

PLANNING COMMISSION AGENDA SEPTEMBER 28, 2017



Commission Members

David Culbertson
Joe Foley
Bill Mansfield
David McFadden
Mark McKechnie
E. J. McManus
Patrick Miranda
Alex Poythress
Jared Pulver

Regular Planning Commission meetings
are held on the second and fourth
Thursdays of every month
Meetings begin at 5:30 PM

City of Medford

City Council Chambers
411 W. Eighth Street, Third Floor
Medford, OR 97501
541-774-2380



Planning Commission

Agenda

Public Hearing
September 28, 2017

5:30 PM

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

-
10. **Roll Call**
 20. **Consent Calendar/Written Communications (voice vote)**
 - 20.1 **ZC-17-089** Final Order of a zone change on 0.45 acre parcel located immediately northwest of the intersection of W McAndrews Road and N Ross Lane in Northwest Medford from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-6 (Single Family Residential – 6 dwelling units per acre). (372W26AA3900). (Craig Horton, Applicant; Richard Stevens & Associates, Agent; Steffen Roennfeldt, Planner III)
 - 20.2 **LDS-17-079 / E-17-080** Final Orders of a request for tentative plat approval for Cherrybrook Subdivision, a 4-lot residential subdivision on approximately 1.13 acres located north of Prune Street and east of Cherry Street within an SFR-10 (Single Family Residential-10 dwelling units per gross acre) zoning district. The request includes an Exception to the standards for lot dimensions. (Rick Schiller, Applicant; Amy Gunter, Agent; Steffen Roennfeldt, Planner III)
 - 20.3 **E-16-087** Consideration of request for a one-year time extension of the approval to allow a public commercial street to vary from the development code standard. The subject street lies between Farmington Avenue and Yamsay Drive, approximately 575 feet north of Cedar Links Drive, within the Cedar Landing Planned Unit Development. (Cedar Investment Group LLC; Applicant; CSA Planning Ltd., Agent, Kelly Akin, Assistant Planning Director)
 30. **Minutes**
 - 30.1 Consideration for approval of minutes from the September 14, 2017, hearing.
 40. **Oral and Written Requests and Communications**

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

Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**
 60. **Reports**
 - 60.1 Site Plan and Architectural Commission
 - 60.2 Joint Transportation Subcommittee
 - 60.3 Planning Department

70. Messages and Papers from the Chair
80. Remarks from the City Attorney
90. Propositions and Remarks from the Commission
100. Adjournment

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-17-089 APPLICATION)
FOR A ZONE CHANGE SUBMITTED BY CRAIG HORTON) **ORDER**

ORDER granting approval of a request for a zone change for *Craig Horton*, described as follows:

A zone change on 0.45 acre parcel located immediately northwest of the intersection of W McAndrews Road and N Ross Lane in Northwest Medford from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-6 (Single Family Residential – 6 dwelling units per acre).

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning for *Craig Horton*, as described 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 Staff Report dated September 7, 2017, 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 26AA Tax Lot 3900

is hereby changed as described above.

Accepted and approved this 28th day of September, 2017.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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94-27474

Exhibit "B"

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10
20

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that CRAIG D. HORTON and MARY JANE HORTON, husband and wife, hereinafter called "Grantor", for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Craig Dean Horton and Mary Jane Horton, Trustees of THE CRAIG DEAN and MARY JANE HORTON REVOCABLE TRUST, (Lawrence S. Horton, III is designated as Alternate Trustee) hereinafter called "Grantee", and unto Grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Jackson, State of Oregon, described as follows, to-wit:

Beginning at a point which is North 540.5 feet from the Southeast corner of the East half of Donation Land Claim No. 72 in Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; and from said point running South 89° 20' West, 217.8 feet; thence North 120 feet; thence North 89° 20' East a distance of 217.8 feet, thence South 120 feet to the point of beginning.

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

The actual consideration consists of or includes other property or value given or promised which is the whole consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON

AFTER RECORDING, RETURN TO:
Grantland, Grensky & Blodgett
204 West Ninth Street
Medford, Oregon 97501

SEND ALL TAX STATEMENTS TO:

No Change

1 - BARGAIN AND SALE DEED

Law Offices Of
GRANTLAND, GRENSKY & BLODGETT
204 West 9th St
Medford, OR 97501
(503) 713-8712

PLANNING DEPT

CITY OF MEDFORD
EXHIBIT # _____
File # ZC-17-089

BEFORE THE MEDFORD PLANNING COMMISSION

STATE OF OREGON, CITY OF MEDFORD

IN THE MATTER OF A TENTATIVE PLAT APPROVAL OF)
)
CHERRYBROOK SUBDIVISION [LDS-17-079]) ORDER

ORDER granting approval of a request for tentative plat for *Cherrybrook Subdivision*, described as follows:

A 4-lot residential subdivision on approximately 1.13 acres located north of Prune Street and east of Cherry Street within an SFR-10 (Single Family Residential-10 dwelling units per gross acre) zoning district.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.265 through 10.267; and
2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *Cherrybrook Subdivision*, as described above, with the public hearing a matter of record of the Planning Commission on September 14, 2017.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval for *Cherrybrook Subdivision*, as described above and directed staff to prepare a final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for *Cherrybrook Subdivision*, stands approved per the Planning Commission Report dated September 14, 2017, 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 September 14, 2017.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.270 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 28th day of September, 2017.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR)
)
CHERRYBROOK SUBDIVISION [E-17-080]) ORDER

ORDER granting approval for a request of an exception for *Cherrybrook Subdivision*, as described below:

Requesting an exception to the standards for lot dimensions for *Cherrybrook Subdivision*, a 4-lot residential subdivision on approximately 1.13 acres located north of Prune Street and east of Cherry Street within an SFR-10 (Single Family Residential-10 dwelling units per gross acre) zoning district.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Sections 10.251 and 10.252; and
2. The Medford Planning Commission has duly held a public hearing on the exception for *Cherrybrook Subdivision*, as described above, with the public hearing a matter of record of the Planning Commission on September 14, 2017.
3. At the public hearing on said exception, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted exception approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for *Cherrybrook Subdivision*, as described above, stands approved per the Planning Commission Report dated September 14, 2017, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for exception approval is hereafter supported by the findings referenced in the Planning Commission Report dated September 14, 2017.

BASED UPON THE ABOVE, the Planning Commission determined that the exception is in conformity with the provisions of law and Section 10.253 criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 28th day of September, 2017.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION REPORT

for a Type-C quasi-judicial decision: Land Division and Exception

Project Cherrybrook Subdivision
Applicant: Rick Schiller; Agent: Amy Gunter

File no. LDS-17-079/E-17-080

Date September 14, 2017

BACKGROUND

Proposal

Consideration of a tentative plat for a 4 lot residential subdivision on 0.85 acres zoned SFR-10 (Single Family Residential, 10 dwelling units per gross acre) located on the northeast corner of Prune Street and Cherry Street. The request includes an Exception to the standards for lot dimensions.



Subject Site Characteristics

Zoning	SFR-10	Single Family Residential – 10 dwelling units per gross acre
GLUP	UR	Urban Residential
Use	Occupied by one single family residence and one detached shop	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-10
	Use:	Single family homes
<i>South</i>	Zone:	SFR-10
	Use:	Single family homes
<i>East</i>	Zone:	SFR-10
	Use:	Single family homes
<i>West</i>	Zone:	SFR-10 & SFR-00 (Single family residential – 1 dwelling unit per existing lot)
	Use:	Single family homes

Related Projects

A-03-26	Annexation	(Prune/Farr Enclave)
ZC-06-207	Zone Change	(Goyo Zone Change SR-2.5 to SFR-10)

Applicable Criteria

Medford Land Development Code §10.270, Land Division Criteria

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

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

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

Medford Municipal Code §10.253 -Exception Approval Criteria

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

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

not sufficient proof in granting an exception to show that greater profit would result.

ISSUES AND ANALYSIS

Project Summary

The subject site is composed of one lot totaling 1.16 gross acres located within the SFR-10 zoning district. The applicant is proposing a tentative plat consisting of a development with four lots. Proposed Lot 1 would contain the existing single-family residence & shop building; proposed Lots 2, 3 & 4 would be vacant with Lot 2 proposed to be a duplex lot (Exhibit B).

Code Compliance

Density

The standard density calculation for the SFR-10 zone is between six and ten dwelling units per gross acre. The net parcel size is 0.85 acres and the gross parcel size including both fronting half-streets is 1.16 acres. Per Medford Land Development Code (MLDC) Section 10.708(A)(3)(c) – Non Development Areas, *areas that may be removed from the density calculation, at the discretion of the developer, include lots with an existing house and yard, that exceed the maximum lot area as allowed in Section 10.702(3)(a).*

MLDC Section 10.702(3)(a) states that *a new residential lot may exceed the maximum lot area only under following circumstances: (a) when an existing residence and associated yard area, containing improvements and established landscaping, occupy a larger area.*

Based on the gross acreage, including the 0.27 acres reduction for existing development based on the MLDC Sections listed above, the permitted density range is between five and eight. The applicant is proposing four parcels with three single family dwelling units and one duplex for a total of five dwelling units. A condition requiring for Lot 2 be identified as a duplex Lot on the Final Plat is included to ensure the tentative plat meets density standards.

Street Circulation

The subject property fronts Cherry Street and Prune Street. Per the applicant, it is not possible to have a through road or interior access road for the use of the public due to the presence of a protected stream and property ownership constraints on the adjacent properties to the north, east, and west. A private minimum access easement will serve the proposed Lots 3 and 4.

Block Length and Accessway

The tentative plat exceeds the maximum block length and perimeter length standards of Section 10.426(C) with a dimension of 2.3 miles (block perimeter length) and 675 feet (block length for Prune Street). The block length on Cherry Street is 560 feet which is within the maximum for block lengths in residential zones (660 feet).

Per MLDC Section 10.426(C)(2) the approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when it is demonstrated by the findings that one or more of the constraints, conditions or uses listed in MLDC Section 10.426(C)(2)(a) through (j) exists on, or adjacent to the site.

The existing creek prevents the construction of a connected interior access road or other public access serving properties to the north, east, and west.

Farr Street to the east of the subject property terminates approximately 125 feet from the easterly property line. Future development on the adjoining properties to the north and east of the subject property could feasibly satisfy the block perimeter standards by connecting Farr Street to Cherry Street at the intersection of Cherry Street and Erin Way.

The property has approximately 158.5 feet of street frontage along Cherry Street and 183 feet of street frontage along Prune Street. Per MLDC Section 10.426(D) *streets intersecting other streets shall be directly opposite of 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.* The closest street connection on Cherry Street to connect to an existing street directly opposite of each other is at Erin Way, which is approximately 310 feet north of the Prune Street / Cherry Street intersection and approximately 125 feet north of the subject property north boundary line.

Therefore, for the subject property, the Planning Commission can find that three constraints, conditions or uses listed in MLDC Section 10.426(C)(2) exist: (b) *Environmental constraints including the presence of a wetland or other body of water,* (f) *Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,* and (j) *When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.*

The subject property has existing development on all adjacent parcels which prevents any connectivity to an existing street or allows for an accessway pursuant to MLDC Section 10.464(1)(b).

Street Dedications & Improvements

The Public Works report describes the required conditions regarding street improvements, right-of-way dedication, curve radii, and Public Utility Easements (Exhibit H). It also contains findings regarding the sanitary sewer system, hydrology, erosion control, and stormwater detention and water quality treatment.

Minimum Access Easement

The tentative plat proposes a Minimum Access Easement to serve Lots 3 and 4. It shall be developed in accordance with MLDC Section 10.430A(1) and 10.450 with proper width and turn-around dimensions.

Per the report from the Fire Department (Exhibit J), the applicant shall install a minimum access address sign. A condition of approval has been included.

Development Standards

As mentioned above, a new residential lot may exceed the maximum lot area if an existing residence and landscaping occupy a greater area. This is true for proposed lot 1 which, therefore, is exempt from the minimum and maximum lot area range standards for Detached Single Family Dwellings standards.

The half-circular driveway serving the existing single-family residence on proposed lot 1 is currently unimproved. Per MLDC Section 10.746 "all parking, loading, driveway, and vehicle maneuvering areas" shall be paved and improved pursuant to the minimum design requirements per MLDC Sections 10.746(1) through (18) and Section 10.550. A condition has been included.

Lots 2 & 3 meet all site development standards per MLDC Section 10.710 – Detached Single Family Dwellings and Section 10.713 – Duplex Dwellings.

For Detached Single Family Dwellings, the minimum lot width for SFR-10 zoned parcels is 40 feet. The calculated lot width (*the perpendicular bisect of the lot depth measurement*) for proposed Lot 4 is approximately three feet, which does not meet the minimum standards for width per MLDC Section 10.710. The requested exception is for Lot 4 to be less than the required 40 feet in width.

Site Development Standards – Detached Single Family Standards					
Development Standards	SFR-10	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Proposed Lot 4
Lot Area Range (Square Feet)	3,600 to 8,125	11,944	DUPLEX LOT	7,326	7,494
Minimum Interior Lot Width	40 feet	97.5 feet		80.5 feet	3'-15/32" (see E-17-80)
Minimum Corner Lot Width	50 feet	n/a		n/a	n/a
Minimum Lot Depth	90 feet	122.5 feet		91 feet	240'-7 11/16"
Minimum Lot Frontage	30 feet	97.5 feet		80.5 feet	

Duplex Dwellings					
	SFR-10	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Proposed Lot 4
Lot Area Range (Square Feet)	6,000* to 12,500*	Single Family Dwelling	9,837	Single Family Dwelling	Single Family Dwelling
Minimum Interior Lot Width	50 feet*		n/a		
Minimum Corner Lot Width	60 feet		61 feet		
Minimum Lot Depth	90 feet		102.5 feet		
Minimum Lot Frontage	30 feet*		61 feet & 102.5 feet		
The * indicates standards that are divided in half IF the duplex is to be divided by a lot-line. Where the duplex is permitted without being divided by a lot-line, THEN two DETACHED dwelling units are permitted in lieu of the duplex.					

Little Elk Creek

A seasonal tributary of Little Elk Creek traverses the property from south to north and bisects the property from east to west. The creek enters the property through a 36 inch culvert under Prune Street, roughly in the middle between the east and west property lines. The creek area is approximately 20 feet wide and four feet deep from top of bank to creek bed. Per the applicant, it has been substantially altered in the past with uniform banks.

The creek is not within a riparian corridor. A 30 feet creek easement is shown on the tentative plat as required per the Public Works report (Exhibit H).

The *Oregon Department of Fish and Wildlife* (ODFW) has no objection to the proposed subdivision as long as each of the proposed parcels can subsequently be developed without altering the channel of the tributary to Little Elk Creek (Exhibit O).

No findings were made by the applicant addressing any alterations to the channel. However, a 30 foot 'Creek Easement' (15 feet on either side of the channel) is shown on the tentative plat.

The Oregon Department of State Lands (DSL) recommended to staff to submit for a Wetland Land Use Notice (WLUN) which gives DSL the opportunity to comment on the proposed subdivision and is a good way to make sure that the applicant knows whether additional wetlands/waters permitting will be required.

At the time this staff report was written, DSL had not yet processed the WLUN application (Exhibit R).

Storm Drainage

Storm Drainage requirements are part of the Public Works report (Exhibition H).

Sanitary Sewer

The subject property is within the Rogue Valley Sewer Services service area. A condition of approval has been included requiring the applicant to comply with the Rogue Valley Sewer Services Report (Exhibit K).

Water Facilities

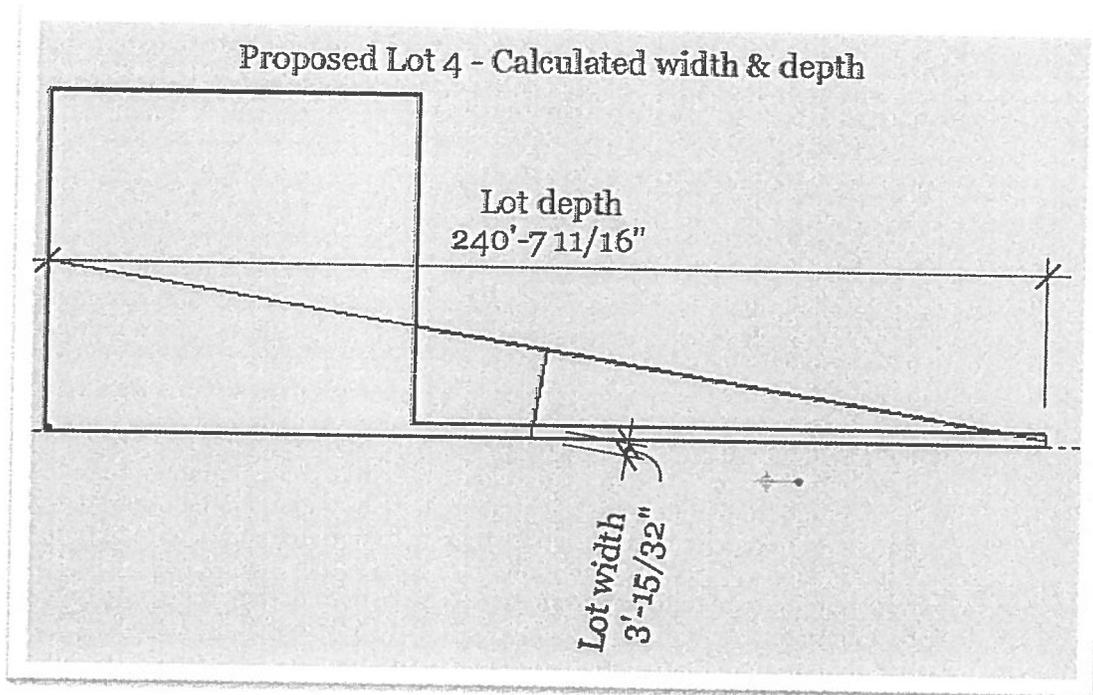
The subject property is within the Medford Water Commission service area. A condition of approval has been included requiring the applicant to comply with the Medford Water Commission Report (Exhibit I).

Medford Fire Department

The report from the Fire Department includes, but is not limited to, requirements and specifications for address identification and fire hydrant locations within the development (Exhibit J).

Exception Request

Proposed Lot 4 has 30 feet of frontage on the proposed Minimum Access Easement. The lot is approximately 240 feet deep. Due to how lot width is measured, the lot is only approximately three feet wide. This width requires an exception to the minimum lot width standard of 40 feet in the SFR-10 zone. The lot cannot meet minimum lot width due to the odd shape of the parcel and how lot width is measured in accordance with the MLDC.



The criteria for Exceptions can be found in MLDC Section 10.253 – Criteria for an Exception. The applicant stated that the actual building area of the lot is physically 80.5 feet wide, and the definition of lot measurements coupled with the unique lot configuration, the exception is necessitated. The purpose of the zone is the development of the property with six to ten dwelling units per acre. The requested exception is due to technical definitions found within the Code but is not detrimental to the health, safety and general welfare or adjacent natural resources.

The unique or unusual circumstances that apply to the site are that the lot has an unusual shape with what is assumed to be a remnant from the original Nickell Subdivision platting that is the three foot wide by 150 foot long “flagpole” that extends north. The flagpole portion of the proposed Lot 4 skews the lot width measurement.

Per the applicant, not granting the Exception would prevent the development of the property to the highest and best use as envisioned in the Municipal Code which is a single-family lot that complies with the minimum lot size and density for the SFR-10 zone.

Additionally, granting of the exception will not permit the establishment of a use which is not permitted in the zoning district.

Staff supports the applicants Findings for the Exception, and recommends the Commission approve the request.

DECISION

The Commission unanimously approved the request at the public hearing held on September 14, 2017. Before the public hearing, one exhibit was updated: A condition was regarding access from the Minimum Access Easement was added to the record as Exhibit A-1.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's Findings of Fact and Conclusions of Law (Exhibits F and G) and recommends the Commission adopt the findings as presented.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of LDS-17-079 and E-17-080 per the staff report dated September 7, 2017, including Exhibits A through T.

EXHIBITS

- A-1 Conditions of Approval, dated September 14, 2017**
- A Tentative Plat received dated July 25, 2017
- B Site Plan dated July 26, 2017
- C Preliminary Grading and Drainage Plan dated July 26, 2017
- D Preliminary Landscape Plan dated July 26, 2017
- E Agent's subdivision findings and conclusions received August 24, 2017
- F Agent's exception findings and conclusions received August 24, 2017
- G Public Works Department Staff Report received August 16, 2017
- H Medford Water Commission Memo received July 16, 2017
- I Medford Fire Department Land Development Report received August 4, 2017
- J Rogue Valley Sewer Services Report received August 13, 2017
- K Medford Building Department Memo received August 16, 2017
- L Address Technician Memo received August 16, 2017
- M Oregon Department of Aviation E-mail received August 7, 2017
- N Oregon Department of Fish and Wildlife E-mail received August 4, 2017
- O Jackson County Roads Report received August 4, 2017
- P Certified Floodplain Manager Memo received August 9, 2017
- Q Oregon Department of State Lands WLUN application dated August 25, 2017
- R Density Calculation
- S Jackson County Assessor's Page
Vicinity map

MEDFORD PLANNING COMMISSION

PATRICK MIRANDA, CHAIR

PLANNING COMMISSION AGENDA:

SEPTEMBER 14, 2017
SEPTEMBER 28, 2017

EXHIBIT A-1
Conditions of Approval
September 14, 2017

LDS-17-079 / E-16-80
CHERRYBROOK SUBDIVISION
Subdivision & Exception Request

Code Conditions

1. The property owner shall comply with the report from the Public Works Department dated August 16, 2017 (Exhibit H).
2. The property owner shall comply with the report from the Medford Water Commission dated July 16, 2017 (Exhibit I).
3. The property owner shall comply with the report from the Medford Fire Department prepared August 4, 2017 (Exhibit J).
4. The property owner shall comply with the report from Rogue Valley Sewer Services dated August 13, 2017 (Exhibit K).
5. The property owner shall comply with the staff memo from the Address Technician dated August 16, 2017 (Exhibit M).
6. The property owner shall comply with the report from Jackson County Roads dated August 4, 2017 (Exhibit P).
7. Prior to approval of the Final Plat:
 - a. The driveway for Lot 1 shall be paved pursuant to MLDC 10.746(11).
 - b. Lot 2 shall be identified as a Duplex lot on the final plat.
8. Lots 3 and 4 shall be accessed from the Minimum Access Easement per MLDC Section 10.430A(1).

CITY OF MEDFORD
EXHIBIT # A-1
File # LDS-17-079/E-17-080



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT – EXTENSION OF TIME

PROJECT Cedar Landing
Applicant: Cedar Investment Group LLC; Agent: CSA Planning Ltd.

FILE NO. E-16-087

To Planning Commission *for meeting of September 28, 2017*

From Kelly Akin, Assistant Planning Director *[Signature]*

Date September 21, 2017

Request

Consideration of request for a one-year time extension of the approval to allow a public commercial street to vary from the development code standard. The subject street lies between Farmington Avenue and Yamsay Drive, approximately 575 feet north of Cedar Links Drive, within the Cedar Landing Planned Unit Development.

Background

The Planning Commission adopted the Final Order granting approval of the project on October 13, 2016. The applicant is requesting an extension of time as allowed under Medford Land Development Code (MLDC) Section 10.254.

Project Review

Per MLDC Section 10.254, extensions shall be based on findings that the facts upon which the application was first approved have not changed to an extent sufficient to warrant refiling of the application. It can be found that neither the circumstances of approval nor applicable site development standards have changed to a degree that warrants refiling of the application. This is the only extension allowed under the Medford Land Development Code.

Recommended Action

Approve the one-year time extension to October 13, 2018, for E-16-087 per the Staff Report dated September 21, 2017.

Exhibits

- A Letter requesting extension received September 13, 2017
- B Approved cross-section
Vicinity Map

RECEIVED

SEP 13 2017

PLANNING DEPT.



CSA Planning, Ltd

4497 Brownridge, Suite 101
Medford, OR 97504

Telephone 541.779.0569
Fax 541.779.0114

Mike@CSAplanning.net

September 13, 2017

Kelly Akin, Asst. Planning Director
City of Medford Planning,
200 South Ivy Street,
Lausmann Annex, Room 240
Medford, Oregon 97501

RE: *Extension Request E-16-087 (Sky Lakes Village within Cedar Landing PUD)*

Dear Ms. Akin,

On October 13, 2016 the Planning Commission approved a request for exception relief to allow a public commercial street that lies between Farmington Avenue and Yamsey Drive. To date, substantial construction has not been completed. The facts upon which exception was approved have not changed.

Therefore, on behalf of our client, Cedar Investment Group LLC, we request a one year extension pursuant to Section 10.254 of the City of Medford Land Development Code.

Should you have any questions, please do not hesitate to contact me.

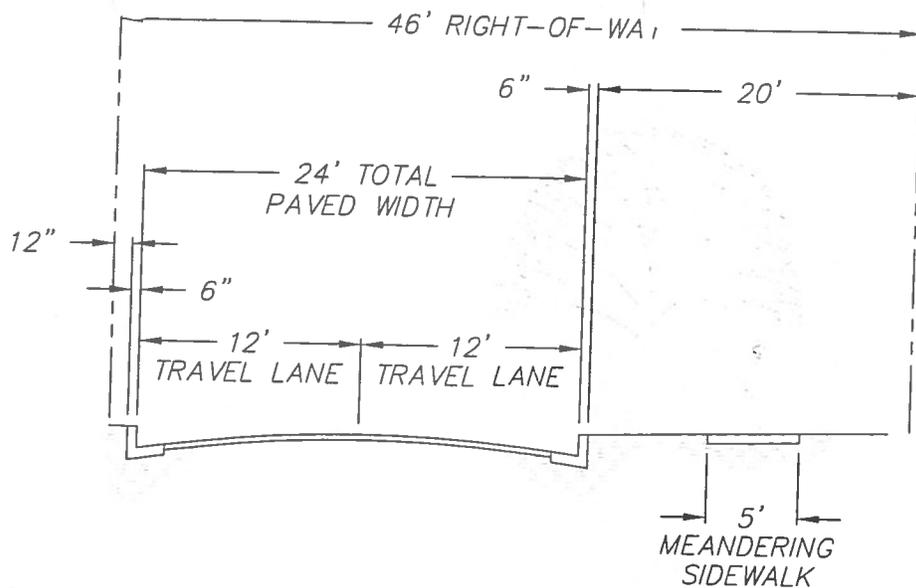
Very truly yours,

CSA Planning, Ltd.

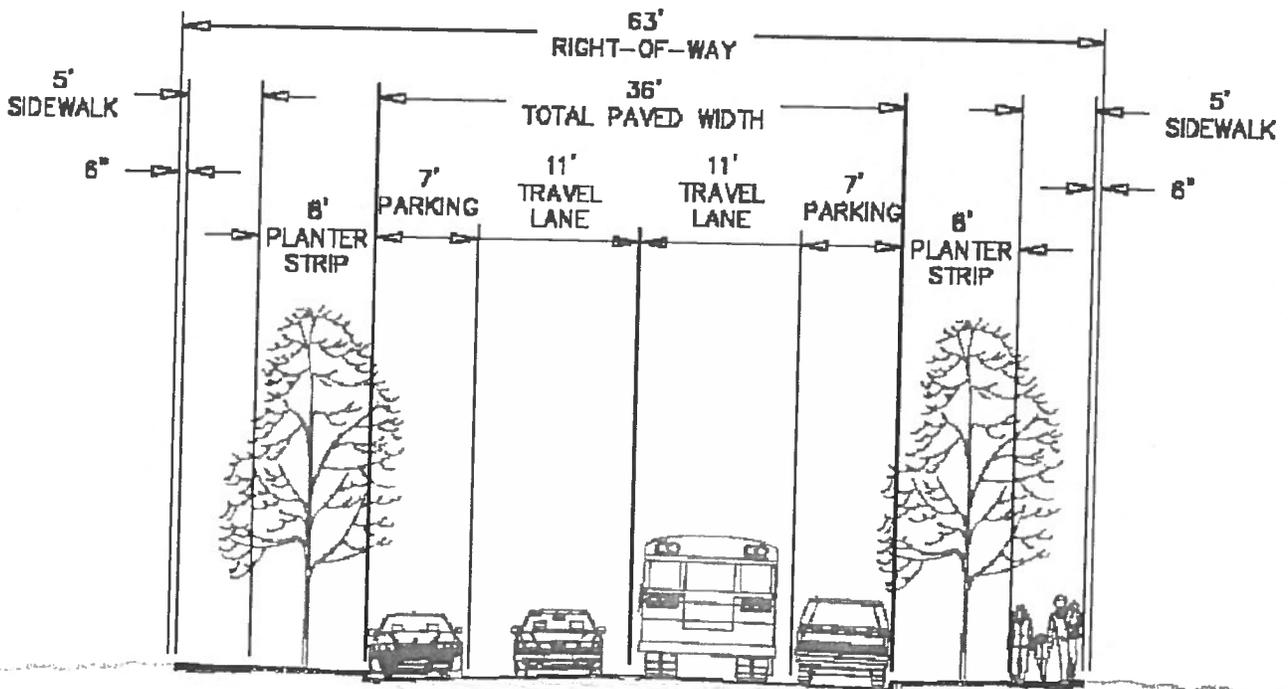
A handwritten signature in black ink, appearing to read 'Michael Savage', written in a cursive style.

Michael Savage
Associate

cc. File



PROPOSED COMMERCIAL STREET ALTERNATE



CITY STANDARD COMMERCIAL STREET

~~CITY OF MEDFORD
EXHIBIT # C
File # E-16-087~~



P.O. BOX 1721 • MEDFORD, OREGON 97501
PH (541) 779-5268

CONSTRUCTION ENGINEERING CONSULTANTS

CEDAR LANDING PUD
PROPOSED COMMERCIAL
STREET EXHIBIT

PROJECT NO.

EXHIBIT NO.

A

CITY OF MEDFORD

EXHIBIT # B

File # E-16-087

EXTENSION OF TIME



Project Name:
**Skylake Village at
Cedar Landing**

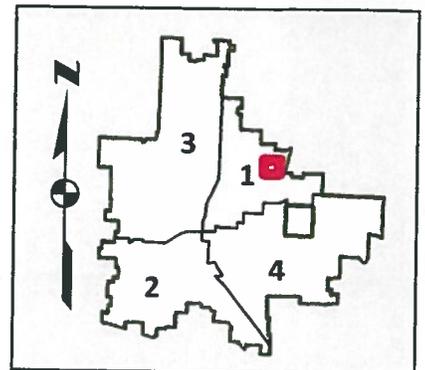
Map/Taxlot:
371W16BD TL 200



07/26/2016

Legend

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





Planning Commission

Minutes

From Public Hearing on **September 14, 2017**

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

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
E.J. McManus
Alex Poythress
Jared Pulver

Staff Present

Kelly Akin, Assistant Planning Director
Eric Mitton, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Terri Rozzana, Recording Secretary
Dustin Severs, Planner III
Steffen Roennfeldt, Planner III

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 LDS-17-050 Final Order of a request for tentative plat approval for Jam Industrial Park, a proposed 9-lot industrial Pad Lot Development on a 17.13 acre lot located at 301 Ehrman Way, in the General Industrial (I-G) zoning district (372W14 TL 1400). (Fjarli Merlin, Applicant; Richard Stevens & Associates, Inc., Agent; Dustin Severs, Planner III).

20.2 ZC-17-075 Final Order of a zone change on 1.30 acre parcel located immediately southwest of the intersection of Stewart Avenue and Lozier Lane in Southwest Medford from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to MFR-20 (Multi-Family Residential – 20 dwelling units per acre) (372W35AD1900). (Scott Becker, Applicant; Richard Stevens & Associates, Agent; Steffen Roennfeldt, Planner III).

20.3 CUP-17-067 Final Order of a request to revise a previously approved Conditional Use Permit to extend the days and hours of operation of a youth center on a 0.62 acre parcel located on the north side of Roberts Road within an SFR-4 (Single-Family Residential – 4 units per gross acre) zoning district (371W17CA Tax Lot 2200). (Rogue Valley Youth for Christ, Applicant; Praline McCormack, Planner II).

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

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 8–1, with Commissioner McKechnie opposing.

30. Minutes

30.1. The minutes for August 24, 2017, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Eric Mitton, Senior Assistant City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – Old Business

50.1 **SV-17-069** Consideration of a request for the vacation of an approximate 60-foot wide strip of public right-of-way along with the adjacent Public Utility Easements, being a portion of Myers Lane, running north from Garfield Avenue approximately 1743 feet in length, within the Stewart Meadows Village Planned Unit Development. (KOGAP Enterprises, Applicant; Maize & Associates, Agent; Dustin Severs, Planner III).

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

Chair Miranda 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, stated that the vacation criteria can be found in the Medford Land Development Code Section 10.202. The applicable criteria was included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

The Public Hearing was opened.

a. Jim Maize, Maize & Associates, P. O. Box 628, Medford, Oregon, 97501-0042. Mr. Maize reported that the applicant is requesting a vacation for a portion of the Myers Lane right-of-way because it will become a later development potential. The applicant is eager to get started on the residential buildings this fall. Along with the right-of-way dedication there are two public utility easements that need to be vacated and they will be rededicated. The one along Stewart Avenue that drapes down and runs south along Myers Lane is a duplicate redundant public utility easement that was recorded in 1995. There was a subsequent easement with building the medical office under construction on the corner. This one is not needed and there will remain a public utility easement along Stewart Avenue.

Commissioner McKechnie assumes the utilities will follow the new alignment of Myers Lane bending and connect back up at Garfield. Mr. Maize confirmed the statement.

Mr. Maize reserved rebuttal time.

The Public Hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the approval criteria are met or are not applicable, forwards a favorable recommendation to the City Council for approval of SV-17-069 per the staff report dated September 7, 2017, including Exhibits A through O, and including the following conditions of approval:

1. Comply with the requirements of the Public Works Department, including but not limited to the conditions that the new right-of-way and public utility easement dedications for the new alignment of Myers Lane be approved by the City Engineer prior to this application going to the City Council and that these dedications be simultaneously recorded with this vacation (Exhibit K).
2. Comply with the conditions of the Medford Water Commission (Exhibit M).
3. Submit a vacation application to Jackson County and receive Jackson County approval to vacate the proposed portion of Myers Lane (Exhibit O).

Moved by: Vice Chair McFadden

Seconded by: Commissioner Poythress

Roll Call Vote: Motion passed, 9-0.

New Business

50.2 ZC-17-089 Consideration of a zone change on 0.45 acre parcel located immediately northwest of the intersection of W McAndrews Road and N Ross Lane in Northwest Medford from SFR-00 (Single Family Residential – 1 dwelling unit per lot) to SFR-6 (Single Family Residential – 6 dwelling units per acre) (372W26AA3900). (Craig Horton, Applicant; Richard Stevens & Associates, Agent; Steffen Roennfeldt, Planner III).

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

Chair Miranda 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, stated that the zone change criteria can be found in the Medford Land Development Code Section 10.227. The applicable criteria was included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

The Public Hearing was opened.

a. Clark Stevens, Richard Stevens & Associates, Inc., P. O. Box 4368, Medford, Oregon, 97501-0168. Mr. Stevens reported that staff presented a complete report to the Planning Commission. As demonstrated, this application is in compliance with Section 10.227 demonstrating that the applicant is consistent with the General Land Use Plan map, the locational standards and Category "A" public facilities.

Commissioner McKechnie requested that the applicant does not develop five or six flag lots stacked behind each other. Mr. Stevens commented that they would take that into consideration.

Mr. Stevens reserved rebuttal time.

The Public Hearing was closed.

Commissioner McKechnie asked Mr. Mitton, is it legally considering abutting when only touching at one point? To him abutting should be some length of distance. Mr. Mitton stated that he is comfortable saying that it does constitute abutting even when it is a cattie-corner connection. He can research that. Mr. Roennfeldt stated that it happened before.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of ZC-17-089, per the staff report dated September 7, 2017, including Exhibits A through I.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Roll Call Vote: Motion passed, 9-0.

50.3 LDS-17-079 / E-17-080 Consideration of a request for tentative plat approval for Cherrybrook Subdivision, a 4-lot residential subdivision on approximately 1.13 acres located north of Prune Street and east of Cherry Street within an SFR-10 (Single Family Residential-10 dwelling units per gross acre) zoning district. The request includes an Exception to the standards for lot dimensions. (Rick Schiller, Applicant; Amy Gunter, Agent; Steffen Roennfeldt, Planner III).

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

Chair Miranda 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, stated that the land division criteria can be found in the Medford Land Development Code Section 10.270. The exception criteria can be found in

the Medford Land Development Code Section 10.253. The applicable criteria was included in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

Commissioner McKechnie asked, does the 87 ½ feet minus the tail meet the minimum lot depth requirements? Mr. Roennfeldt replied, yes.

The Public Hearing was opened.

a. Amy Gunter, Rogue Planning & Development Services, 1424 S. Ivy Street, Medford, Oregon, 97501. Ms. Gunter reported that the tributary of Little Elk Creek has been substantially altered. It has uniform channelized banks. She has communicated with the Department of State Lands and they stated that as long as no storm drainage is directed towards the creek, it is a riparian area, which is a "hands off" area. The proposal is to have all the storm drainage meet building and public works code but not do into the creek area.

The site plan shows the street improvements. The plan at this time is to get rid of the half driveway in the front yard of the house with the street improvements. The majority of the existing driveway is in the right-of-way that will go away and a single driveway will serve the existing driveway that serves the garage on parcel one. Parcel two driveway section has been pulled far away as possible. The reason for the shared minimum access easement for parcels three and four is that Prune Street is not a higher order street. It is envisioned once it is completed there will be substantial increase in traffic so the applicant wanted to move the driveway away from that intersection as far as possible.

The applicant finds the approval criteria for the four lot subdivision have all been met. The exception to lot width standards is sort of a strange one because it is a definition based exception and not a reality based exception. No one will be developing in the three foot strip. The applicant looked at would that be a potential pedestrian access easement. Three feet is not wide enough for people to walk down. Typically, pedestrian access easements are usually six, eight and ten feet. It is sort of a reserve strip that might be valuable when the lot adjacent develops.

Ms. Gunter reserved rebuttal time.

The Public Hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Order for approval of LDS-17-079 and E-17-080, per the staff report dated September 7, 2017, including Exhibits A-1 through T.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Commissioner McKechnie stated that he hopes the owner of the property put the front face of the building on lot three facing east/west and the one on lot four facing north/south so it does not look like cord wood stacked up.

Roll Call Vote: Motion passed, 9-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission met Friday, September 1, 2017, and it was very quick. There were no business items. Tomorrow is their next meeting and he thinks it is going to be fairly lively because they are dealing with the Mahar buildings on North Phoenix Road was in the paper today.

60.2 Report of the Joint Transportation Subcommittee.

Chair Miranda reported that the Joint Transportation Subcommittee has not met. Their next meeting is scheduled for Wednesday, September 27, 2017.

60.3 Planning Department

Kelly Akin, Assistant Planning Director, reported that today they had an interesting speaker down from the city of Bend that manages the housing program. They have been successful in producing affordable housing for different income levels. He told what their issues had been. They have a building permit excise tax that is a third of a percent for every building permit they issue whether it is residential or commercial. That program started in 2006 and they have invested over \$77M. They have an SDC exemption program. They do assistance with various entities in writing grants. They are very strong in private and public partnership. The Planning Commission will be hearing more of that as they move through some of Medford's housing issues specifically related to the urban growth boundary work of the regional housing needs assessment.

The comment period for the Transportation System Plan outreach phase closed. Staff received over a thousand surveys. Kudos do Carla Paladino, Principal Planner and her staff for all the outreach they have done.

The joint study session with the City Council is scheduled for Monday, September 18, 2017. Discussion will be on food trucks and temporary transitional housing. Discussion for the Monday, September 25, 2017, will be on the Transportation System Plan project list. Staff is proposing and amendment to create a public zoning district. It would apply to City facilities; schools. Discussion for the Monday, October 9, 2017, study session will be more discussion on the Transportation System Plan and draft document review. The long range division is super busy. Their goal is to get a draft Transportation System Plan done by the end of the year.

There is business scheduled for the Planning Commission on Thursday, September 28, 2017. There are no hearing scheduled so it will be a short meeting. Staff will have Final Orders and minutes. There are hearings scheduled for Thursday, October 12, 2017 and Thursday, October 26, 2017.

Last week the City Council decided to have a study session on the Article II reorganization that the Planning Commission recommended. They were not comfortable with the amount of changes which created a problem for staff because the Landmarks and Historic Preservation Commission is a seven member body and there are three vacancies. A quorum has been problematic. That particular piece of the amendment will be going to the City Council's October 5, 2017, meeting. They adopted the final Urban Growth Boundary amendment findings. They also discussed consolidating the Site Plan and Architectural Commission and Landmarks and Historic Preservation Commission into one.

At the next City Council meeting staff will be presenting the Stewart Meadows street vacation and the Belknap street vacation.

Staff sent out an invitation for representation on the Housing Advisory Committee. Commissioner Foley and Commissioner McManus volunteered.

70. Messages and Papers from the Chair.

70.1 Chair Miranda reminded the Commissioners that the Joint Transportation Subcommittee should have three Planning Commission liaisons. Currently, there are only two. He asked the Commissioners to consider volunteering if they are interested. It is interesting, challenging and entertaining. They meet quarterly, the last Wednesday of the month at 3:30 p.m.

80. Remarks from the City Attorney. None.

90. Propositions and Remarks from the Commission.

90.1 Commissioner McKechnie thanked staff for the way they reorganized the staff reports. There was a blurb of what the issue was with a map of its location. It helps him focus and which part of town being discussed. He mentioned this to staff earlier but thought it worth mentioning publically.

100. Adjournment

The meeting was adjourned at 6:19 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Rozzana
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: September 28, 2017