissive. If this planned improvement is not in place at the time of development or proposed concurrency changes are not adopted by the City, then it is required to mitigate the intersection back to level of service "D".
2. The South Medford Interchange is shown to experience heavy queuing during the a.m. and p.m. peak hours. The interchange has a spike during the a.m. peak hour just before 8:00 a.m. that lasts for approximately 7-10 minutes. The northbound right turn movement on Highland Drive at Barnett Road spills back to the I-5 northbound off-ramp and contributes toward additional queuing on both I-5 off-ramps. There is a planned, funded Tier 1 project (#I-78) in the City of Medford Transportation System Plan (TSP) to add a second northbound right turn lane at the intersection of Highland Drive / Barnett Road. The timeframe is estimated as mid-term, which is 5-10 years. With this improvement in place, congestion on the overpass is significantly reduced. Another spike at the interchange occurs during the p.m. peak hour and produces heavy queuing in the opposite direction from OR 99 to the I-5 southbound off-ramp. This spike is not as distinct as the a.m. peak hour spike, but is observed to last longer, which makes it more difficult for ramp traffic to recover from peak loading within each cycle length of allocated green time. Widening is planned on the I-5 southbound off-ramp in the near future. This will help alleviate queuing on the southbound off-ramp.
3. Barnett Road is shown to experience heavy queuing during the p.m. peak hour in the westbound direction under existing conditions. It begins at Highland Drive in the westbound dual left turn movement and spills back through Ellendale Drive and further east. Part of the

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problem is the westbound dual left turn storage, which needs to be lengthened. If the City removes the existing concrete island median that restricts this movement, and replaces it with a channelized strip median that extends to Ellendale Drive, then the dual left turn storage will increase from 300 feet per lane to approximately 725 feet per lane. Access will be restricted along Barnett Road between Highland Drive and Ellendale Drive to right-in, right-out movements as a result, but this will need to occur at some point in the future to address congestion and increases in traffic.

4. A full-movement access is proposed on Barnett Road near the east property line of the subject property. At the time of development, Barnett Road needs to be widened and re-striped to include a center two-way-left-turn lane (TWLTL) for the eastbound left turn movement.

This analysis was undertaken to address issues of compliance with the City of Medford Comprehensive Plan, Land Development Code, and Oregon Transportation Planning Rule (TPR) in Oregon Administrative Rules (OAR) Chapter 660, Division 012. Based upon our analysis of streets and intersections within the study area, it is concluded that the proposed zone change can be approved with planned improvements and recommended mitigations without significantly affecting existing or planned transportation facilities.

Medford – A fantastic place to live, work and play

CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

June 19, 2019

Kimberly Parducci, P.E.
Southern Oregon Transportation Engineering
319 Eastwood Dr.
Medford, OR 97504

Dear Ms. Parducci:

We have received the Traffic Impact Analysis Report dated May 29, 2019 for consideration of a Zone Change totaling 5.26 acres on 371W28DC Tax Lots 400, 500, and 600. We have the following comments:

1. General: ODOT intersections should be addressed with ODOT in a separate report. We have reviewed the TIA as-is but any responses to ODOT comments should be addressed separately from responses to City comments.
2. General: Per the scoping letter, the intersection of Ellendale Dr & Barnett Rd needs to be included in the a.m. peak analysis for operations and queuing. Ensure that all pertinent tables and figures are updated as well. This is for each studied year in the report.
3. Mitigations: The report finds that the signalized intersection of Barnett Rd & N Phoenix Rd operates at LOS E under design year 2020 build conditions. Changing the northbound and southbound lefts to protected-permissive operations mitigates the intersection to LOS D. This mitigation will be required prior to site development with the caveat that it may be removed in the future if Medford's standards change in a way that allows mitigation projects to be considered to be reasonably likely to be funded by the end of the planning period.

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4. Mitigations: The report finds heavy queuing at Barnett Rd & Highland Dr during the p.m. peak hour in the westbound direction under existing conditions and recommends removing the existing concrete island median and replacing it with a channelized strip median that extends to Ellendale Drive to extend the left turn storage as an improvement. Since the proposed zone change will make the existing queuing problem worse, this mitigation will be included as a condition of approval.
5. Figure 2: Check the lane configurations at Stewart Ave & Barnett Rd. There is a project under construction that adds a fourth leg to the intersection, adds an eastbound left turn lane, and changes the second northbound right turn lane into a through lane. Check the synchro file configurations as well.
6. Figure 2: Check the lane configurations for Cherry Ln & N Phoenix Rd and Site & Barnett Rd.
7. Page 30: provide recommendations for upstream and downstream storage length of the two-way-left-turn-lane.
8. Page 38: The City does not support u-turns on Barnett Rd at Ellendale Dr or Highland Dr. The geometry at Ellendale Dr does not support it and the right-turn overlap signal operation at Highland Dr would conflict. Please withdraw this recommendation for the proposed mitigation.

Provide an analysis for the information detailed above and resubmit for approval.

If you have questions, please contact Peter Mackprang at (541) 774-2121.

Sincerely,

Karl MacNair
Transportation Manager

CC: file

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC
319 Eastwood Drive - Medford, Or. 97504 – Phone (541) 941-4148 – Email: Kim.parducci@gmail.com

RECEIVED
JUL 15 2019
PLANNING DEPT.

July 15, 2019

Karl MacNair, Transportation Manager1
City of Medford Public Works/Engineering
200 South Ivy Street, Lausmann Annex
Medford, Oregon 97501

RE: Asante Zone Change Traffic Analysis Revisions / Corrections

Dear Karl,

Southern Oregon Transportation Engineering, LLC received comments from Medford Public Works dated June 19, 2019 in response to the proposed Asante zone change (MFR-30 to C-S/P) traffic impact analysis. Revisions and/or clarifications are provided below.

Public Works comment 1: *General: ODOT intersections should be addressed with ODOT in a separate report. We have reviewed the TIA as-is but any responses to ODOT comments should be addressed separately from responses to City comments.*

Response 1: This is noted. We will respond to ODOT directly based on the comments they provided.

Public Works comment 2: *General: Per the scoping letter, the intersection of Ellendale Dr & Barnett Rd needs to be included in the a.m. peak analysis for operations and queuing. Ensure that all pertinent tables and figures are updated as well. This is for each studied year in the report.*

Response 2: We revised our traffic analysis to include the intersection of Ellendale Dr & Barnett Rd during the a.m. peak hour. Updated tables and figures are attached for each analysis scenario. The intersection was shown to operate acceptably through future year 2038 build conditions.

Public Works comment 3: *Mitigations: The report finds that the signalized intersection of Barnett Rd & N Phoenix Rd operates at LOS E under design year 2020 build conditions. Changing the northbound and southbound lefts to protected-permissive operations mitigates the intersection to LOS D. This mitigation will be required prior to site development with the caveat that it may be removed in the future if Medford's standards change in a way that allows mitigation projects to be considered to be reasonably likely to be funded by the end of the planning period.*

Response 3: This is noted.

Public Works comment 4: *Mitigations: The report finds heavy queuing at Barnett Rd & Highland Dr during the p.m. peak hour in the westbound direction under existing conditions and recommends removing the existing concrete island median and replacing it with a channelized strip median that extends to Ellendale Drive to extend the left turn storage as an improvement. Since the proposed zone change will make the existing queuing problem worse, this mitigation will be included as a condition of approval.*

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Response 4: The applicant is agreeable to this. They would like to discuss the design with Public Works.

Public Works comment 5: *Figure 2: Check the lane configurations at Stewart Ave & Barnett Rd. There is a project under construction that adds a fourth leg to the intersection, adds an eastbound left turn lane, and changes the second northbound right turn lane into a through lane. Check the synchro file configurations as well.*

Response 5: We revised all of our synchro models from year 2020 no-build on to reflect the updated lane configurations, signal timing, and traffic volumes at Stewart Avenue / Barnett Road. The revised output is provided in the attached tables, figures, and synchro sheets. The intersection was shown to operate acceptably through future year 2038 build conditions.

Public Works comment 6: *Figure 2: Check the lane configurations for Cherry Ln & N Phoenix Rd and Site & Barnett Rd.*

Response 6: Figure 2 has been revised and is attached.

Public Works comment 7: *Page 30: Provide recommendations for upstream and downstream storage length of the two-way-left-turn lane.*

Response 7: The queuing analysis for the future year 2038 build condition estimates that the eastbound left turn 95th percentile queue length will be approximately 50 feet. Traditionally, 100 feet of storage is recommended within a two-way left-turn lane (TWLTL) before beginning the taper of the lane. This would be recommended west of the driveway. East of the driveway the center TWLTL should allow for a vehicle to pull into it from the north, which equates to approximately 25 feet of storage before beginning the taper of the lane. It is our understanding that the civil design from Dew Engineering used longer storage lengths than this, which will be more conservative.

Public Works comment 8: *Page 38: The City does not support u-turns on Barnett Rd at Ellendale Dr or Highland Dr. The geometry at Ellendale Dr does not support it and the right-turn overlap signal operations at Highland Dr would conflict. Please withdraw this recommendation for the proposed mitigation.*

Response 8: This was not a recommendation, but was rather a suggestion to mitigate the impact if there was a concern for access to driveways in-between that would be restricted as a result of the median. The proposed median modification is still recommended without adding u-turns at the nearest intersection, but we thought the City might receive complaints over this. The applicant is willing to look at alternate design options with Public Works if this is a concern.

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

Sincerely,

Kimberly Parducci PE, PTOE
SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

Attachments: Revised Figures
Revised Tables
Revised Synchro/SimTraffic Output
Public Works Comments

Cc: Planning Department
Client

City of Medford
Planning Department

Vicinity Map

File Number:
ZC-19-011

Project Name:

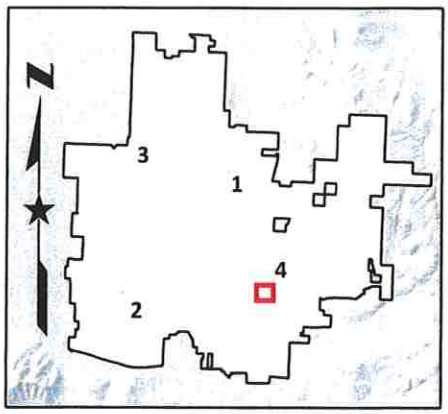
Zone Change

Map/Taxlot:

371W28DC TL 400, 500 & 600

0 185 370 Feet

Legend

- Subject Area
- Zoning Districts
- Tax Lots

06/11/2019