

PLANNING COMMISSION AGENDA OCTOBER 10, 2019



MEDFORD

Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Jared Pulver

Jeff Thomas

Regular Planning Commission
meetings are held on the second and
fourth Thursdays of every month

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380

PLANNING COMMISSION AGENDA



MEDFORD
OREGON

October 10, 2019

5:30 P.M.

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

10. Roll Call

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

20.1 ZC-18-189 Final Order 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.

20.2 ZC-18-178 Final Order 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.

30. Approval or Correction of the Minutes from September 26, 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.

New Business

50.1 SV-19-045 Consideration of a request for vacation of a portion of excess right-of-way on Foothill Road, right-of-way for Normil Terrace and High Cedars Lane west of Foothill Road, a Public Utility Easement (PUE) and Reserve Strips in High Cedars at Cedar Landing, Phases 5B, 6B and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district.. Applicant: Cedar Landing Development LLC; Agent: CSA Planning Ltd.; Planner: Liz Conner.

50.2 ZC-19-015 Consideration of a request for a zone change of an approximately .18 acre lot located at 1035 West 10th Street, south of the intersection of West 10th Street and Canon Street from SFR-10 (Single Family Residential, 10 dwellings units per gross acre) to MFR-20 (Multi Family Residential, 20 dwelling units per gross acre) (372W25DB TL 20100). Applicant: Rea Thomson; Agent: Rogue Planning & Development Services; Planner: Liz Conner.

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.

50.3 DCA-19-004 An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create a land use for emergency (homeless) shelters for short-term use during severe weather events. City of Medford: Applicant; Planner: Kyle Kearns.

60. Reports

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

70. Messages and Papers from the Chair

80. City Attorney Remarks

90. Propositions and Remarks from the Commission

100. Adjournment

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-18-189 APPLICATION)
FOR A ZONE CHANGE SUBMITTED BY JANE ERIN GRIFFIN-HAGLE) **ORDER**

ORDER granting approval with conditions 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).

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below, within corporate limits of the City of Medford; and

WHEREAS, the City Planning Commission has given notice of, and held a public hearing, and, after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Staff Report dated September 19, 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 1W 22 Tax Lot 400

is hereby changed as described above.

Accepted and approved this 10th day of October, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Vice-Chair

ATTEST:

Planning Department Representative

RECEIVED
DEC 11 2018
PLANNING DEPT

Exhibit 'B'
EXHIBIT - Legal Description

Order Number: 63849174
Property Tax ID: 1-049678-0

Land in the city/township/village of Medford and the County of Jackson, State of OR, more particularly described as:

COMMENCING AT THE NORTHWEST CORNER OF DONATION LAND CLAIM NO. 60 IN TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE NORTH 00° 11' 15" EAST (RECORD NORTH 00° 09' EAST), 10.00 FEET; THENCE SOUTH 89° 51' 03" EAST, 503.85 FEET (RECORD SOUTH 89° 35' 20" EAST, 504.97 FEET), TO A 3/4" IRON PIPE, FOR THE POINT OF BEGINNING; THENCE NORTH 00° 11' 32" EAST, 470.43 FEET (RECORD NORTH 00° 09' EAST, 472.50 FEET), TO A 5/8" IRON PIN; THENCE SOUTH 66° 54' 38" EAST, 439.26 FEET (RECORD SOUTH 66° 57' EAST, 439.28 FEET), TO A 5/8" IRON PIN; THENCE SOUTH 61° 25' 03" EAST (RECORD SOUTH 61° 26' EAST), 184.10 FEET, TO A 5/8" IRON PIN; THENCE SOUTH 00° 11' 32" WEST, 212.49 FEET, TO A 1/2" IRON PIPE;
THENCE ALONG THE NORTH LINE OF A QUITCLAIM DEED RECORDED AS DOCUMENT NO. 80-00723, OFFICIAL RECORDS OF JACKSON COUNTY, OREGON, NORTH 89° 45' 26" WEST, 566.60 FEET, TO THE POINT OF BEGINNING.

Parcel ID: 1-049678-0

Commonly described as: 4199 Rachel Way, Medford, OR 97503

CITY OF MEDFORD
EXHIBIT # _____
File # 20-18-189

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-18-178 APPLICATION)
FOR A ZONE CHANGE SUBMITTED BY MIKE AND GAYLE JANTZER) **ORDER**

ORDER granting approval with conditions 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).

WHEREAS, the City Planning Commission in the public interest has given consideration to changing the zoning of real property described below, within corporate limits of the City of Medford; 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 September 26, 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 1W 15C Tax Lot 300

is hereby changed as described above.

Accepted and approved this 10th day of October, 2019.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Vice-Chair

ATTEST:

Planning Department Representative



PLANNING COMMISSION REPORT

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

Project Jantzer Zone Change
Applicant: Mike and Gayle Jantzer; Agent: Richard Stevens & Associates

File no. ZC-18-178

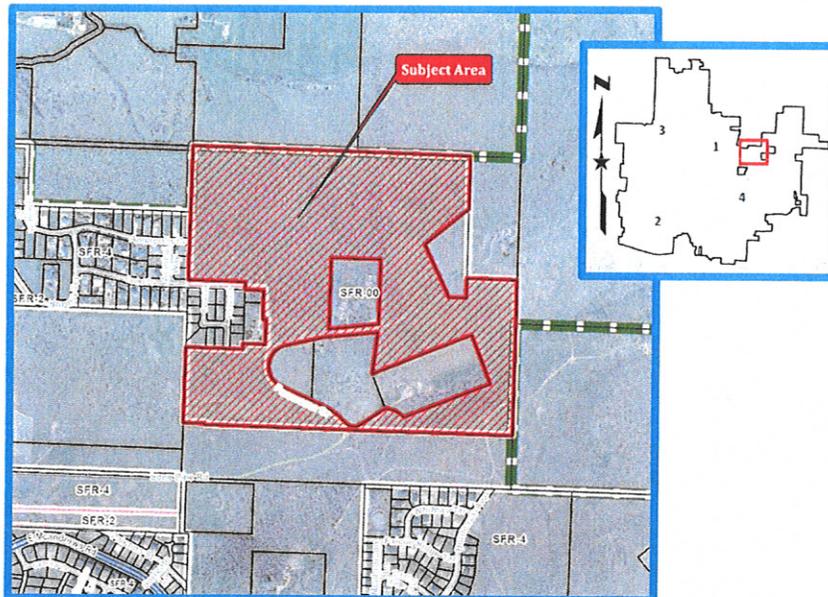
Date September 26, 2019

BACKGROUND

Proposal

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)

Vicinity Map



Subject Site Characteristics

GLUP: UR Urban Residential
Zoning: SFR-00 Single-family Residential, one dwelling unit per existing lot
Use: Vacant

Surrounding Site Characteristics

North Zone: EFU (Exclusive Farm Use) – Jackson County zone
Use: Farm Use

South Zone: EFU – County
Use: Power Transmission Lines

East Zone: OSR (Open Space Reserve) – Jackson County zone
Use: Residential Home Site

West Zone: SFR-4 (Single-family Residential, 4 dwelling units per gross acre)
Use: Single Family Residence

Related Projects

A-07-015 Annexation
PLA-16-148 Property Line Adjustment

Applicable Criteria

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

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

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

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

scribed 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.

ISSUES AND ANALYSIS

Background

The subject site consists of one parcel approximately 92 acres in size. The site is adjacent to the city limits on all sides with the exception of the portions of East Terrace Estates and Panorama Heights to the west along Cadet Drive. The site was annexed into the City of Medford in 2008 by Ordinance 2008-29. At the time of annexation the SFR-00 zoning designation was applied. It is the applicant's request to change the zone designation of the property from SFR-00 to SFR-4.

GLUP Designation

As mentioned previously, the property was annexed into the City in 2008. At that time the GLUP designation was Urban Residential (UR) as shown on the adopted Medford General Land Use Plan Map adopted December 21, 2006 (Exhibit D).

Jurisdictional Exchange Agreement (Exhibit U)

The Public Works Department and Jackson County Roads Department initiated discussion regarding a jurisdictional exchange for 17 roadway segments within the City that are still under Jackson County jurisdiction for maintenance. Three roadways that are in proximity to the subject parcel are Normil Terrace, Annapolis Drive and Cadet Drive. These three roads are not improved to City standards; normally, the City does not take jurisdiction of unimproved roads.

The City Council approved the jurisdictional exchange at the August 15, 2019, meeting and the Jackson County Administrator signed the Agreement on September 11, 2019. The County requested that the Council adopt a resolution for the jurisdictional exchange, which did not occur on August 15. The resolution is scheduled to go before the City Council on September 19, 2019. The resolution by the City Council will be the final action needed to complete the transfer. An update on the Council decision regarding the resolution will be made during the Planning Commission hearing.

With the approval of the jurisdictional exchange agreement by both agencies, the Planning Commission can find that the Public Works comments (Exhibit H), which restrict the Average Daily Trips (ADT) until a satisfactory TIA is submitted can be applied as the jurisdictional authority of Normil Terrace has been transferred to the City. The Jackson County Road comments (Exhibit L) for Normil Terrace will not be applicable; however, the comments for Foothill Road still apply.

Jackson County Roads Comments Exhibit V

The Jackson County Roads Department amended their comments to include an Average Daily Trip cap of 27 single family dwellings within Phase I. The comments also included that no other phases of development beyond the 27 single family units will be approved until the jurisdiction exchange is fully executed to the City of Medford.

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 November 5, 2018 (Exhibit F).

The Public Works report (Exhibit H) states that the TIA is unsatisfactory and recommends a denial of the proposed zone change to SFR-4. However, if the zone change is approved prior to a satisfactory TIA being received and reviewed by Public Works, it is recommended that the following restriction apply:

The zoning shall be restricted to a trip cap of 258 ADT. This cap is based on the underlying zoning of SFR-00, which allows 9 ADT existing, plus 249 ADT, which is one trip below the threshold at which a TIA is required. 258 ADT is equivalent to 27 single-family residential units. ATIA shall be required for any development beyond the trip cap.

Sanitary Sewer

The Public Works report (Exhibit H) states that the proposed zoning to SFR-4 will increase flows to the sanitary sewer system, and that the downstream sanitary sewer system currently has capacity constraints. Based on the constraints Public Works recommends denial of the proposed zone change. If the proposed zone change is approved, the Public Works Department recommends the following restriction apply:

- The property owner provide staff with a deed restriction recorded in the official records of Jackson County stipulating to only develop the property so that the total sewer flows do not exceed current zoning limitation.
 - The developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints.
- Or,
- The developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

Storm Drainage Facilities

Based on the Public Works report (Exhibit H), the proposed development has access to a storm drain system to serve a small portion of the property just uphill of Cadet Drive. For the drainage north and south of Cadet Drive, the developer will need to provide easements: to Foothill Road for the north drainage, and to Lone Pine Road for the south drainage. A condition of approval has been included to comply with the Public Works report.

Public Comment (Exhibit N-S)

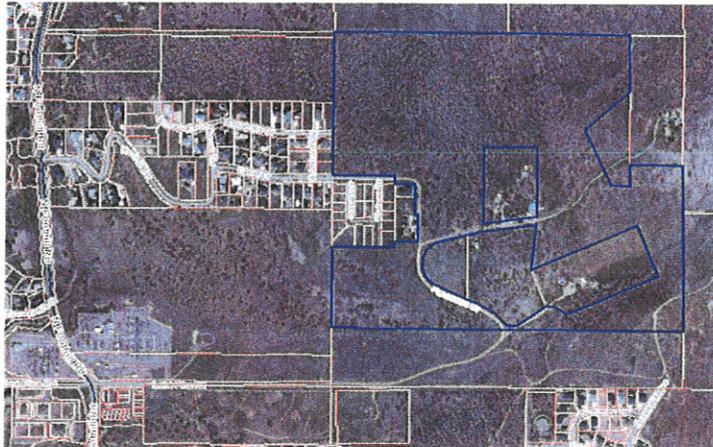
The Planning Department received numerous letters from residents along Annapolis Drive and within the Panorama Heights subdivision. Concerns are focused around the quality and safety of Normil Terrace which is the sole ingress/egress route from the subdivisions East Terrace Estates, Annapolis Drive Estates, Thames and Fordyce Subdivision, Thames and Fordyce Subdivision Extension No. 1, and the subject parcel.

This image below identifies the approved subdivisions that utilize Normil Terrace.



The image to the right identifies the subject parcel in relation to the existing subdivisions.

Another point of concern is the increase in daily vehicle trips could create potential hazards during an evacuation due to fire or other natural disaster.



The various residents reference Jackson County Engineer Mike Kuntz's comments (Exhibit L) in regards to Normil Terrace will be at capacity once the undeveloped lots are fully developed.

The residents' comments also make reference to the entire subject site development, and do not address the Public Works restriction for ADT's.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit E) and recommends the Commission adopt the findings as presented.

RECOMMENDED ACTION

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of ZC-18-178 per the Planning Commission report dated September 26, 2019, including Exhibits A-1 through V.

EXHIBITS

- A-1 Conditions of Approval, dated September 26, 2019
- B Applicant's Zone Maps received November 21, 2018
- C Assessor Map received November 21, 2018
- D General Land Use Plan Map adopted December 21, 2006
- E Applicants findings and conclusions received November 21, 2018
- F Traffic Impact Analysis Executive Summary dated November 5, 2018
- G Public Works Department response to TIA received December 7, 2018
- H Public Works report revised August 16, 2019
- I Medford Fire report received January 2, 2019
- J City Survey Comments received December 21, 2018
- K Medford Water Commission Memo received January 2, 2019
- L Jackson County Roads Comments received December 21, 2018
- M Oregon Department of Transportation comments received January 2, 2019
- N Correspondence from Lee and Gloria Jackson received August 14, 2019
- O Correspondence from Ellie George received July 23, 2019
- P Correspondence from Walter R. Jones received July 10, 2019
- Q Correspondence from Teresina and Paul Christy received August 9, 2019
- R Correspondence from Pat Krikorian received August 9, 2019
- S Correspondence from Greg Howell received August 9, 2019
- T Correspondence from Duane & Adrienne Wallace received September 5, 2019
- U Jurisdictional Exchange Agreement Received September 18, 2019
- V Jackson County Roads Comments received August 24, 2019
Vicinity map

MEDFORD PLANNING COMMISSION

Mark McKechnie, Chair

PLANNING COMMISSION AGENDA:

**OCTOBER 10, 2019
SEPTEMBER 26, 2019
SEPTEMBER 12, 2019
AUGUST 22, 2019**

EXHIBIT A-1

Jantzer Zone Change
ZC-18-178
Conditions of Approval
September 26, 2019

CODE CONDITIONS

1. Comply with the Public Works Department Staff Report, revised August 16, 2019 (Exhibit H).
2. The owner shall provide easements to Foothill Road and Lone Pine Roads for storm drainage.
3. The Restricted Zoning Overlay 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 within 30 days of the zone change becoming effective. Two restrictions will apply to the subject property:
 - a. A trip cap of 258 Average Daily Trips, equivalent to 27 single family residential units;
 - b. The property owner provide staff with a deed restriction recorded in the official records of Jackson County stipulating to only develop the property so that the total sewer flows do not exceed current zoning limitation.

The developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints.

Or,

The developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

Planning File ZC-18-178

September 24, 2019

Page 2

3. The Roads and Parks Department will permit new approach roads to be constructed to Cadet Drive, Annapolis Drive or Normil Terrace as long as conditions 1 and 2 above are met.

The Roads and Parks Department recognizes and thanks the City of Medford for taking steps to resolve this serious safety issue.

Please call if you have any questions regarding our position on this matter.

Sincerely,



John Vial

c: Alex Georgevitch, City Engineer
Mike Kuntz, County Engineer

CITY OF MEDFORD
EXHIBIT # V
File # 2C-18-178

After recording return to:
Michael Wayne Jantzer and Theresa
Gayle Jantzer, Trustees of the Jantzer
Loving Trust dated December 19, 1991
3451 Cadet Drive
Medford, Oregon 97504

Jackson County Official Records **2018-021250**
R-LLA
Cnt=1 MORGANSS **07/06/2018 01:10:35 PM**
\$20 00 \$10 00 \$8 00 \$11 00 \$60 00 **Total:\$109.00**

Jackson County Official Records **2018-024141**
R-LLA
Cnt=1 MORGANSS **08/01/2018 01:43:25 PM**
\$20 00 \$10 00 \$8 00 \$11 00 \$60 00 **Total:\$109.00**



I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records
Christine Walker - County Clerk

Until a change is requested, all tax statements shall be sent to:
(Above)

Exhibit "B"
Statutory Bargain and Sale Deed
Property Line Adjustment
(City of Medford Planning File No. PLA-18-051)

RECEIVED
NOV 21 2018

Michael Wayne Jantzer and Theresa Gayle Jantzer, Trustees of the Jantzer Loving Trust dated December 19, 1991, Grantor, convey to Michael Wayne Jantzer and Theresa Gayle Jantzer, Trustees of the Jantzer Loving Trust dated December 19, 1991, Grantees, the following described real property, situated in the County of Jackson, State of Oregon.

PLANNING DEPT.

(See attached Exhibit "A")

The true consideration for this conveyance is \$0 – Property Line Adjustment.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

RE-RECORDED TO INCLUDE CITY OF MEDFORD APPROVAL

Michael Wayne Jantzer and Theresa Gayle Jantzer, Trustees of the Jantzer Loving Trust dated December 19, 1991

Dated this 6th day of July, 2018.

Michael Wayne Jantzer
Michael Wayne Jantzer, Trustee

STATE OF Oregon)

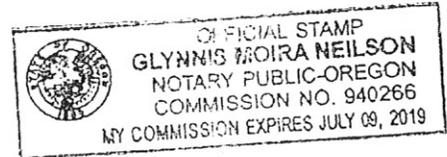
County of Jackson)ss.

On this 6th day of July, 2018, personally appeared Michael Wayne Jantzer, known or identified to me to be Trustee of the Jantzer Loving Trust dated December 19, 1991 who executed the foregoing instrument, and acknowledged to me that he executed the same in said Trusts name.

Glynnis Moira Neilson
Notary

Notary Public for State of Oregon

My commission expires: July 09, 2019



Dated this 6th day of July, 2018.

Theresa Gayle Jantzer
Theresa Gayle Jantzer, Trustee

STATE OF Oregon)

County of Jackson)ss.

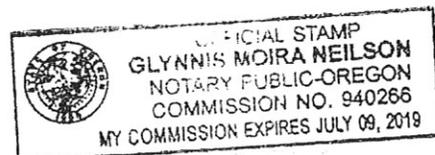
On this 6th day of July, 2018, personally appeared Theresa Gayle Jantzer, known or identified to me to be Trustee of the Jantzer Loving Trust dated December 19, 1991 who executed the foregoing instrument, and acknowledged to me that she executed the same in said Trusts name.

Glynnis Moira Neilson
Notary

Notary Public for State of Oregon

My commission expires: July 09, 2019

OTIC FORM 510



DW 7.25.18

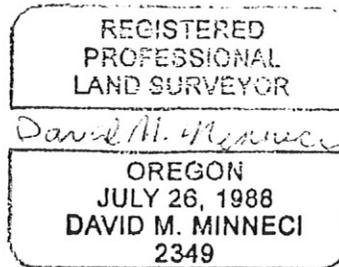
Exhibit "A"

Commencing at the Southwest corner of Section 15 in Township 37 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence, along the Westerly line of said Section, North 00°00'57" East 440.14 feet to a 5/8" iron pin at the Southwest corner of that tract described in Document No. 2017-015829, Official Records of said Jackson County for the POINT OF BEGINNING; thence, continue along said Section line and along the boundary of said tract as follows: North 00°00'57" East 605.32 feet (record North 00°00'37" East 605.23 feet) to a 5/8" iron pin; thence South 89°41'42" East 459.960 feet (record South 89°43'00" East 459.96 feet) to a 5/8" iron pin; thence North 00°05'25" West 45.00 feet (record North 00°01'16" E) to a 5/8" iron pin; thence South 89°44'16" East 177.14 (record South 89°43'00" East 177.10 feet) to a 5/8" iron pin; thence North 00°18'23" West 200.01 feet (record North 00°19'21" West 200.04 feet) to a 5/8" iron pin; thence North 89°44'56" West 25.84 feet (record North 89°44'29") to a 5/8" iron pin; thence North 00°01'02" West 230.36 feet (record North 00°00'57" West 230.00 feet) to a 5/8" iron pin; thence North 89°43'13" West 150.00 feet (record 150.02 feet to a 5/8" iron pin) to the Southeast corner of Cadet Drive; thence North 00°01'16" East 63.00 feet to the Northeast corner thereof; thence, along the Northerly line of said Cadet Drive, North 89°43'13" West 435.44 feet (record 435.41 feet; thence, along the arc of a 68.50 foot radius curve to the right (the long chord to which bears North 87°42'07" West 4.83 feet) an arc distance of 4.83 feet; thence North 85°41'00" West 8.57 feet (record 8.60 feet); thence, along the arc of a 131.50 foot radius curve to the left (the long chord to which bears North 87°38'41" West 9.00 feet), an arc distance of 9.00 feet; thence North 89°36'22" West 2.27 feet to the aforesaid Westerly line of Section 15; thence, along said Westerly line, North 00°00'57" East 1071.29 feet (record North 00°00'37" 1071.28 feet) to a brass cap marking the West one-quarter (1/4) corner of Section 15; thence, along the East-West centerline of said Section, South 89°40'03" East 2232.85 feet to the Northwest corner of that tract described in Document No. 2008-018225, Official Records of said Jackson County (record South 89°40'20" East 2232.76 feet to a 5/8" iron pin); thence, leaving said Section centerline and along the Westerly line of said tract, South 00°19'52" East 423.01 feet to a 5/8" iron pin; thence, leaving said Westerly line, South 49°48'00" West 450.30 feet to a 5/8" iron pin; thence South 26°07'35" East 466.37 feet to a 5/8" iron pin; thence South 89°43'00" East 142.68 feet to a 5/8" iron pin; thence North 00°19'52" West 157.38 feet to the Southwest corner of the aforesaid tract described in Document No. 2008-018225; thence, along the Southerly line of said tract, South 89°43'00" East 400.10 feet (record 400.00 feet) to the Southeast corner thereof, said point being on the North-South centerline of Section 15; thence, along said Section centerline, South 00°19'52" East 1245.63 feet to the Southeast corner of that tract described in Document No 2009-027367, said Official Records (record South 00°19'42" East 1246.06 feet; thence, along the Southerly line of said tract to and along the Southerly line of the aforesaid tract described in Document No. 2017-015829, North 89°45'52" West (record North 89°45'55" West) 2476.29; thence North 00°00'57" East 10.00 feet to a 5/8" iron pin; thence North 89°56'49" West 170.08 feet (record 89°59'14 West 169.97 feet) to the Point of Beginning.

DW 7.2.18

EXCEPTING THEREFROM the following parcels:

- (A) That tract described in Document No. 2017-005900, Official Records of Jackson County, Oregon.
- (B) That tract described in Document No. 2000-19857, Official Records of Jackson County, Oregon.
- (C) That tract described in Document No. 2017-038300, Official Records of Jackson County, Oregon.
- (D) That tract described in Document No. 2017-036427, Official Records of Jackson County, Oregon.



David M. Minneci
L.S. 2349 - Oregon
Expires 12-31-18
Hoffbuhr and Associates, Inc.

18-028
TI 300 adjusted
June 12, 2018
(18028tl300.doc)

PLANNING COMMISSION MINUTES



MEDFORD
OREGON

September 26, 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

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

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Katie Zerkel, Senior Assistant City Attorney
Alex Georgevitch, City Engineer
Sheila Giorgetti, Recording Secretary
Dustin Severs, Planner III
Liz Conner, Planner II
Steffen Roennfeldt, Planner III

Commissioners Absent

Mark McKechnie, Chair, Excused Absence
E.J. McManus, Excused Absence

10. Roll Call

Vice Chair Foley reported that agenda 50.3 will be continued. Testimony will be heard but no decision will be made this evening.

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

20.1 ZC-19-013 Final Order to change the zoning from MFR-20 (Multiple Family Residential - 15 to 20 dwelling units per gross acre) to C-S/P (Service Commercial and Professional Office) on a 0.61 acre parcel located at 2217 Barnett Road (371W29DC9800). Applicant: Hong (Kevin) Wu; Agent: Richard Stevens & Associates; Planner: Steffen Roennfeldt.

20.2 LDS-19-067 / E-19-048 Final Orders of a request for approval of Summerfield at Southeast Park, Phases 19 and 20, a 44-lot residential subdivision on 15.23 gross acres and an Exception to allow through lots between Shamrock Drive and Sunleaf Avenue. The site is located at the easterly termini of Sunleaf Avenue and Shamrock Drive south of Cherry Lane, and is zoned SFR-4/SE/RZ (Single Family Residential, four dwelling units per gross acre/Southeast Plan Overlay/Restricted Zoning Overlay). The request is a revision to the previous approval for Summerfield at Southeast Park

Phases 16 – 21 (LDS-17-051). (371W27DA TL 200, 300, 1100 & 1200). Applicant: Crystal Springs Development Group, a Joint Venture; Agent: Neathamer Surveying; Planner: Kelly Evans.

20.3 LDS-19-069 Final Order of a request for approval of Summerfield at Southeast Park Phases 23-29, a 183-lot residential subdivision on 65.83 gross acres generally located on the east side of Waterstone Drive extending between Shamrock Drive and Barnett Road. The applicant also proposes to create eight reserve acreage tracts following the phase boundaries. The site is zoned SFR-4 (Single Family Residential, 2.5 – 4 dwelling units per gross acre), SFR-6 (Single Family Residential, 4 – 6 dwelling units per gross acre), SFR-10 (Single Family Residential, 6 – 10 dwelling units per gross acre), and MFR-20 (Multiple Family Residential, 15 – 20 dwelling units per gross acre) and is within the Southeast Plan (SE) Overlay District and has restricted zoning (RZ). The request is a revision to the previous approval for Summerfield at Southeast Park Phases 23 – 29 (LDS-17-113). (371W27 TL 1001). Applicant: Crystal Springs Development Group, a Joint Venture; Agent: Neathamer Surveying; Planner: Kelly Evans.

20.4 PUD-19-003 / ZC-19-014 Final Orders of a revision to the approved Preliminary PUD Plan for Lot 6 of the Tower Business Park Planned Unit Development to allow for the construction of rowhouse-style residential buildings, including an amendment to the General Land Use Plan map from GI (General Industrial) to UM (Urban Medium Density Residential) and to change the zoning to MFR-15 (Multiple Family Residential – 10 to 15 dwelling units per gross acre) on 1.16 acres located at 3583 Arrowhead Drive within the I-L (Light Industrial) zoning district (371W08BC2511). Applicant: Dan & Gina Reece; Agent: CSA Planning, Ltd.; Planner: Steffen Roennfeldt.

Motion: The Planning Commission adopted the consent calendar items 20.1, 20.2, 20.3 and 20.4 as submitted.

Moved by: Commissioner McFadden Seconded by:

Commissioner Pulver requested that agenda item 20.5 be removed from the Consent Calendar and considered individually.

Motion: The Planning Commission adopted the consent calendar items 20.1, 20.2, 20.3 and 20.4 as submitted.

Moved by: Commissioner McFadden Seconded by: Commissioner Culbertson

Voice Vote: Motion passed, 6-0-0.

20.5 Consideration of a Site Plan & Architectural Commission request to amend Chapter 10 of the Medford Municipal Code to require a conditional use permit for car washes and fuel stations adjacent to residential zones. Planner; Sarah Sousa.

Carla Paladino, Principal Planner reported that the Site Plan and Architectural Commission requests to amend Chapter 10 of the Medford Municipal Code to require a conditional use permit for car washes and fuel stations adjacent to residential zone. The Planning Commission had a study session earlier this month discussing the issues. Staff would review the code language and come back to the Planning Commission with the draft language.

Vice Chair Foley asked, will it come back to the Planning Commission in a study session? Ms. Paladino replied yes.

Commissioner Pulver feels the Site Plan and Architectural Commission has broad based ability to stipulate conditions that require the applicant to implement items into their development to make it compatible with neighboring development. He does not think this necessary or a good use of staff's time.

Commissioner Culbertson stated that the issue on one of the applications was that there was no legitimate latitude to deny the application. It was difficult on how to fit a gas station in the middle of a residential area. It went to City Council that eventually approved the application. The Site Plan and Architectural Commission wanted more clarity on permitted uses within the proximity to residential areas.

Commissioner Thomas agrees with Commissioner Pulver but there is a request and the Planning Commission should allow staff to bring draft language back. He personally would like to see the draft language.

Commissioner Mansfield plans to vote in favor. He thinks primarily both uses should be conditional.

Commissioner Culbertson does not know if Kelly Evans, Assistant Planning Director was at the meeting when Commission Quinn raised the question that the Site Plan and Architectural Commission had the latitude to deny certain applications based on the code. He was requesting the Planning Commission to review to better define what residential and commercial uses and how compatible they are.

Ms. Evans reported that Commissioner Culbertson is correct. It was a request from the body as a whole for the Planning Commission to review the issues. It does not need to result in something but it is something the Planning Commission can review. Staff is in support of the Planning Commission reviewing it.

Commissioner McFadden thinks the emphasis should not be on how to deny it but how to enable an approval or not to enable an approval.

Commissioner Pulver commented the Planning Commission has reviewed conditional use permits in the past and they are a difficult tool. For churches and schools it is easy to argue public benefit. A straight use could be a hard argument. Conditional use permits in this vane are not appropriate. He does not think the Site Plan and Architectural Commission's role is to approve or disapprove based on use. Their role is to take into consideration the site plan and architecture.

Commissioner Culbertson agrees with Commissioner Pulver. It is not worthwhile to review this. The applications that comes before the Commissions should go on their merits. Do they fit in the box that was created for the applications? If they do move forward. It is not an emotional decision.

Motion: The Planning Commission directed staff to review the request and return to the Planning Commission for further proceedings.

Moved by: Commissioner Mansfield

Seconded by: Commissioner McFadden

Roll Call Vote: Motion passed, 4-2-0, with Commissioner Culbertson and Commissioner Pulver voting no.

30. Approval or Correction of the Minutes from September 12, 2019 hearing

30.1 The minutes for September 12, 2019, were approved as submitted.

40. Oral Requests and Communications from the Public. None.

50. Public Hearings

Katie Zerkel, Senior Assistant City Attorney read the Quasi-Judicial statement.

Old Business

50.1 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.

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

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

Dustin Severs, Planner III reported that the Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204(B). The applicable criteria were addressed in the

staff report, included with the property owner notices, and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

The public hearing was opened.

a. Jane Erin Griffin-Hagle, 4199 Rachel Way, Medford, Oregon, 97504. Ms. Hagle reported that the City wanted a revised sewer study from CEC Engineering that they are still waiting on. She would like to get out of the SFR-00 status to SFR-4.

Ms. Hagle 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-18-189 per the staff report dated September 19, 2019, including Exhibits A through H.

Moved by: Commissioner Pulver

Seconded by: Commissioner McFadden

Voice Vote: Motion passed, 6-0-0.

50.2 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.

Vice-Chair Foley inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Culbertson received a phone call from another realtor that that lives in the community asking the process and procedures. Commissioner Culbertson referred them to contact the City and to show up at tonight's meeting if they wanted to testify. Commissioner McFadden received a phone call from Mr. Duane Wallace expressing his concern in terms of resulting in time traffic flow in and out of the hillside. It will not affect his decision on this application.

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

Liz Conner, Planner III reported that staff received amended comments from Jackson County Roads that were emailed to the Commissioners and will be submitted into the record as Exhibit V. Staff is revising the Conditions of Approval (Exhibit A-1) that adds language regarding restricted zoning.

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. Ms. Conner gave a staff report. Ms. Conner stated that the amended comments from Jackson County Roads addressed Normil Terrace, Cadet Drive and Annapolis Drive being under Jackson County jurisdiction. On August 15, 2019 City Council approved the Jurisdictional Exchange and adopted a resolution on September 19, 2019. With the Exchange being complete with City Council staff received amended comments from Jackson County that addressed the three roadways. Those comments included an average daily trip cap of 27 single family dwelling units that is identical to the trip cap proposed by the Public Works Department. Ms. Conner reported that amending the Conditions of Approval gives the ability for the developer to make improvements to the downstream sanitary sewer system to alleviate capacity restraints; or the developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

Commissioner Pulver stated that given the presentation and conditions proposed the criteria are met. With the conditions proposed the project is different than what was applied for. At what point is the proposed project not getting approved? In reading the material it seems denial is more appropriate than an acceptance with extreme conditions or limitations on development. Ms. Conner deferred the question to the applicant but stated that with the conditions and the trip cap it will allow phasing on the property that the constraints can be addressed later.

Vice Chair Foley stated that now the City will be in charge of Normil Terrace that seems to be the road block of egress and ingress in this subdivision. What can the City do to improve the ingress and egress of the property? Alex Georgevitch, City Engineer reported this is a challenging project with single access. Normil Terrace has its challenges. Based on the geographic constraints it has steep hills, sharp corners and is unimproved. There is little that will likely occur improving this road. The main goal is getting development started and looking for secondary access. That option exists to the south and southeast through Bordeaux through Vista Point. Also, Lone Pine currently turns into a private dirt road and goes through property owned by Pacific Power and Light. There is an opportunity for negotiations and it becomes a public street. That is the bigger picture for development on this hillside.

Commissioner McFadden spoke but was inaudible. Mr. Georgevitch addressed Commissioner McFadden stating that they City typically does not accept roads from the County without them being fully improved that they have been imposing approximately a decade. Beyond ten years ago the City exchanged unimproved roads for dollars on an annual basis. That program went away when the County lost ONC funds. Recently they started reconsidering this and this is the first time in ten years. There is funding and they included \$300,000 for the City to use for roadway purposes. The question is, is the money best spent on Normil Terrace or is the City better off spending it on

secondary access or someplace else in the community? That is a decision that will be made later after they perfect the Jurisdictional Exchange and have the money in hand.

The public hearing was opened.

b. Clark Stevens, Richard Stevens & Associates, Inc., P. O. Box 4368, Medford, Oregon, 97501. Mr. Stevens reported that the applicant will be required to demonstrate compliance with all public facilities prior to development of the property. They have to get the zone change before they can apply for a land division application. They have to ensure the new homes will have the capacity and safety upon upright construction.

Mr. Stevens stated that comments were made about access. Panorama Drive comes towards the south and Lone Pine Road. There is a private drive that traverses Pacific Power property and the applicant will need to negotiate with Pacific Power to acquire public right-of-way into the site. From Lone Pine it connects to Foothill Road. It is a through road that is the secondary access to the site. Normil Terrace is not the only access. It is the only public road into the site. The applicant has contacted Pacific Power regarding acquiring public right-of-way.

Mr. Stevens discussed the intensity of the site. Based on water availability they can only develop approximately sixty acres of the site. The applicant will have to do a topographical survey because it will require SFR-2 development because it exceeds the 15% slope.

Mr. Stevens discussed comments regarding Normil Terrace future development proposal. The applicant anticipates improvements will be made to Normil Terrace as part of that. It could be additional turn lanes on Normil Terrace for a left and right movement at the intersection. It could be widening of Normil Terrace. Each incremental development will make improvements to Normil Terrace.

Mr. Stevens stated the applicant is in agreement with the amended conditions of approval and the Jackson County comments.

Mr. Stevens reserved rebuttal time.

b. Teresina Christy, 3283 Annapolis Drive, Medford, Oregon, 97504. Ms. Christy does not think improvements will happen on Normil Terrace because it is limited by its steepness. It is a difficult road for large heavy equipment to navigate. That is what will be coming up Normil Terrace to build the 27 homes. The streets are inadequate. The issues are the safety of the roads, there is no lighting on the roads, the density of development not being adequate with the roads and issues with the sewers. If the Commission approves things conditionally she wants to be certain those conditions hold. It seems to her there is a history in the Valley of things falling through the cracks sometimes. Their lives would be falling through the cracks because of the safety issues.

c. Pat Krikorian, 3277 Annapolis Drive, Medford, Oregon, 97504. Ms. Krikorian confirmed what Ms. Christy stated. Normil Terrace is so bad with its two hairpin turns that if two people are navigating the hill simultaneously usually someone has to stop and wait for the other person to pass. There is no shoulder on the road. She has no problem with the 91 acres being developed. Her concern is adequate access.

Ms. Conner clarified that the City requires a deed restriction on a property that has a restricted zone on it that any future development has to comply with all conditions set forth with the approval.

Commissioner Pulver asked, is it fair to assume in the Transportation System Plan there is nothing related to Normil Terrace? Mr. Georgevitch responded that the Transportation System Plan does not consider lower order streets. Lone Pine is a higher order street but because it is going across private property there were no plans for extension. It is developer driven.

Commissioner McFadden asked, with the expected east Medford bypass improvement of Foothills and this section of Foothills might be expected to be improved and widened by what year? Mr. Georgevitch reported there is a developer working on plans for the west side of the road. They will be doing a half plus twelve improvement but does not know when. One of the City's funding priorities is looking at the Foothills and North Phoenix corridor and proposals are moving forward through City Council for funding opportunities. The City is also looking for federal grants along the corridor. In a perfect world if they get the grant they would have five years to complete (2025). Realistically somewhere in the next ten years he would anticipate seeing it more fully improved.

Commissioner Pulver stated that at the Transportation Commission meeting they talked about the pavement management process. Would Normil Terrace fall into the pavement management process? It would be analyzed and assessed and put on the list of other streets for maintenance even though it is not a major project but the maintenance would be considered. Mr. Georgevitch responded yes. The City currently collects street utility fees that are used primarily for maintenance of all public roads. County roads within the City are not included but once the City takes jurisdiction it becomes the City's responsibility to maintain and there is funding to maintain it coming from the citizens of Medford. Every couple of years the City would do an analysis on the pavement and depending on the conditions it could rise up quickly for pavement maintenance only. Widening would either be through the developer's conditions when they move forward with their development plans or through the transfer of jurisdiction and the funds that come with the transfer could fund curve mitigation, etc.

Commissioner McFadden asked Ms. Conner to elaborate on the comments from the Fire Department on this development. Ms. Conner responded that the Fire Department comments are Exhibit I page 159 of the agenda packet. The specific development requirement says that it is approved as submitted with no additional conditions or requirements. This is a zone change and not a land division application.

Mr. Stevens stated that Ms. Christy and Ms. Kirkorian mentioned improvements will need to be made and staff concurred that improvements will be made to Normil Terrace on future development of this site. When Panorama Heights was developed there was a condition that they all trucks use Lone Pine and Panorama to access the development. Trucks and development use the secondary alternative access to stay off Normil Terrace. Staff has mentioned there is \$300,000 that more than likely will go to Normil Terrace. It does not have to depending on the needs. Widening is a potential improvement. That is between the engineers and Public Works.

Commissioner McFadden asked, is Mr. Stevens' comment of using Lone Pine and Panorama for construction purposes after negotiating with Pacific Power? Mr. Stevens responded Mr. Jantzer has an easement to use that private road that was agreed to during development of Panorama Heights.

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-18-178 per the staff report dated September 19, 2019, including Exhibits A through U, including the revision of Exhibit A-1 and including Jackson County Road comments Exhibit V.

Moved by: Commissioner Pulver

Seconded by: Commissioner Thomas

Commissioner McFadden asked, how much flexibility does the Planning Commission have on this application? For example, allowing the developer no more than nine homes be built at one time and could not build anymore homes until one was finished and received occupancy rating. Would that have been a condition of development that would have been acceptable of the Planning Commission to make? Ms. Evans responded that the Planning Commission's decisions are criteria based. Any conditions of approval need to relate back to the approval criteria. The Planning Commission has the ability to conditionally approve zone change based on various studies, etc. There is evidence from the Public Works Department there are constraints on traffic, storm, and sanitary sewer facilities. If there is evidence in the record that they can build 27 dwelling units but as a body they decide to do one or two or limit the timing they need substantial findings.

Commissioner McFadden asked, does Ms. Evans or Ms. Zerkel feel that staff's recommendation for denial sufficed? Ms. Evans reported that the Planning Department did not recommend denial. Public Works generally has options when there are capacity constraints. The first option is always to not approve or as the statute allows conditionally approve the different constraints. From the Planning Department perspective the Planning Commission is within their authority to conditionally approve with these restrictions.

Ms. Evans addressed Ms. Christy and Ms. Krikorian concerns that the best time to testify about the safety and access is at the time of the land division application. Karl MacNair, City Transportation

Manager and Ms. Evans had the opportunity to meet with some of the neighbors on site and one of the items they talked about was how are they going to get there, what is it going to look like and the answers were they do not know. This is a zone change application. Staff has no idea at this point in time how it will develop out.

Commissioner Pulver stated that it is not something that Public Works or someone can impose they do improvements to Normil Terrace unless their development was immediately adjacent to the subject property. Ms. Evans reported it does not necessarily have to be adjacent. It has to meet the Dolan test of legitimate government purpose, the nexus and proportionality.

Commissioner Mansfield commented that Mr. Stevens articulately set out the conditions and staff has set out the limitations. This is a limited development and the petitioner has graciously accepted those or otherwise the property is not going to be use at all. He plans to vote for this.

Roll Call Vote: Motion passed, 5-1-0, with Commissioner McFadden voting no.

50.3 PUD-19-002 Consideration of a request for a revision to 'the Village' area of Cedar Landing Planned Unit Development (PUD). The PUD revision contains amendments to the site design including an increase in multi-family units from 100 to 120, a mixed-use structure, increase maximum building height for mixed-use building to 40 feet, and increase the paved width of the private street. Cedar Landing PUD is located on approximately 116 acres on the north and south side of Cedar Links Drive, west of Foothill Road within an SFR-4/PD (Single-Family Residential - 2.5 to 4 dwelling units per gross acre / Planned Development) zoning district. Applicant & Agent: Koble Creative Architecture; Planner: Steffen Roennfeldt.

Vice Chair Foley stated that the applicant has requested this item be continued to the October 24, 2019 Planning Commission meeting. There will be no staff report this evening. If there are people in the audience that cannot attend the October 24th meeting the Commission will hear the testimony. However, their questions may be answered by the staff report on October 24th. There will be no decisions made on this item this evening.

Motion: The Planning Commission continued PUD-19-002, per the applicant's request, to the Thursday, October 24, 2019 Planning Commission meeting.

Moved by: Commissioner Pulver

Seconded by: Commissioner Mansfield

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

50.4 CUP-19-044 Request for a Conditional Use Permit (CUP) for a new educational use in an existing single-family residence located at 2841 Juanipero Way within the SFR-4 (Single Family Residential -

2.5 to 4 dwelling units per gross acre) zoning district (371W33BD8902); Applicant: Phoenix-Talent School District; Agent: CSA Planning Ltd.; Planner: Steffen Roennfeldt.

Vice-Chair Foley inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Mansfield disclosed that he lives in the neighborhood of the area but that should not disqualify him. He has had no contact with anyone.

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

Steffen Roennfeldt, Planner III reported staff had a meeting with the agent on this application and it is the intention of the agent to continue this for 30 days. 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. Roennfeldt gave a staff report.

The public hearing was opened.

a. Jay Harland, CSA Planning Ltd., 4497 Brownridge Terrace, Suite 101, Medford, Oregon, 97504. Mr. Harland reported that the applicant requests a 30 day continuance. Mr. Harland addressed the use issue stating that the applicant wants to use the facility as a house as much as possible. The reason is that it is special education for people trying to learn skills so that they can live independently. It is school owned and a type of public school but the nature of the use is different.

Commissioner Pulver asked, what is the age of the students at this facility? Mr. Harland reported from twelve years of age to past high school age.

Mr. Harland reported that the two versus five staff members. That was a confusion from the first set of findings. There will be two staff members on site for the day to day operations. The five is a maximum in case of an all staff meeting.

Commissioner McFadden spoke but was inaudible. Mr. Harland replied yesterday.

Main Motion: The Planning Commission continued CUP-19-044, per the applicant's request, to the Thursday, October 24, 2019, Planning Commission meeting.

Moved by: Commissioner Pulver

Seconded by: Commissioner McFadden

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

60. Reports

60.1 Site Plan and Architectural Commission

Commissioner Culbertson reported that the Site Plan and Architectural Commission there was no business for their meeting on Friday, September 20, 2019.

60.2 Transportation Commission

Commissioner Pulver reported that the Transportation Commission met on Wednesday, September 25, 2019. When the discussed concurrency one of the items was the trip generation associated with commercial zones. They made a recommendation of increase the lot size. The Transportation Commission approve that.

60.3 Planning Department

Kelly Evans, Assistant Planning Director reported that Commissioner Miranda resigned. That leaves a vacancy on the Planning Commission. It has been advertised.

Ms. Evans sent out the training information for the Oregon Chapter of the American Planning Association in Eugene on October 24-25, 2019.

There is no business scheduled for a study session on Monday, October 14, 2019.

There will be a joint study session with the Planning Commission, Site Plan and Architectural Commission and the Landmarks and Historic Preservation Commission on Tuesday, October 22, 2019 at 5:30 p.m. in the Prescott Room at the Police Department. Dinner will be served at 5:00 p.m. Discussion will be on findings.

There is business scheduled for Thursday, October 10, 2019 and Thursday, October 24, 2019.

Last week the City Council approved the GLUP and Zone Change for North Phoenix Property at North Phoenix Road and Barnett Road from UH to SC and MFR-20 to C-S/P. They will also approved to vacate the pedestrian easement through St. Mary's; food trucks in the right-of-way and food pods.

Next week the City Council will approve a proclamation for October National Community Planning month. They will hear the concurrency amendment, the street vacation at Normil Terrace and west Foothills.

Vice Chair Foley found it interesting that City Council approved the food trucks and food pods that had a lot of things that did not come through the Planning Commission:

Commissioner Mansfield asked, was there any no votes on the food trucks? Ms. Evans did not recall but she thinks it was split.

Commissioner Pulver stated that they can only add Planning Commissioners as seats become available and City Council has the time to evaluate. Whenever he tends to disappear for a little while come mid-November until February there will be more pressure on a quorum.

Commissioner Pulver hypothetically speaking, that evaluating completeness of an application is a step in the process. It is troubling to him that an application gets through the Planning Department and comes to the Planning Commission missing a lot of pieces. If the application is not complete it needs to continue in the Planning Department until it is then brought to the Planning Commission so they can make a decision. Ms. Evans replied that they could but statutorily they have no options. Under the statute if someone submits an application, staff deems it incomplete, staff sends a letter stating what needs to be done and/or submitted and the applicant states they are not doing that, staff is obliged statutorily to do so regardless of completeness or not.

Commissioner Culbertson asked, if that happens and staff presents it to the Planning Commission would staff be able to share the list of items they said no they were not going to do it? Ms. Evans replied yes and staff would.

Again, Commissioner McFadden spoke but was inaudible.

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 7:16 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

Joe Foley
Planning Commission Vice-Chair

Approved: October 10, 2019



STAFF REPORT

for a Type-IV legislative decision: Vacation

Project High Cedars Vacation
Applicant: Eric Artner; Agent: CSA Planning Ltd.

File no. SV-19-045

To Planning Commission *for October 10, 2019 hearing*

From Liz Conner, Planner II

Reviewer Kelly Evens, Assistant Planning Director *u*

Date October 3, 2019

BACKGROUND

Proposal

Consideration of a request for vacation of a portion of excess right-of-way on Foothill Road, right-of-way for Normil Terrace and High Cedars Lane west of Foothill Road, a Public Utility Easement (PUE) and Reserve Strips in High Cedars at Cedar Landing, Phases 5B, 6B and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district.

Vicinity Map



Subject Site Characteristics

GLUP	UR	Urban Residential
Zoning	SFR-4	Single Family Residential – 4 dwelling units per gross acre
Use	Vacant	

Surrounding Site Characteristics

North Zone: SFR-4
 Use: Residential Subdivision

South Zone: SFR-4
 Use: Residential Subdivision

East Zone: SFR-4
 Use: Residential Subdivision

West Zone: SFR-4
 Use: Vacant

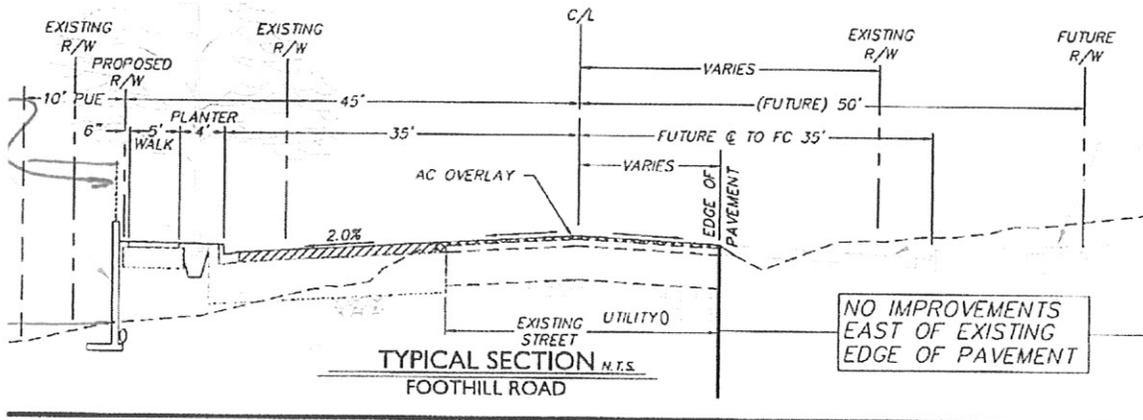
Related Projects

PUD-05-035	Cedar Landing PUD
LDS-05-036	Cascade Terrace Subdivision
LDS-05-037	Sky Lakes Subdivision
PUD-05-035	Termination of 5.47 acre portion of PUD for park property in 2011
LDS-13-121	Sky Lakes Village Subdivision Phases 7A & 7B
PUD-13-119	PUD Revision
E-14-059	Exception to required right-of-way dedication
PUD-14-136	PUD Revision
LDS-14-137	Sky Lakes Village Phase 1 Tentative Plat
LDS-14-138	The Village at Cedar Landing Phase 1 Tentative Plat
PUD-15-043	South portion of Cedar Landing PUD Revision for reconfiguration area into the High Cedars subarea, phases 1 through 5 and modifying land use.
LDS-15-044	Tentative plat for High Cedars Subdivision Phases 1 through 5 (176 lots).
PUD-16-024	PUD Revision
LDS-18-153	High Cedars Subdivision

Applicable Criteria

Medford Municipal Code §10.228(D) – Vacation of Public Right-of-Way Approval Criteria

The February 2019 approval included a cross section of the west side Foothill Road that reduced the width to 45 feet from centerline.



Public Improvements

The right-of-way that is proposed to be vacated was never improved and existed only on the recorded final plat. No public facilities will be impacted by the proposed vacation.

Agency Comments

Per the agency comments submitted to staff (Exhibits E-I), it can be found that the public facilities will not be impacted by the proposed vacation.

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 D) and recommends the Commission adopt the findings as presented.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the applicable criteria are met or are not applicable, forward a favorable recommendation to the City Council for approval of the vacation per the Staff Report dated October 3, 2019, including Exhibits A through I.

EXHIBITS

- A Assessor Maps
- B Tentative Plat for High Cedars LDS-18-153 received May 5, 2019
- C Applicant's vicinity map received May 3, 2019
- D Applicants findings and conclusions received May 3, 2019
- E Public Works comments received September 25, 2019
- F Medford Surveyor comments received September 10, 2019
- G Medford Building Department comments received September 24, 2019
- H Medford Water Commission comments received September 24, 2019
- I Jackson County Road comments received September 9, 2019
Vicinity map

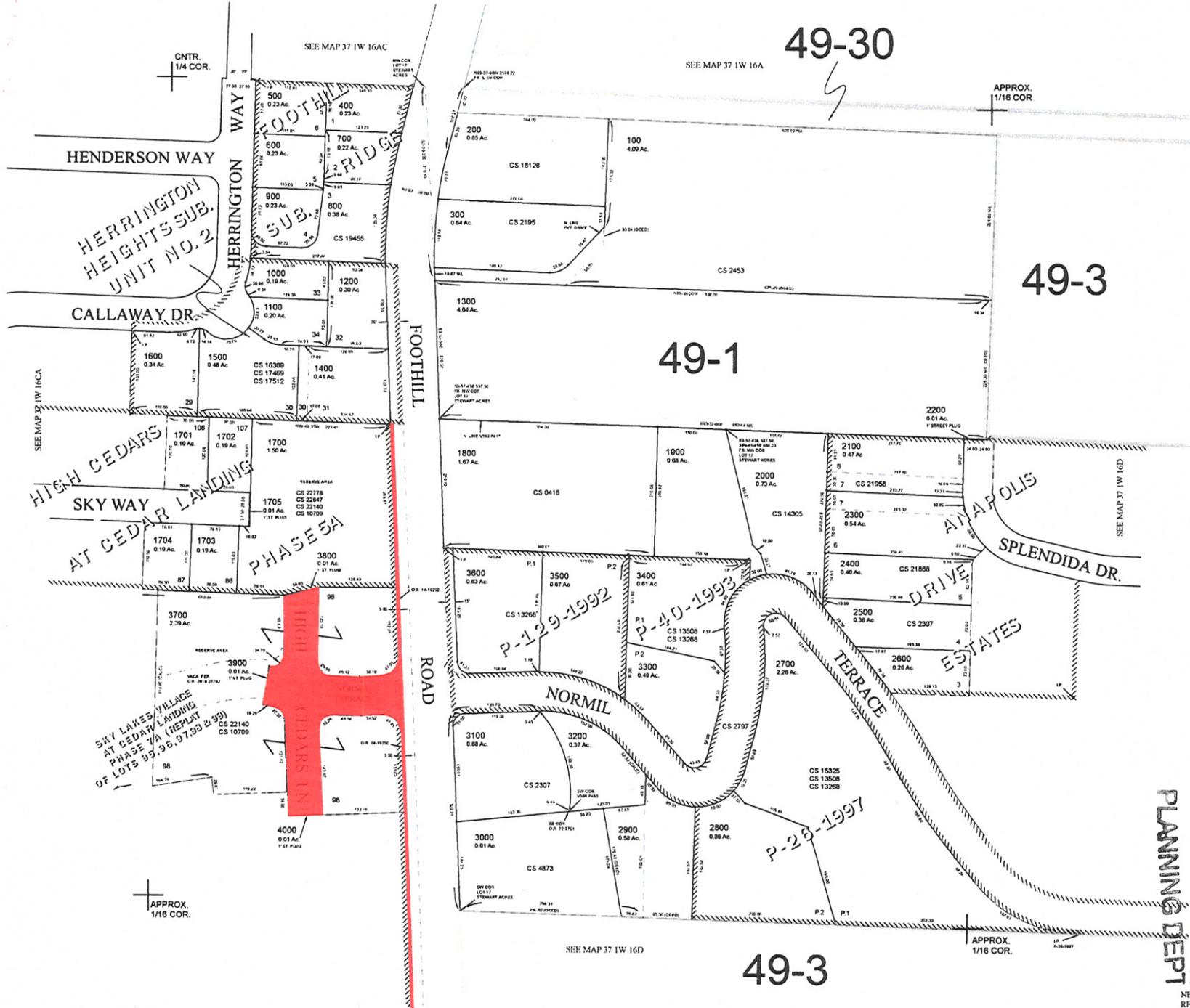
PLANNING COMMISSION AGENDA:

OCTOBER 10, 2019

FUR ASSESSMENT AND TAXATION ONLY

N.W.1/4 S.E.1/4 SEC.16 T.37S. R.1W. W.M.
JACKSON COUNTY
1" = 100'

37°W16DB
MEDFORD



49-30

49-3

49-1

49-3

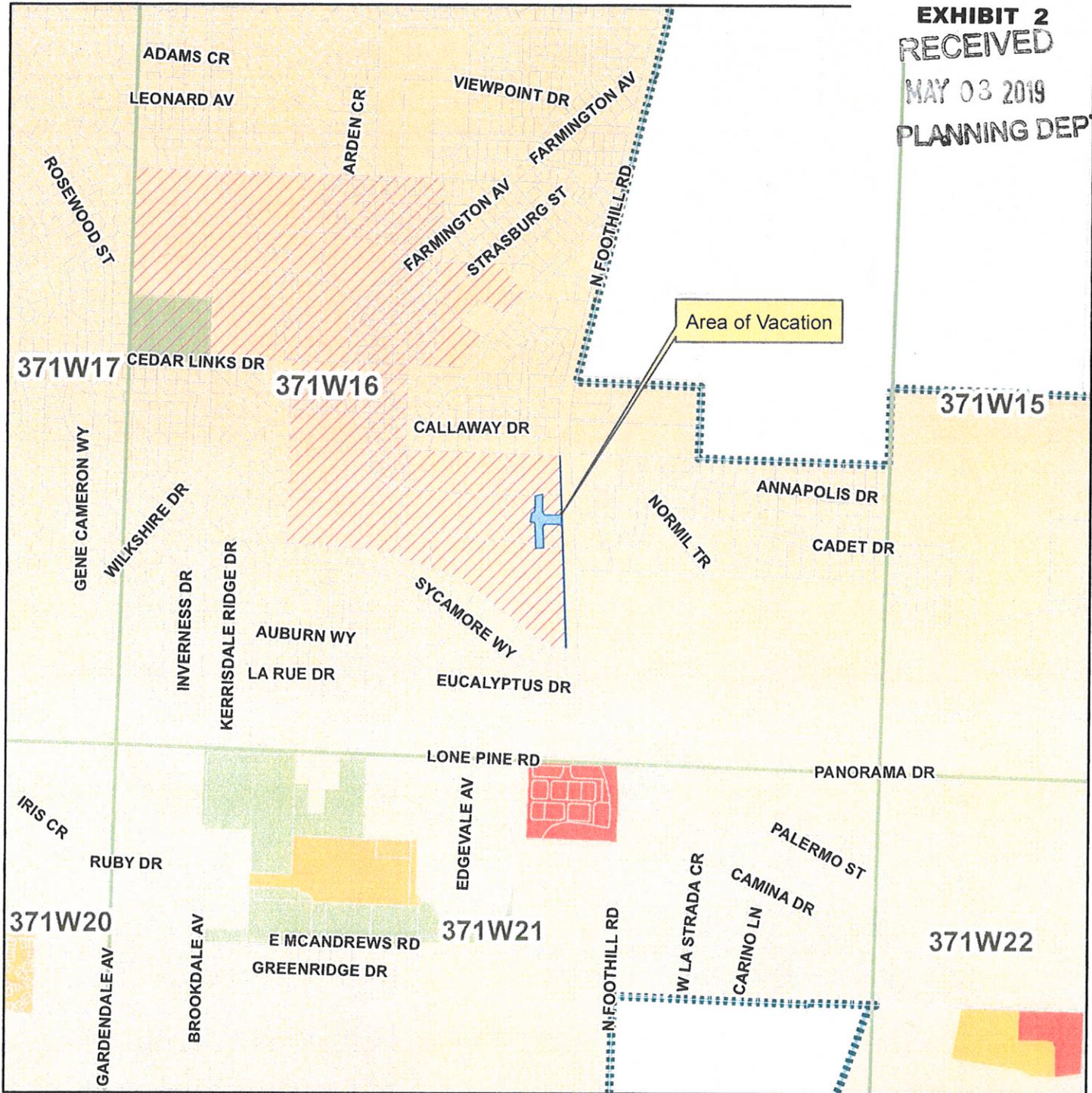
RECEIVED
MAY 03 2019
PLANNING DEPT
371W16DB
MEDFORD
NEW MAP April 2, 2019
REV April 3, 2019

Page 40

CITY OF MEDFORD
EXHIBIT # **A**
File # **2019-045**

GIS DATA
04/30/2019 9:37:52 AM illecat

EXHIBIT 2
RECEIVED
 MAY 03 2019
 PLANNING DEPT



	Sections		CM
	Areas to be Vacated		PS
	Tax Lots		UH
	Cedar Landing PUD		UM
	Original Boundary		UR
	UGB		

Print Date: March 2019

Vicinity Map

Vacation Portions of Unimproved Rights of Way and PUE
 37-1W-16D

1,000 500 0 1,000 Feet

CITY OF MEDFORD
 EXHIBIT # C
 File # 20-19-045

BEFORE THE CITY COUNCIL
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

IN THE MATTER OF THE VACATION OF)
UNIMPROVED RIGHTS-OF-WAY AND)
PUBLIC UTILITIES EASEMENTS (PUE))
FOR HIGH CEDARS LANE, A PORTION)
OF NORMIL TERRACE AND A FIVE (5)-)
FOOT WIDE PORTION OF FOOTHILL)
ROAD, LOCATED WITHIN AND)
ADJACENT TO THE SOUTHERLY)
PORTION OF THE CEDAR LANDING)
PLANNED UNIT DEVELOPMENT AND)
ADJACENT TO THE PROPERTY)
DESCRIBED IN THE JACKSON)
COUNTY ASSESSMENT RECORDS AS)
TOWNSHIP 37 SOUTH, RANGE 1 WEST,)
SECTION 16D TAX LOTS 7000, 7001)
and 7002, THE CORPORATE LIMITS OF)
THE CITY OF MEDFORD, OREGON)

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

Applicant's Exhibit 1

Applicant: City of Medford, Oregon)
Agent: CSA Planning, Ltd.)

I

SCOPE AND NATURE OF THE ACTION

This matter concerns the vacation of unimproved right of way for that portion of Normil Terrace lying west of Foothill Road; that portion of High Cedars Lane within the Cedar Landing PUD and the westerly 5-feet of right of way for Foothill Road. The action also includes the vacation of Public Utility Easements (PUE) adjacent to said rights of ways. The areas to be vacated are more accurately described in Surveyor's maps and legal descriptions attached at Exhibits A and B. The vacations are necessary in order to achieve the modifications to High Cedars Phases 5B-7B approved under LDS-18-153.

As background, the two streets were dedicated for public use (but not improved) as a condition of earlier approvals for the Cedar Landing PUD and High Cedars at Cedar Landing phased subdivision. In order to alleviate significant engineering hurdles associated with the construction of Normil Terrace connection with Foothill Road at a location conflicting with the MID canal, a modification to the intersection was sought and approved under aforementioned LDS-18-153. A consequence of the redesign results in the vacation of that portion of Normil Terrace west of Foothill Road, an alteration to the location of High Cedars Lane and the vacation of a 5-foot road right-of-way and 10-foot PUE along Foothill Road.



Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

The redesign necessitates that the streets in their earlier locations be vacated before they would be dedicated in their new locations.

Oregon Revised Statutes (ORS) Chapter 271 provides two methods to vacate public streets. The first, pursuant to ORS 271.080 is on petition and the consent of affected property owners. The second, pursuant to ORS 271.130 is on the City Council's own motion. Street vacations in Medford have nearly always been initiated by the Council on its own motion because this process is more streamlined and exposes the City to little or no risk. In this instance the property owner (Cedar Landing Development LLC) requested and the Council initiated this street vacation proceeding under its own motion.

II

EVIDENCE SUBMITTED WITH APPLICATION

The following evidence was before the City Council:

- Exhibit 1.** The proposed findings of fact and conclusions of law, demonstrating how the vacation complies with the applicable substantive criteria of the City of Medford and State of Oregon
- Exhibit 2.** Vicinity Map
- Exhibit 3.** Surveyors Proposed Legal Descriptions and Maps Showing Street Vacation Areas on High Cedars Lane and Normil Terrace at Cedar Landing Phases 5B-7B Plat
- Exhibit 4.** Legal Description and Map of the 5-Foot Road Right-of -Way Vacation Along the West Boundary of Foothill Road
- Exhibit 5.** LDS-18-153 Approved Tentative Plat
- Exhibit 6.** Notice Area Map
- Exhibit 7.** Assessment Ownership Information
- Exhibit 8.** Completed vacation application forms with written authorization from Cedar Landing Development LLC.

III

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The Council has determined that the following constitutes all of the relevant substantive standards and criteria prerequisite to the vacation of city streets under the Medford Land Development Code (MLDC) and pursuant to the relevant procedures and requirements in ORS 271.080 through 271.170 when public streets are vacated by the Council's own motion pursuant to ORS 271.130:



"D"

Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

Medford Land Development Code (MLDC)

10.228(D) Vacation of Public Right-of-Way Approval Criteria.

A request to vacate shall only be approved by City Council when the following criteria have been met:

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.
- (2) If initiated by petition under ORS 271.080, the findings required by ORS 271.120.
- (3) If initiated by the Council, applicable criteria found in ORS 271.130.

Oregon Revised Statutes ("ORS") Chapter 271

271.080. Vacation in incorporated cities; petition; consent of property owners.

- (2) [. . .]The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

271.110 Notice of hearing.

- (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

- (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.

- (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.130. Vacation on council's own motion; appeal.

- (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be



Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

taken within the time and in substantially the manner provided for taking an appeal from justice or district court in civil cases.

IV

FINDINGS OF FACT

The Council finds the following facts to be true with respect to this matter:

1. Street Ownership: The sections of High Cedars Lane and Normil Terrace to be vacated are unimproved and owned by the City of Medford. The rights-of-way (now to be vacated) were made requirements by the City Planning Commission in earlier PUD and Subdivision proceedings as further explained in "History" below.

2. History:

- In 2014, the City of Medford Planning Commission approved PUD-13-119, an amendment to PUD-05-35.
- Also in 2014, the City of Medford Planning Commission approved a final plat, LDS-13-121, titled "Sky Lakes Village at Cedar Landing, Phase 7A" creating, in part, 9 *reserve acreage lots* throughout the PUD. Five of the lots approved under LDS-13-121 are situated on the portion of the PUD lying south of Cedar Links Drive, including lots 95-99. Also, portions of High Cedars Lane and Normil Terrace, providing legal access from Cedar Links Drive and Foothill Road to interior lots 96 and 97 were dedicated through LDS-13-121 as unimproved public right-of-way.
- On June 11, 2015 the City of Medford Planning Commission approved files PUD 15-043 and LDS-15-044, a revision to the preliminary PUD plan and a tentative plat for the portion of the Cedar Landing PUD lying south of Cedar Links Drive. The modified PUD and tentative plat include changes to the previously approved phase boundaries and underlying road layouts.
- On February 14, 2019 the City of Medford Planning Commission approved a request to replat Phases 5B, 6A, 6B, 7A and 7B of High Cedars, File LDS-18-153.

The underlying parent parcels require adjustment in order to align with the modified phase boundaries and High Cedars Lane and Normil Terrace require realignments in order to match the approved PUD layout and provide lawful access to adjusted lots 96 and 97. The realignment requires a vacation and dedication.

3. Zoning: All properties abutting the subject right-of-way for High Cedars Lane and Normil Terrace are within the Cedar Landing PUD and are zoned SFR-4.

4. Surrounding properties description: All properties surrounding the subject portion of High Cedars Lane are within the Cedar Landing PUD. None of the lands surrounding the portion of High Cedars Lane to be vacated are improved.

All lands to the north, west and south of the subject portion of Normil Terrace are within undeveloped portions of the Cedar Landing PUD. Lands to the east, across Foothill Road are zoned SFR-2 and SFR-4. The portion of Normil Terrace lying east of Foothill Road is improved and provides access to a number of residences on that side of the road.



Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

- 5. **Ownership after Vacation:** The ownership of all areas to be vacated will revert to Cedar Landing Development, LLC.¹ Following the now sought vacations, the new or modified rights-of-way for both High Cedars Lane and Normil Terrace are to be dedicated to the City of Medford as required by and in a manner consistent with LDS 18-153.
- 6. **Topography:** The vacation area for High Cedars Lane includes moderate side slopes. The vacation area for Normil Terrace includes some moderately steep slopes. A preliminary grading plan for Normil Terrace was approved under PUD-15-043.
- 7. **Public Facilities and Utilities:** Neither street currently includes any public facilities or utilities. The Public Utility Easement dedicated along the westerly side of Foothill Road and dedicated and adjacent to High Cedars Lane will be modified to align with the revised right-of-way of High Cedars Lane through the approved application LDS-18-153.

V

CONCLUSIONS OF LAW

The following discussion and conclusions of law are preceded by the criterion to which they relate and are based upon the findings of fact as set forth in above Section III and the evidence enumerated in Section II. The Council reaches the following conclusions of law and ultimate conclusions under each of the relevant substantive criteria:

Medford Land Development Code (MLDC)

10.228(D) Vacation of Public Right-of-Way Approval Criteria. A request to vacate shall only be approved by the City Council when the following criteria have been met:

Criterion 1

Compliance with the Public Facilities Element of the Comprehensive Plan, Including the Transportation System Plan

Conclusions of Law: The fact that Criterion 1 requires proposed street vacations to comply with the Medford Comprehensive Plan, Public Facilities Element, does not make all goals and policies in that element function as approval criteria. See, *Bennett v. City of Dallas*, 17 Or LUBA 450, aff'd 96 Or App 645 (1989). Approval criteria requiring compliance with elements of the comprehensive plan do not automatically transform all comprehensive plan goals and policies into decisional criteria. A determination of whether particular plan policies are approval criteria must be based on the language used in the goals and policies and the context in which they appear. The Council has carefully examined the plan Public Facilities Element and concludes as follows:

- 1. There are no goals or policies in the Public Facilities Element, or elsewhere in the City of Medford Comprehensive Plan, which, by its language or context, were intended by the

¹ Before the rights-of-way were dedicated, the right-of-way land was owned by Cedar Landing Development, LLC.



"D"

Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

City to function as approval criteria for the vacation of public streets.

- 2. While the vacation areas have proper access to all needed and required public facilities and services², as described in the findings of fact in Section IV, public water and sanitary sewer facilities, along with electrical/telecommunications and natural gas lines do not *presently* exist within the rights-of-way intended to be vacated. However, the same can and will be provided prior to the time that lands adjacent to the to be vacated rights-of-way are developed for housing.

Therefore, the Council concludes that this vacation will have no affect the future delivery of adequate public facilities and services in ways required by the plan Public Facilities Element and MLDC.

Through the review and approval of LDS-18-153, City of Medford provided final land use decision confirming that the modified rights of ways approved therein were consistent with the City's Development standards and the Transportation System Plan. This vacation carries out the approval therein.

Criterion 2

- 1) If initiated by petition under ORS 271.080, the findings required by ORS 271.120

ORS 271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

Conclusions of Law: The above MLDC 10.228(D)(2) is concluded to be inapplicable because the subject street vacations have *not* been initiated by petition pursuant to ORS 271.080. Instead, the vacations have been initiated by the Council on its own motion pursuant to ORS 271.130 which is addressed below as a part of Criterion 3.

Criteria 3

- 2) If initiated by the Council, applicable criteria are found in ORS 271.130.

and

Oregon Revised Statutes ("ORS") Chapter 271

271.080. Vacation in incorporated cities; petition; consent of property owners. (Inapplicable parts omitted)

- 2) * * * The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel

² The general adequacy of public facilities and services has been ascertained earlier under the requirements of earlier PUD and subdivision approvals.



"D"

Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing.

271.110 Notice of hearing.

- (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.
- (2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be at least 14 days before the hearing.
- (3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.130. Vacation on council's own motion; appeal.

- (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.
- (4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice or district court in civil cases.

Conclusions of Law: As evidenced by Exhibit 5, all lands abutting the portions of High Cedars Lane and Normil Terrace requested to be vacated are owned by Cedar Landing Development, LLC and 1 Peter 5:7, LLC (both of which have authorized this request) collectively represent in excess of two thirds of the ownership of all real property deemed potentially affected under ORS 271.080.

The petition for the vacation of the road rights-of-way and PUE is being initiated by the City Council. As stated in Section I (Scope and Nature of the Action) the purpose of the vacations is to realign High Cedars Lane and eliminate that portion of Normil Terrace west of Foothill Road in order to comply with the street and phasing layout approved under LDS-18-153. Based on the foregoing, the Council concludes as follows:



Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

1. No potentially affected landowners have objected in writing to this vacation pursuant to ORS 271.130. The owner of the majority of the land affected by the vacation pursuant to ORS 271.080 and 271.130 (Cedar Landing Development, LLC and 1 Peter 5:7, LLC) and all of the abutting land has provided written correspondence in support of the street and PUE vacations.
2. Proper notice of this vacation public hearing has been given and evidence of the City's proper notice is a part of the record of the vacation proceedings.
3. The vacation is sought following the approval of LDS-18-153 to modify the street layout within the High Cedars at Cedar Landing Phases 5B-7B. The requested subdivision changes will allow the re-alignment of PUE, High Cedars Lane, and other local streets within the High Cedars at Cedar Landing and eliminate that portion of Normil Terrace west of Foothill Road.
4. Beyond the properties which abut the street segments to be vacated, all parcels or tracts of land will retain street access at levels that the Council concludes are adequate and appropriate. As such, the Council concludes that its decision to vacate the subject rights-of-way will not produce significant impacts upon present or future land uses or their owners because: A) no land is dependent upon the subject rights-of-way for access because the abutting and nearby land is vacant, and B) new street rights-of-way will be dedicated in the future and in only a slightly different configuration to serve future development in this PUD.
5. The Council has carefully considered all of the evidence and testimony in this matter and, based upon the foregoing findings of fact and conclusions of law, the Council concludes that the public interest will not be prejudiced by the proposed vacations.

VI

ULTIMATE CONCLUSIONS

Based on the foregoing findings of fact and conclusions of law and upon the evidence and record of the proceeding, the Council ultimately concludes as follows:

1. The criteria set forth in MLDC 10.228 for the vacation of public streets has been fully and completely satisfied.
2. The requirements in relevant parts of ORS Chapter 271 have been fully and completely satisfied and public notice of the vacation public hearing was properly given.
3. The vacation of the subject portions of High Cedars Lane, Normil Terrace, the 5-foot road right-of-way and 10-foot PUE along the west side of Foothill Road are required in order to achieve the realignment of High Cedars Lane in a manner consistent with modifications approved under LDS-18-153.
4. The vacation of subject portions of High Cedars Lane, Normil Terrace, the 5-foot road right-of-way and the PUE are not a land use decision.



Findings of Fact and Conclusions of Law

Vacation of portions of High Cedars Lane and Normil Terrace
Applicant: City of Medford, Oregon

5. If the courts ultimately conclude that the street and PUE vacations are land use decisions, the Council concludes that, based upon the foregoing findings of fact and conclusions of law, the vacation is not inconsistent (and it therefore is consistent) with the Medford Comprehensive Plan Public Facilities Element because:
 - A. Based upon *Bennett, supra*, there are no plan goals nor policies which, by their language or context, were intended to function as approval criteria for street vacations. The Council has consistently interpreted provisions of the MLDC which require compliance with the comprehensive plan (or elements thereof) to mean, compliance with the plan's goals and policies; background text contained in the comprehensive plan do not constitute approval criteria.
 - B. There is no public water, sanitary sewer, electrical/telecommunications or natural gas facilities which now exist within the rights-of-way to be vacated and the same will be accommodated within one or more public utility easements complimentary to the re-alignment and subsequent dedications — which the city can assure before finalization of the vacation.
6. The vacations comply with MLDC 10.228(3) and applicable provisions of ORS Chapter 271 for street vacation(s) initiated by the City Council on its own motion pursuant to ORS 271.130 because all parcels or tracts of land which are arguably affected by the street vacations will continue to have frontage and access through the new dedications. As such, the Council concludes that its decision to vacate the 5-foot road right-of-way, the PUE and portions of High Cedars Lane and Normil Terrace will not produce significant impacts upon present or future land uses or their owners.

Dated April 30, in Medford, Oregon.

Respectfully submitted on behalf of Applicant,

CSA Planning, LTD.



Mike Savage
Consulting Urban Planner



MAY 03 2019

PLANNING DEF

[Account Sequence](#) [Map TL Sequence](#) Assessment Year 2019 [Print Window](#) [Close Window](#)

Assessment Info for Account 1-031267-5 Map 371W16D Taxlot 7000
Report For Assessment Purposes Only Created February 20, 2019

Account Info		Tax Year 2018 Info		Land Info	
Account	1-031267-5	Pay Taxes Online		Tax Code	49-01
Map	371W16D 7000	Tax Report	Details	Acreage	2.40
Taxlot		Zoning			
Owner	CEDAR LANDING DEVELOPMENT LLC	Tax Statement	Details	Land Class	
Situs Address	FOOTHILL RD N MEDFORD	Tax History	Details	RT 2.40 Ac	
		District Rates	Details	Property Class	190
Mailing Address	CEDAR LANDING DEVELOPMENT LLC 67 FAIRWAY CIR MEDFORD OR, 975047744	Tax Details 🍌	Details	Stat Class	000
		Tax Rates 🍌	Details	Unit ID	294066-2
Associated Taxlots 1 Acct				Maintenance Area	6
49-01 R	1-100084-0 371W16CA 2202 ACTIVE			Neighborhood	000
Appraiser				Study Area	11
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 2,400,000		2018-26126	Details

[Value Summary Detail](#) (For Assessment Year 2019 - Subject To Change)

[Market Value Summary](#) (For Assessment Year 2019 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	2.40	\$ 246,890	\$ 246,890	\$ 180,080	\$ 180,080
Value History Details			Total:	\$ 246,890	\$ 246,890	\$ 180,080

[Value Summary Details](#) 🍌

[Value History](#) 🍌

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS 🍌	(See new portal)	(See new portal)	Portal
ALL IN ONE REPORT? 🍌			

Appraisal Maintenance

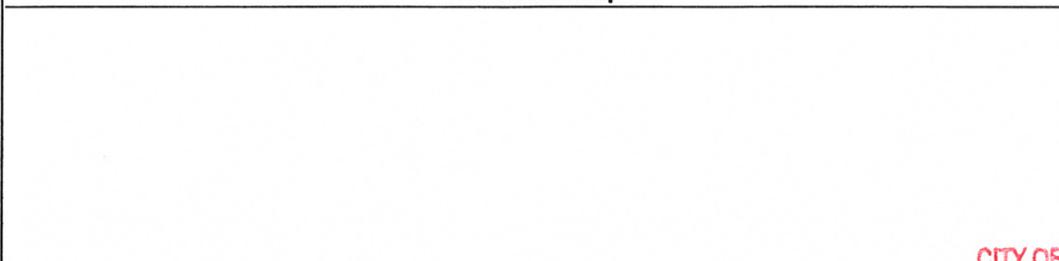
- 2008 - INVENTORY REVIEW
- 2016 - RESIDENTIAL R.T. (V-SEGREGATION REVIEW)

Account Comments

[Exemptions / Special Assessments / Notations / Potential Liability](#)

Notations			
Description	Tax Amount	Year Added	Value Amount
TRC DOWNLOADED FROM CAAP			
CARTOGRAPHIC ACTIVITY		2017	
BALANCED VALUE		2015	
CARTOGRAPHIC ACTIVITY		2015	
OPEN SPACE LAND (POTENTIAL ADD'L TAX)		2005	
BOPTA ORDER-REDUCTION 309.120		1989	
BOPTA ORDER-REDUCTION 309.120		1988	

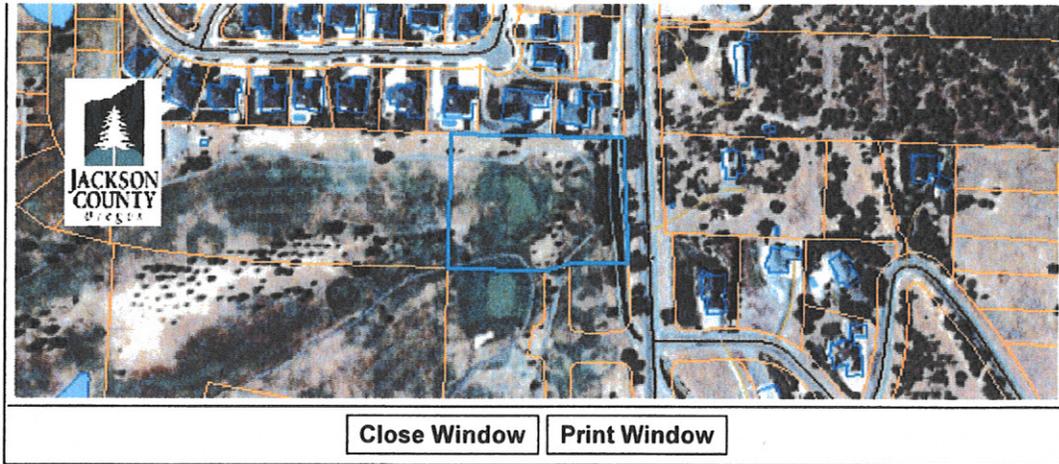
Location Map



CITY OF MEDFORD

EXHIBIT # D

File # 81-19-045



"D"

Assessment Info for Account 1-100083-8 Map 371W16D Taxlot 7001
 Report For Assessment Purposes Only Created February 20, 2019

Account Info		Tax Year 2018 Info		Land Info	
Account	1-100083-8	Pay Taxes Online		Tax Code	49-01
Map Taxlot	371W16D 7001	Tax Report	Details	Acreage	9.98
Owner	CEDAR LANDING DEVELOPMENT LLC	Tax Statement	Details	Zoning	
Situs Address	FOOTHILL RD N MEDFORD	Tax History	Details	Land Class	
	R	District Rates	Details	RT 9.98 Ac	
Mailing Address	CEDAR LANDING DEVELOPMENT LLC 67 FAIRWAY CIR MEDFORD OR, 975047744	Tax Details 🍌	Details	Property Class	190
		Tax Rates 🍌	Details	Stat Class	000
Associated Taxlots 1 Acct				Unit ID	294069-2
49-01 R	1-100446-9 371W16CA 2203 ACTIVE			Maintenance Area	6
Appraiser				Neighborhood	000
				Study Area	11
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 2,400,000		2018-26126	Details

+ [Value Summary Detail](#) (For Assessment Year 2019 - Subject To Change)

- [Market Value Summary](#) (For Assessment Year 2019 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	9.98	\$ 1,026,640	\$ 1,026,640	\$ 748,880	\$ 748,880
Value History			Total: \$ 1,026,640	\$ 1,026,640	\$ 748,880	\$ 748,880

[Value Summary Details](#) 🍌

[Value History](#) 🍌

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS 🍌	(See new portal)	(See new portal)	Portal
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[ALL IN ONE REPORT?](#) 🍌

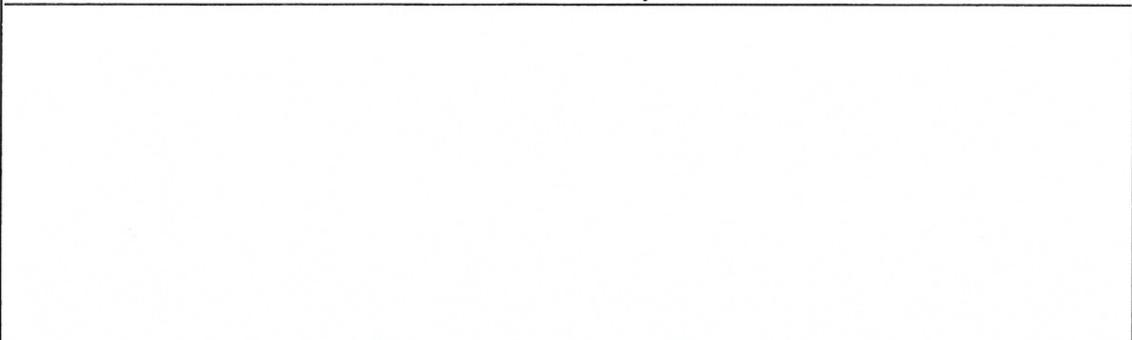
- [Account Comments](#)

05/28/15 NEW LOT IN SKY LAKES VILLAGE AT CEDAR LANDING PH 7A LOT #99 #133>>>>>>>>>8/22/17 NEW RESERVE ACREAGE FOR SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A REPLAT OF LOTS 95, 96, 97, 98 AND 99 - VOL 42 PG 31 - RECORDED ON 12/16/16 - REMOVED IRR PER MID. CS 22140. CPR ALL LAND FOR 2017. #173>>>

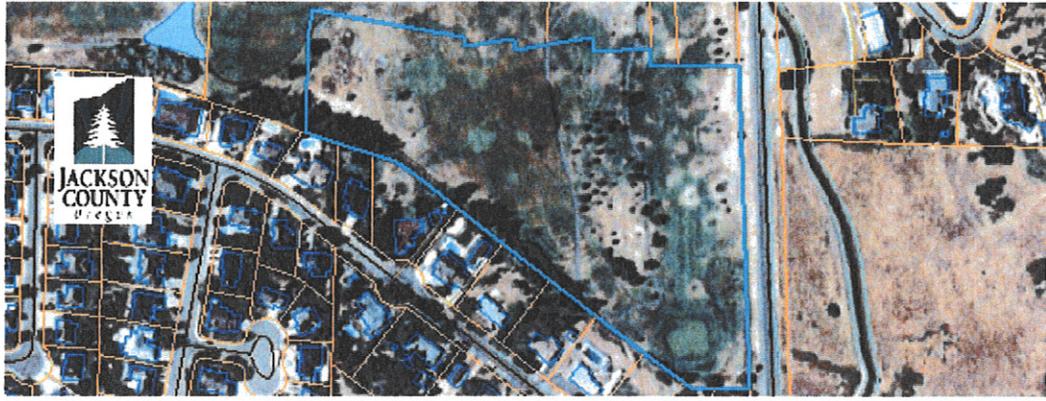
- [Exemptions / Special Assessments / Notations / Potential Liability](#)

Notations			
Description	Tax Amount	Year Added	Value Amount
CARTOGRAPHIC ACTIVITY		2017	
BALANCED VALUE		2015	
CARTOGRAPHIC ACTIVITY		2015	
OPEN SPACE LAND (POTENTIAL ADD'L TAX)		2015	

- [Location Map](#)



"D"



Close Window

Print Window

"D"

Assessment Info for Account 1-100447-0 Map 371W16D Taxlot 7002
 Report For Assessment Purposes Only Created February 20, 2019

Account Info		Tax Year 2018 Info		Land Info	
Account	1-100447-0	Pay Taxes Online		Tax Code	49-01
Map Taxlot	371W16D 7002	Tax Report	Details	Acreage	2.39
Owner	CEDAR LANDING DEVELOPMENT LLC	Tax Statement	Details	Zoning	
Situs Address	FOOTHILL RD N MEDFORD	Tax History	Details	Land Class	
Mailing Address	CEDAR LANDING DEVELOPMENT LLC 67 FAIRWAY CIR MEDFORD OR, 975047744	District Rates	Details	RT 2.39 Ac	
Appraiser		Tax Details	Details	Property Class	190
		Tax Rates	Details	Stat Class	000
				Unit ID	294075-1
				Maintenance Area	6
				Neighborhood	000
				Study Area	11
				Account Status	ACTIVE
				Tax Status	Assessable
				Sub Type	NORMAL

Sales Data (ORCATS)

Last Sale (consideration > 0)	Sale Date	Instrument Number	Sales History
\$ 2,400,000		2018-26126	Details

Value Summary Detail (For Assessment Year 2019 - Subject To Change)

Market Value Summary (For Assessment Year 2019 - Subject To Change)

Code Area	Type	Acreage	RMV	M5	MAV	AV
49-01	LAND	2.39	\$ 245,860	\$ 245,860	\$ 179,340	\$ 179,340
Value History Details			Total: \$ 245,860	\$ 245,860	\$ 179,340	\$ 179,340

[Value Summary Details](#)

[Value History](#)

Photos and Scanned Documents

SCANNED ASSESSOR DOCUMENTS	(See new portal)	(See new portal)	Portal
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[ALL IN ONE REPORT?](#)

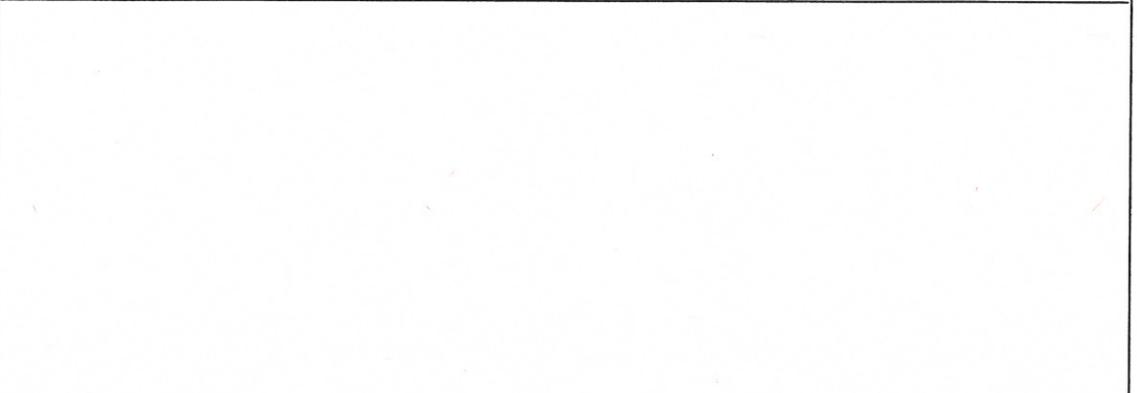
Account Comments

>>>8/22/17 NEW RESERVE ACREAGE FOR SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A REPLAT OF LOTS 95, 96, 97, 98 AND 99 - VOL 42 PG 31 - RECORDED ON 12/16/16 - CS 22140. MAKE AIC WITH 371W16CA-2203 PER DEED. CPR ALL LAND FOR 2017. #173>>>

Exemptions / Special Assessments / Notations / Potential Liability

Notations			
Description	Tax Amount	Year Added	Value Amount
CARTOGRAPHIC ACTIVITY		2017	
OPEN SPACE LAND (POTENTIAL ADD'L TAX)		2017	

Location Map



"D"



"D"



PUBLIC WORKS DEPARTMENT STAFF REPORT

High Cedars Lane and Normil Terrace ROW & PUE Vacation High Cedars Subdivision at Cedar Landing

Project: Consideration of a request for the vacation of a portion of Normil Terrace and a five foot wide strip of Foothill Road, of public right-of-way and Public Utility Easement.

Location: Running roughly north-south from Phase 5B, 6B and 7B of High Cedars at Cedar Landing within the SFR-4 (Single Family Residential, 4-6 dwelling units per gross acre).

Applicant: Applicant, Cedar Landing Development LLC; Agent, CSA Planning Ltd.; Planner, Liz Conner.

Public Works takes no exception to the request to vacate the subject existing right-of-way and public utility easement along High Cedars Lane, Normil Terrace and portion of North Foothill Road, with the condition that sign-offs shall be obtained from all applicable utility companies to confirm they have relocated their facilities out of the areas to be vacated.

That said, the City of Medford had paid Street System Development Charge (SDC) Credits in the amount of \$3,913.39 to the Developer in 2015 for dedication of right-of-way along North Foothill Road as shown on the Plat for Sky Lakes Village at Cedar Landing Phase 7A. Per the Developer, the previously paid SDC Credits will be reimbursed to the City of Medford upon vacation of this section of right-of-way.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

CITY OF MEDFORD
EXHIBIT # E
File # SV-19-045



MEDFORD PLANNING

MEMORANDUM

Subject Legal Description
File no. SV-19-045
To Jon Proud, Engineering
From Liz Conner, Planning Department
Date August 30, 2019

Please verify the attached legal description covering the below subject at your earliest convenience. See attached map.

1. SV-19-045
Applicant: City of Medford
Agent: CSA Planning

Liz-
The descriptions look good when compared to our file for previous review.
Sean

cp

Attachments:

Vicinity Map, Legal description

CITY OF MEDFORD
EXHIBIT # F
File # SV-19-045

EXHIBIT "A"

RESERVE STRIPS
NORMIL TERRACE AND HIGH CEDARS LANE
(See attached EXHIBIT "B" for map)

ONE-FOOT RESERVE STRIP AT SOUTH END OF HIGH CEDARS LANE

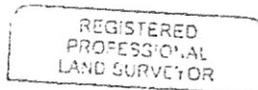
Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 142.57 feet to the POINT OF BEGINNING; thence South 86°20'45" West 55.00 feet to the point of Terminus.

ONE-FOOT RESERVE STRIP AT NORTH END OF HIGH CEDARS LANE

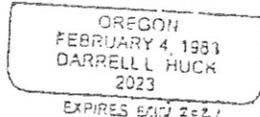
Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence along the arc of a 30.00 foot radius non-tangent curve to the right (the long chord to which bears South 41°14'58" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'33" West 34.36 feet; thence along the arc of a 468.50 foot radius curve to the right (the long chord to which bears South 89°21'47" West 49.09 feet) a distance of 49.12 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North 44°40'45" West 27.26 feet) a distance of 29.99 feet; thence North 01°43'30" West 122.45 to the POINT OF BEGINNING; thence South 79°29'14" West 56.63 feet to the Point of Terminus.

ONE-FOOT RESERVE STRIP AT WEST END OF NORMIL TERRACE

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 143.57 feet; thence South 86°20'45" West 55.00 feet; thence North 03°51'41" West 160.08 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 42°38'16" West 25.05 feet) a distance of 27.07 feet; thence along the arc of a 1468.50 foot radius curve to the left (the long chord to which bears North 81°46'13" West 18.26 feet) a distance of 18.26 feet to the POINT OF BEGINNING; thence North 07°50'04" East 63.03 feet to the Point of Terminus.



Darrell L. Huck



Darrell L. Huck
L.S. 2023 - Oregon
Expires 6/30/2021
Hoffbuhr & Associates, Inc.

"F"

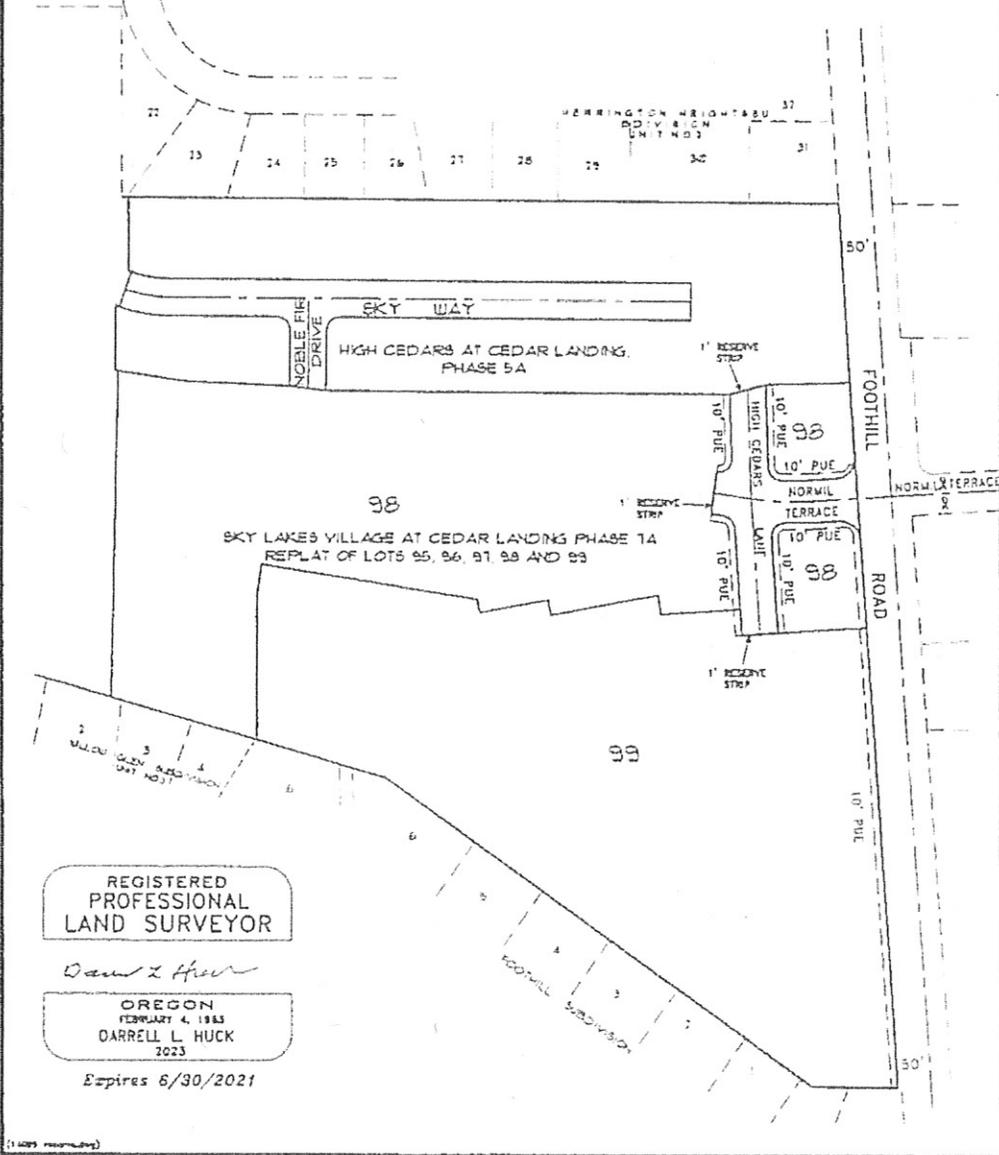
(SEE ATTACHED EXHIBIT "A")

EXHIBIT B

AREA OF RESERVE STRIPS

SITUATED IN
THE SW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

1" = 200'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

Expires 6/30/2021

(14029 Professional Survey)

"F"

EXHIBIT "A"

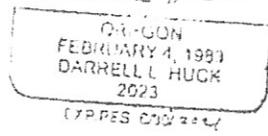
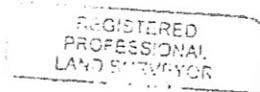
**ROAD VACATION
FOOTHILL ROAD, NORMIL TERRACE AND HIGH CEDARS LANE
(See attached EXHIBIT "B" for map)**

That portion of Normil Terrace and including High Cedars Lane and the adjoining Public Utility Easements, lying westerly of Foothill Road and being located in Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, recorded in Volume 42 of Plats at Page 31 of Records in the City of Medford, Jackson County, Oregon, being more particularly described as follows:

Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South 03°51'41" East 112.01 feet to the POINT OF BEGINNING; thence continue South 03°51'41" East 122.89 feet; thence along the arc of a 30.00 foot radius curve to the left (the long chord to which bears North 48°45'03" West 42.34 feet) a distance of 47.01 feet; thence South 86°21'35" West 34.52 feet; thence along the arc of a 531.50 foot radius curve to right (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 43°43'54" West 29.56 feet) a distance of 33.26 feet; thence South 03°51'41" East 142.57 feet; thence South 86°20'45" West 55.00 feet; thence North 03°51'41" West 159.08 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 42°38'16" West 25.05 feet) a distance of 27.07 feet; thence along the arc of a 1468.50 foot radius curve to the left (the long chord to which bears North 81°46'15" West 18.26 feet) a distance of 18.26 feet; thence North 07°50'04" East 63.03 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears North 46°37'18" East 29.89 feet) a distance of 33.75 feet; thence North 01°43'30" West 94.00 feet; thence North 74°29'14" East 56.63 feet; thence South 01°43'30" East 122.15 feet; thence along the arc of a 20.00 foot radius curve to the left (the long chord to which bears South 44°40'45" East 27.26 feet) a distance of 29.99 feet; thence along the arc of a 468.50 foot radius curve to the left (the long chord to which bears North 89°21'47" East 49.09 feet) a distance of 49.12 feet; thence North 86°21'33" East 34.16 feet; thence along the arc of a 30.00 foot radius non-tangent curve to the left (the long chord to which bears North 41°14'58" East 42.34 feet) a distance of 47.01 feet to the Point of Beginning.

TOGETHER WITH: A strip of land, 5.00 feet in width, lying easterly of the east line of SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A, REPLAT OF LOTS 95, 96, 97, 98 AND 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon and being more particularly described as follows:

BEGINNING at the Northeast corner of Lot 97 of SKY LAKES VILLAGE AT CEDAR LANDING PHASE 7A, REPLAT OF LOTS 95, 96, 97, 98 AND 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the easterly line of said Lot 97 and its southerly prolongation, South 03°51'41" East 1322.23 feet to the southeast corner of Lot 99 of the aforesaid Sky Lakes Village Replat; thence leaving said easterly line, North 86°08'19" East 5.00 feet; thence North 03°51'41" West 1322.23 feet; thence South 86°08'19" West 5.00 feet to the point of beginning.



Darrell L. Huck
L.S. 2023 - Oregon
Expires 6/30/2021
Hoffbuhr & Associates, Inc.

(14099rdvacate normal-high cedar.doc)

"F"

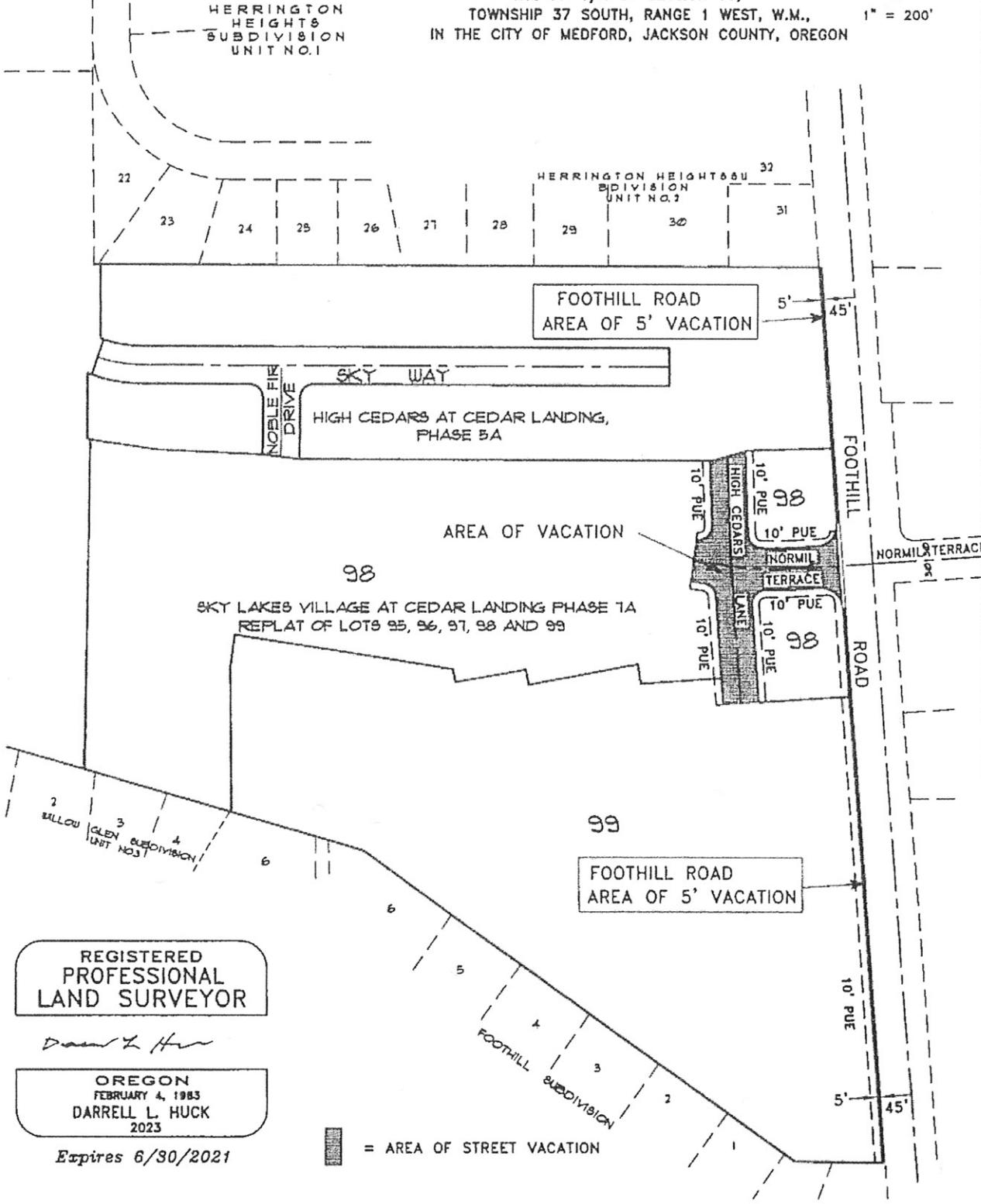
(SEE ATTACHED EXHIBIT "A")

EXHIBIT B

AREA OF ROAD VACATION

SITUATED IN
THE SW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

1" = 200'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

Expires 6/30/2021

= AREA OF STREET VACATION

(14089 road vacate 7-15-2018.dwg)

"F"

EXHIBIT "A"

PUBLIC UTILITY (PUE) VACATION
FOOTHILL ROAD, NORMIL TERRACE AND HIGH CEDARS LANE
(See attached EXHIBIT "B" for map)

Those Public Utility Easements shown on the final Plat of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon, being more particularly described as follows:

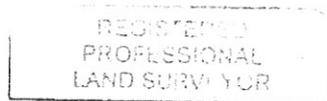
Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South $03^{\circ}51'41''$ East 112.01 feet; thence along the arc of a 30.00 foot radius non-tangent curve to the right (the long chord to which bears South $06^{\circ}03'12''$ West 10.10 feet), a distance of 10.15 feet to the POINT OF BEGINNING; thence, continue along the arc of a 30.00 foot radius curve to the right (the long chord to which bears South $50^{\circ}56'35''$ West 34.58 feet), a distance of 36.86 feet; thence South $86^{\circ}21'33''$ West 34.16 feet; thence along the arc of a 468.50 foot radius curve to the right (the long chord to which bears South $89^{\circ}21'47''$ West 49.09 feet) a distance of 49.12 feet, thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North $44^{\circ}40'45''$ West 27.26 feet) a distance of 29.99 feet; thence North $01^{\circ}43'30''$ West 123.18 feet to the Northerly line of said Lot 98; thence, along said Northerly line, North $88^{\circ}16'30''$ East 10.00 feet; thence, leaving said Northerly line, thence South $01^{\circ}43'30''$ East 123.20 feet; thence along the arc of a 10.00 foot radius curve to the left (the long chord to which bears South $44^{\circ}43'29''$ East 13.62 feet) a distance of 14.98 feet; thence along the arc of a 458.50 foot radius curve to the left (the long chord to which bears North $89^{\circ}21'47''$ East 48.05 feet) a distance of 48.07 feet; thence North $86^{\circ}21'33''$ East 44.08 feet; thence along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North $41^{\circ}20'00''$ East 14.15 feet) a distance of 15.72 feet; thence North $86^{\circ}08'19''$ East 8.26 feet to the Point of Beginning.

ALSO: Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Easterly line of said Lot, South $03^{\circ}51'41''$ East 234.90 feet to the POINT OF BEGINNING; thence continue South $03^{\circ}51'41''$ East 821.45 feet to the Southeast corner of Lot 99; thence, along the Southerly line of said Lot, North $89^{\circ}15'29''$ West 10.03 feet; thence, leaving said Southerly line, North $03^{\circ}51'41''$ West 830.61 feet; thence, along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North $48^{\circ}44'19''$ West 14.11 feet) a distance of 15.66 feet; thence South $86^{\circ}21'35''$ West 44.49 feet; thence along the arc of a 541.50 foot radius curve to right (the long chord to which bears South $88^{\circ}52'05''$ West 47.40 feet) a distance of 47.41 feet; thence along the arc of a 10.00 foot radius curve to the left (the long chord to which bears South $43^{\circ}43'54''$ West 14.78 feet) a distance of 16.63 feet; thence South $03^{\circ}51'41''$ East 143.61 feet to the Southerly line of said Lot 98; thence, along said Southerly line, South $86^{\circ}20'44''$ West 10.00 feet; thence, leaving said Southerly line, North $03^{\circ}51'41''$ West 143.57 feet; thence, along the arc of a 20.00 foot radius curve to the right (the long chord to which bears North $43^{\circ}43'54''$ East 29.56 feet), a

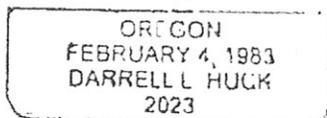
distance of 33.26 feet; thence along the arc of a 531.50 foot radius curve to left (the long chord to which bears South 88°52'05" West 46.52 feet) a distance of 46.54 feet; thence North 86°21'35" East 34.52 feet; thence along the arc of a 30.00 foot radius curve to the right (the long chord to which bears South 48°45'03" East 42.34 feet) a distance of 47.01 feet to the Point of Beginning.

ALSO: Commencing at the Southeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Southerly line of said Lot 98, South 86°20'45" West 187.70 feet to an angle point for the POINT OF BEGINNING; thence South 86°08'19" West 10.00 feet; thence North 03°51'41" West 160.08 feet; thence, along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North 42°38'16" West 12.53 feet) a distance of 13.54 feet; thence along the arc of a 1458.50 foot radius curve to the left (the long chord to which bears North 81°47'23" West 19.13 feet) a distance of 19.13 feet; thence North 07°50'04" East 10.00 feet; thence along the arc of a 1468.50 foot radius curve to the right (the long chord to which bears South 81°47'23" East 19.26 feet) a distance of 19.26 feet; thence along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 42°38'16" East 25.05 feet) a distance of 27.07 feet; thence South 03°51'41" East 160.08 feet to the Point of Beginning.

ALSO: Commencing at the Northeast corner of Lot 98 of Sky Lakes Village at Cedar Landing, Phase 7A, Replat of Lots 95, 96, 97, 98 and 99, a planned community, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence along the Northerly line of said Lot, South 88°16'30" West 126.49 feet to an angle point; thence South 74°29'14" West 56.53 to an angle point for the POINT OF BEGINNING; thence South 01°43'30" East 95.03 feet; thence, along the arc of a 20.00 foot radius curve to the right (the long chord to which bears South 43°08'17" West 30.54 feet), a distance of 34.75 feet; thence North 07°50'04" East 10.00 feet; thence, along the arc of a 10.00 foot radius curve to the left (the long chord to which bears North 43°08'17" East 15.27 feet), a distance of 17.38 feet; thence North 01°43'30" West 95.38 feet to the aforesaid Northerly line of Lot 98; thence, along said Northerly line, South 89°43'35" East 10.01 feet to the Point of Beginning



Darrell L. Huck



EXPIRES 6/30/2021

Darrell L. Huck
L.S. 2023 - Oregon
Expires 6/30/2021
Hoffbuhr & Associates, Inc.

(14099 pue vacate.doc)

2

"F"

2

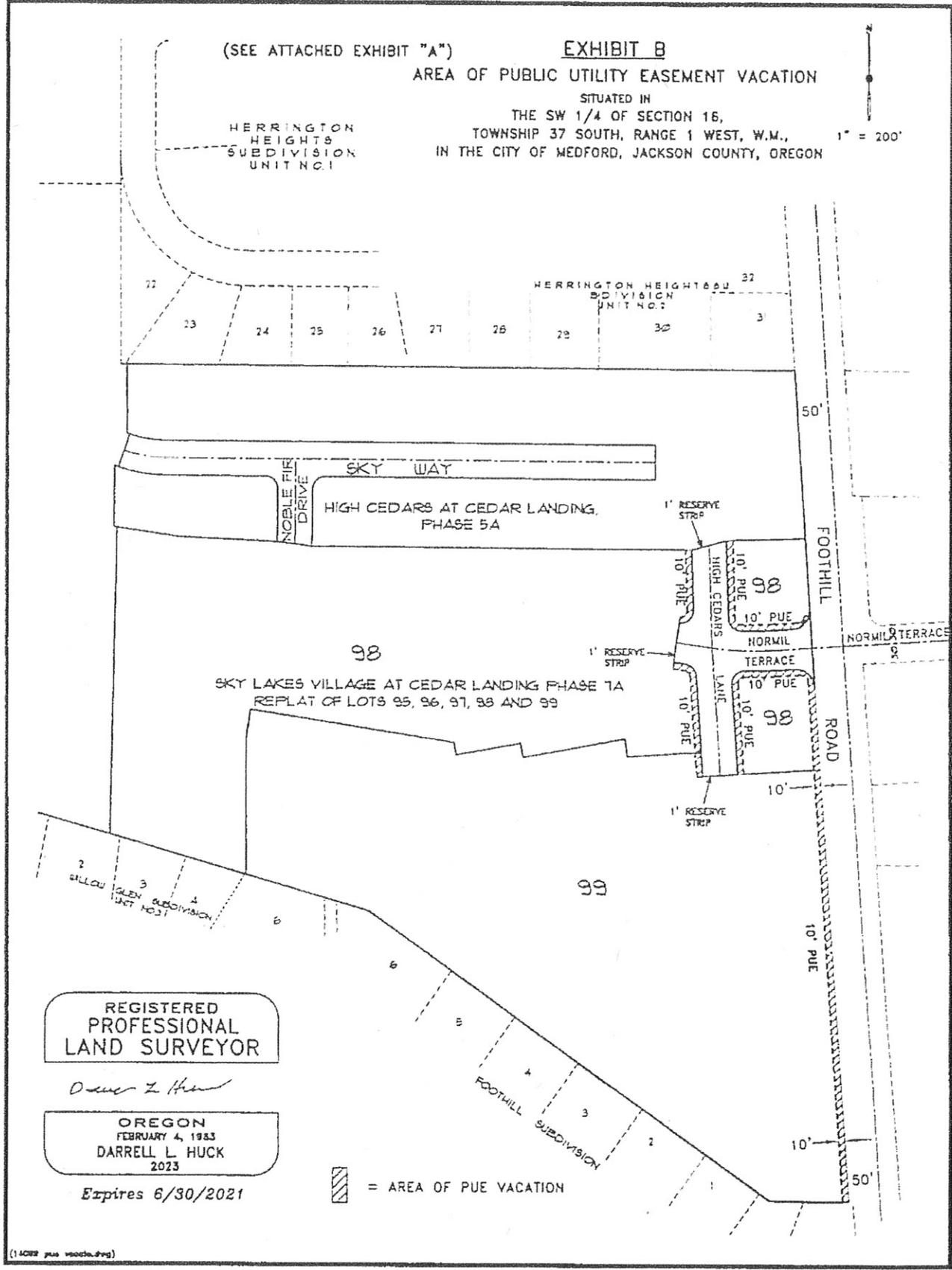
(SEE ATTACHED EXHIBIT "A")

EXHIBIT B

AREA OF PUBLIC UTILITY EASEMENT VACATION

SITUATED IN
THE SW 1/4 OF SECTION 16,
TOWNSHIP 37 SOUTH, RANGE 1 WEST, W.M.,
IN THE CITY OF MEDFORD, JACKSON COUNTY, OREGON

1" = 200'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Darrell L. Huck

OREGON
FEBRUARY 4, 1983
DARRELL L. HUCK
2023

Expires 6/30/2021

= AREA OF PUE VACATION

(14022 plus vachin.dwg)

"F"



MEDFORD

BUILDING SAFETY

MEMORANDUM

To: Liz Conner, Planning Department
From: Mary Montague, Building Department
CC: Cedar Landing Development LLC, Applicant; CSA Planning Ltd, Agent
Date: September 24, 2019
Subject: High Cedars ROW & PUE Vacation

BUILDING DEPARTMENT:

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

General Comments:

1. No Comments

CITY OF MEDFORD
EXHIBIT # G1
File # SY-19-045



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: SV-19-045

PARCEL ID: N/A

PROJECT: Consideration of a request for the vacation of a portion of Normil Terrace and a five foot wide strip of Foothill Road, of public right-of-way and Public Utility Easement, running roughly north-south from Phase 5B, 6B and 7B of High Cedars at Cedar Landing within the SFR-4 (Single Family Residential, 4-6 dwelling units per gross acre); Applicant, Cedar Landing Development LLC; Agent, CSA Planning Ltd.; Planner, Liz Conner.

DATE: September 25, 2019

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

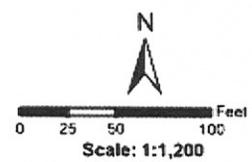
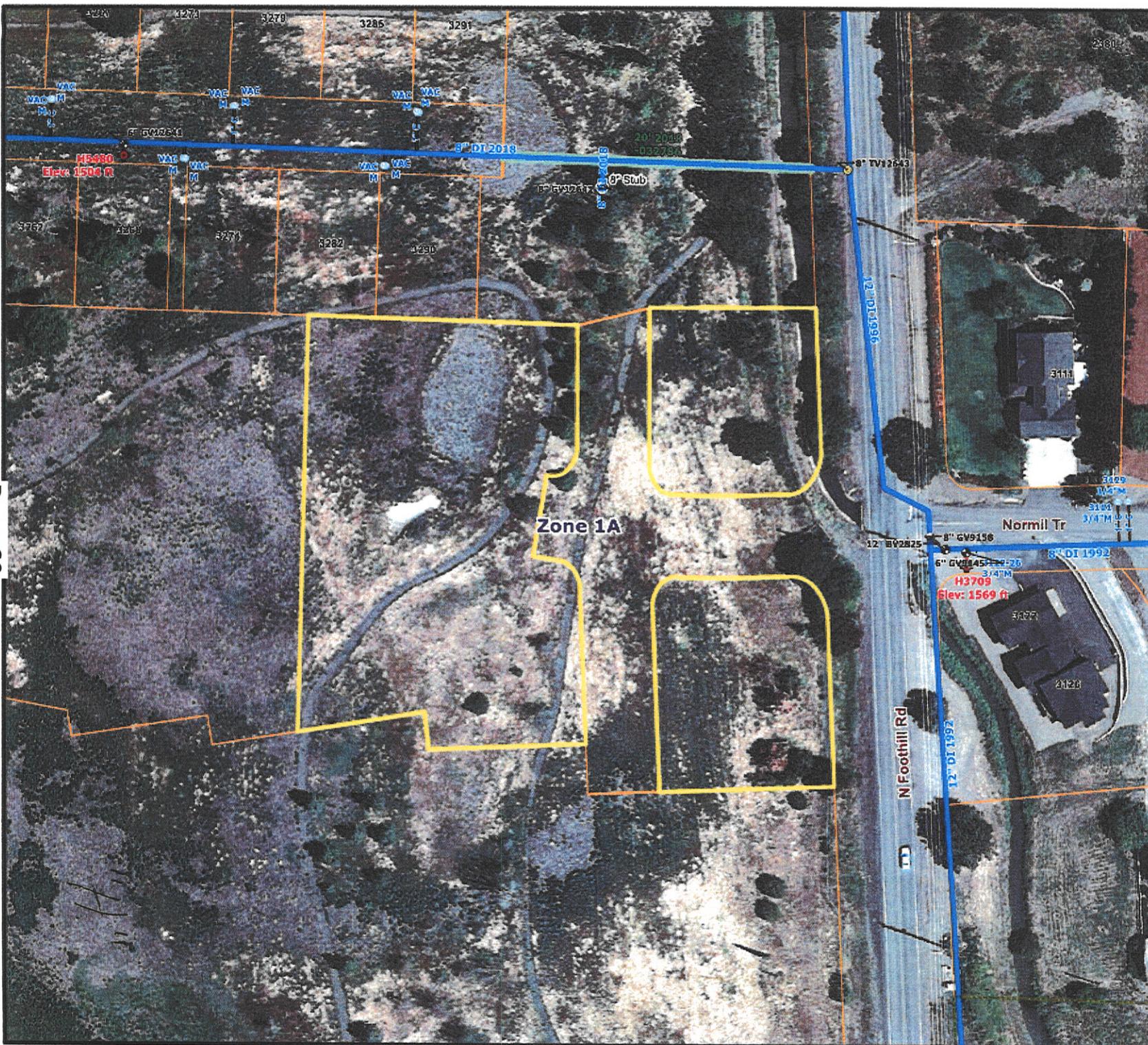
CONDITIONS

1. No Conditions.

COMMENTS

1. Medford Water Commission has an existing 12-inch ductile iron water line within the right-of-way that shifts from the west side of N Foothill Road to the east side of Foothill Road near the intersection with Normil Terrace. See attached MWC Water Facility Map.

CITY OF MEDFORD
EXHIBIT # H
File # SV-19-045



**Water Facility Map
City of Medford
Planning Application:
SV-19-045
(ROW)
Sept 25, 2019**

Legend

- Air Valve
 - Sample Station
 - Fire Service
 - Hydrant
 - ▲ Reducer
 - Blow Off
 - ◆ Plugs-Caps
- Water Meters:**
- Active Meter
 - On Well
 - Unknown
 - Vacant
- Water Valves:**
- ◆ Butterfly Valve
 - ◆ Gate Valve
 - ◆ Tapping Valve
- Water Mains:**
- Active Main
 - - - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line
- Boundaries:**
- ▭ Urban Growth Boundary
 - ▭ City Limits
 - ▭ Tax Lots
- MWC Facilities:**
- C** Control Station
 - P** Pump Station
 - R** Reservoir





JACKSON COUNTY

Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

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

September 9, 2019

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

RE: Street Vacation of a portion of
Normil Terrace – a City maintained road
Foothill Road – a County maintained road
Planning File: SV-19-045

Dear Elizabeth:

Thank you for the opportunity to comment on the consideration of a request for the vacation of a portion of Normil Terrace and a five foot wide strip of Foothill Road, of public right-of-way and Public Utility Easement, running roughly north south from Phases 5B, 6B, & 7B of High Cedars at Cedar Landing within the SFR-4 (Single Family Residential four dwelling units per gross acre. (37-1W-16DB TLs 1700 & 3700 & 37-1W-16D TL 7001). Jackson County has no comments.

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

Sincerely,

For
Chuck DeJanvier, PE
Construction Engineer

CITY OF MEDFORD
EXHIBIT # 1
File # SV-19-045



Project Name:

**High Cedars
 ROW & PUE Vacation**

Map/Taxlot:

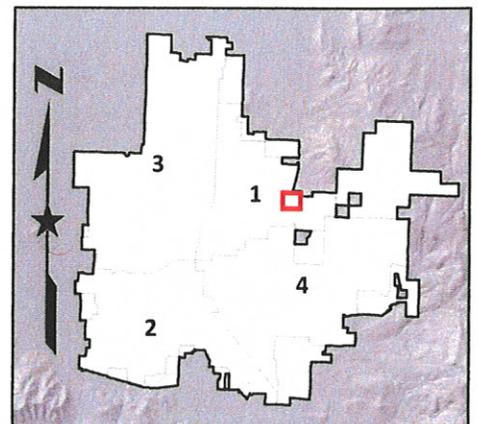
**High Cedars
 Portions of Ph 5B, 6B & 7B**



Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

5/30/2019





STAFF REPORT

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

Project Knotts Landing subdivision
 Applicant: Rea Thomson; Agent: Rogue Plannings & Development Services

File no. ZC-19-015

To Planning Commission *for October 10, 2019 hearing*

From Liz Conner, Planner II

Reviewer Kelly Evans, Assistant Planning Director *KE*

Date October 3, 2019

BACKGROUND

Proposal

Consideration of a request for a zone change of an approximately .18 acre lot located at 1035 West 10th Street, south of the intersection of West 10th Street and Canon Street from SFR-10 (Single Family Residential, 10 dwellings units per gross acre) to MFR-20 (Multi Family Residential, 20 dwelling units per gross acre) (372W25DB TL 20100).

Vicinity Map



Subject Site Characteristics

GLUP	UH	Urban High Density Residential
Zoning	SFR-10	Single Family Residential -10 dwelling units per gross acre
Use		Single Family Residence

Surrounding Site Characteristics

<i>North</i>	Zone:	MFR-20 (Multi-Family Residential 20 dwelling units per gross acre)
	Use:	Multi-family complex
<i>South</i>	Zone:	SFR-6 (Single Family Residential- 6 dwelling units per gross acres) & SFR-10
	Use:	Single Family Residence
<i>East</i>	Zone:	SFR-6
	Use:	Single Family Residence
<i>West</i>	Zone:	MFR-20
	Use:	Multi-family complex

Related Projects

None.

Applicable Criteria

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

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

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

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

constructed by the applicant, or the estimated cost. The “estimated cost” shall be 125% of a professional engineer’s estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

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

ISSUES AND ANALYSIS

Background

The subject property is approximately 0.18 acres zoned SFR-10 with an Urban High Density Residential General Land Use Plan (GLUP) designation. The Jackson County Tax Assessor records indicate a duplex was built on the property in 1964.

A third unit was established without building permits after 2008. The applicant has requested a zone change to MFR-20 in order to legalize the third dwelling unit.

Transportation System Plan

The subject site has frontage on W. 10th Street which is classified as a Major Collector street according to the Transportation System Plan Map (Exhibit C).

Sanitary Sewer Facilities

The Public Works Department report (Exhibit E) states that there are downstream sanitary sewer capacity constraints. The Public Works Department recommends that the application be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitations, or the developer make improvements to the downstream sanitary system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change. A condition of approval to comply with the Public Works report has been included.

Storm Drainage System

The Public Works Department report (Exhibit E) states that there are existing storm drain facilities in the area and the subject site is able to be connect to the facilities.

Density (Exhibit J)

The density for this lot between three and five units. With the legalization of the third dwelling unit, the property will be in conformance.

The density for this lot with the SFR-10 zoning is between one and two dwelling units.

Committee Comments

No committee comments were received.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

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

- With regard to Criterion 3, the agency comments included as Exhibits E-H, demonstrate that with the imposition of the condition of approval contained in Exhibit A, Category A facilities can be made to be adequate to serve the

property at the time 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-19-015 per the staff report dated October 3, 2019, including Exhibits A through J.

EXHIBITS

- A Conditions of Approval, dated October 3, 2019
- B General Land Use Plan Map adopted August 16, 2018
- C Medford Roadway Functional Classification Map adopted December 6, 2018
- D Applicants findings and conclusions received October 3, 2019
- E Public Works Report received September 12, 2019
- F Medford Fire Department comments received September 12, 2019
- G Medford Building Department memo received September 12, 2019
- H Medford Water Commission Comments received September 12, 2019
- I Medford Surveyor Comments received September 11, 2019
- J Density Calculations dated October 1, 2019
Vicinity map

PLANNING COMMISSION AGENDA:

OCTOBER 10, 2019

EXHIBIT A

Rea Thomson Zone Change
ZC-19-015
Conditions of Approval
October 3, 2019

CODE CONDITIONS

1. Comply with the Public Works Department Staff Report, revised September 19, 2019 (Exhibit E).
2. The Restricted Zoning Overlay 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 within 30 days of the zone change becoming effective. Two restrictions will apply to the subject property:

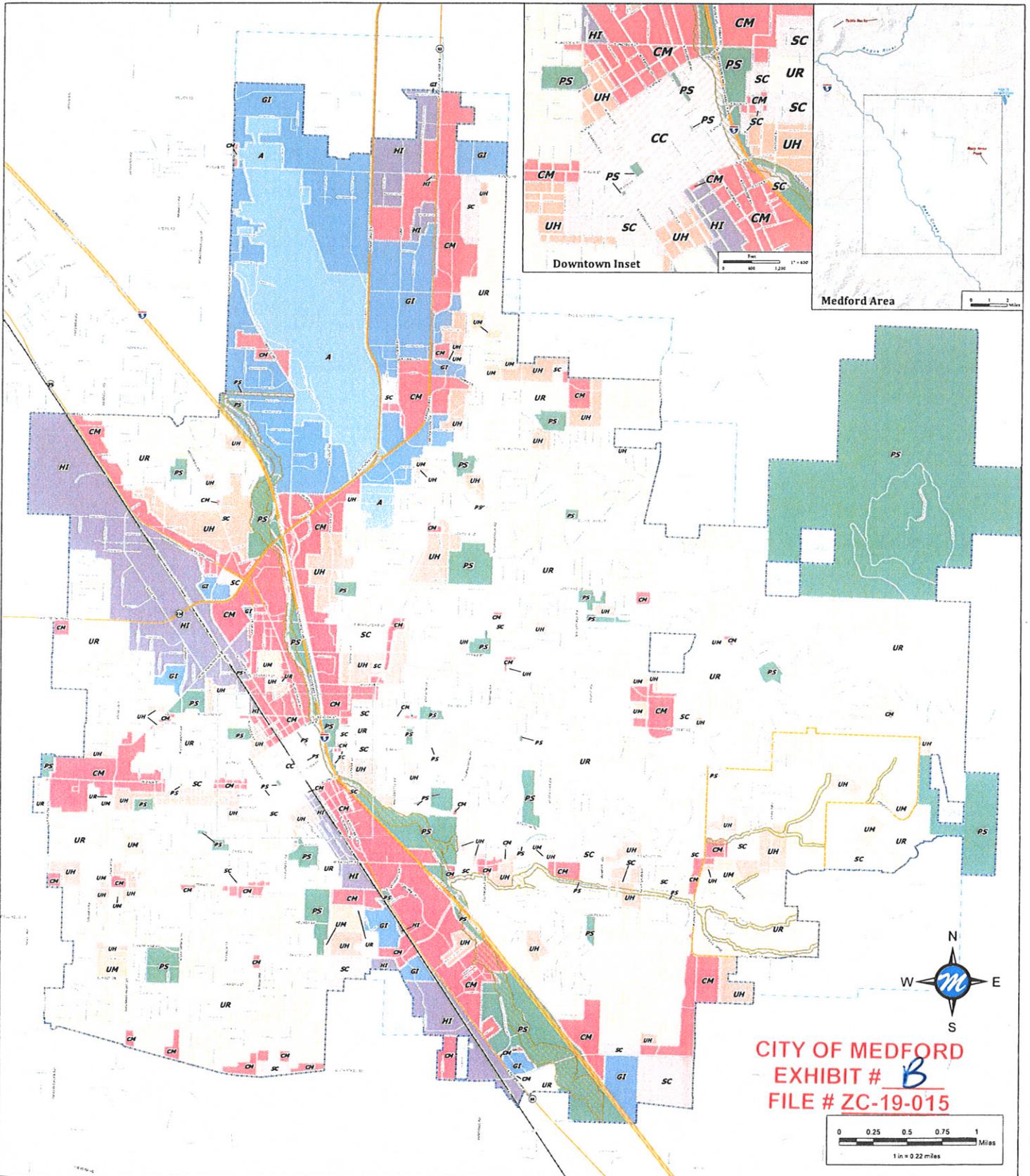
- a. The property owner provide staff with a deed restriction recorded in the official records of Jackson County stipulating to only develop the property so that the total sewer flows do not exceed current zoning limitation.

The developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints.

Or,

The developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

OFFICIAL MEDFORD GENERAL LAND USE PLAN MAP



CITY OF MEDFORD
EXHIBIT # B
FILE # ZC-19-015

LAND USE CLASSIFICATIONS

- | | | |
|---------------------------------------|-------------------------|------------------------|
| Urban High Density Residential (UH) | Commercial (CM) | Airport (A) |
| Urban Medium Density Residential (UM) | Service Commercial (SC) | City Center (CC) |
| Urban Residential (UR) | General Industrial (GI) | Parks and Schools (PS) |
| | Heavy Industrial (HI) | Greenways |

BOUNDARIES

- Urban Growth Boundary
- Urban Reserves
- Southeast Plan Area

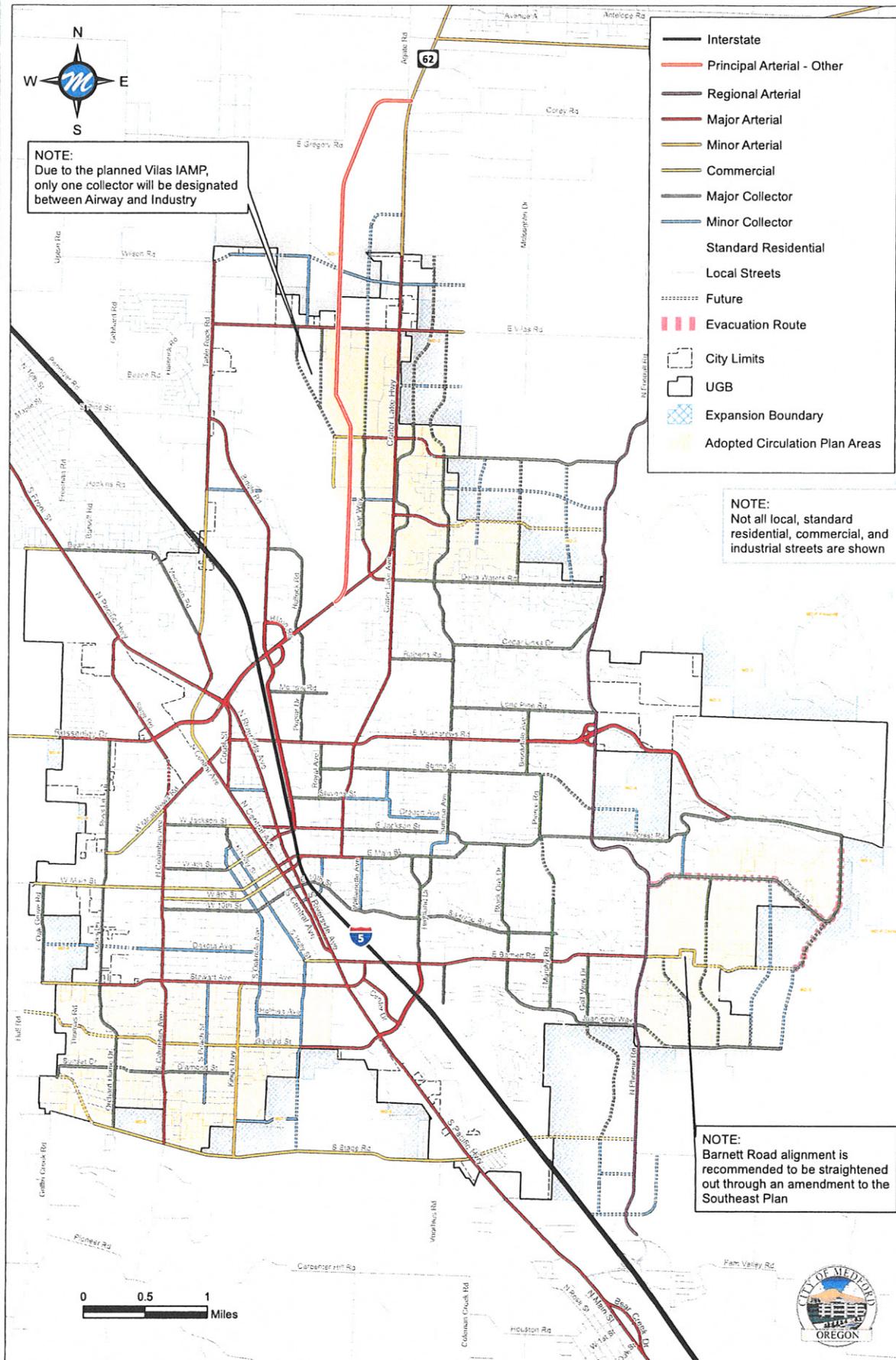


CITY OF MEDFORD
PLANNING DEPARTMENT

Revised Through
 Ordinance 2018-39
 Effective August 16, 2018

Map is not intended to be site specific.

Map Date: 10/22/2018



Roadway Functional Classification Map
CITY OF MEDFORD
Medford, Oregon

Figure
18

RECEIVED
AUG 12 2019
PLANNING DEPT.

Request for Zone Change from SFR-10 to MFR-20

Subject Property

Property Address: 1035 W 10th Street
Map: 372W25DB
Tax lot: 20100

General Land Use Plan Designation: Urban High Density
Zoning: SFR-10

Property Owner: Patrick and Rea Thompson
 P.O. BOX 1472
 Medford, OR 97501

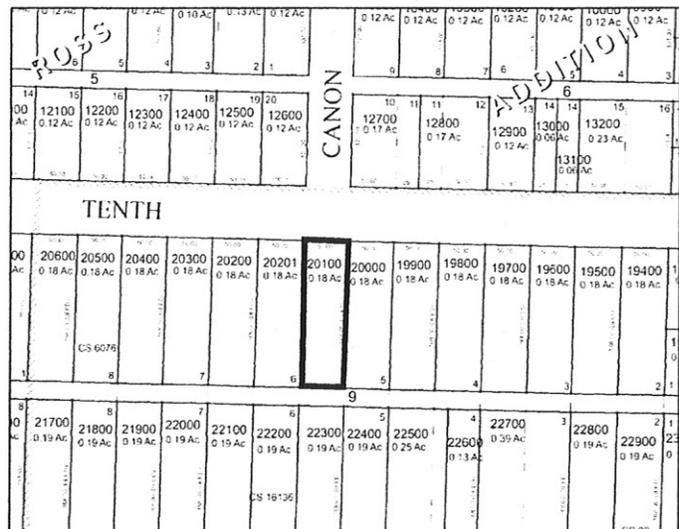
Land Use Consultant: Rogue Planning & Development Services
 33 North Central Avenue, Suite 213
 Medford, OR 97501

Request:
 The request is for a zone change from SFR-10 to MFR-20.

Site Background:

The subject property is an 8,400 square foot lot on the south side of West Tenth (10th) Street, mid-block between Orange Street and Hamilton Street. Canon Street intersects W 10th Street on the north side of the street directly across from the subject property. At the rear of the property is a public alley.

The property is occupied by a 2,216 square foot, single story structure that was constructed in 1964. According to the Jackson County Assessor's Office, sometime before 2008, and prior to the present property owner's ownership, a third unit was constructed on the property, appearing to be a conversion of a carport and covered patio area. Following the zone change, the property owner will seek building permits to address the construction of the unit and obtain all necessary permits to remedy the lack of permit history on the third unit.



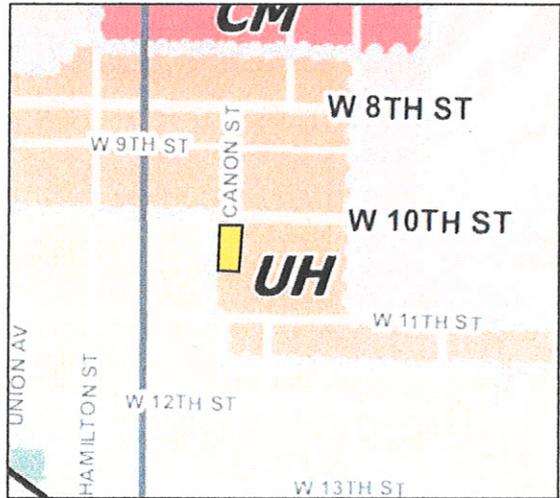
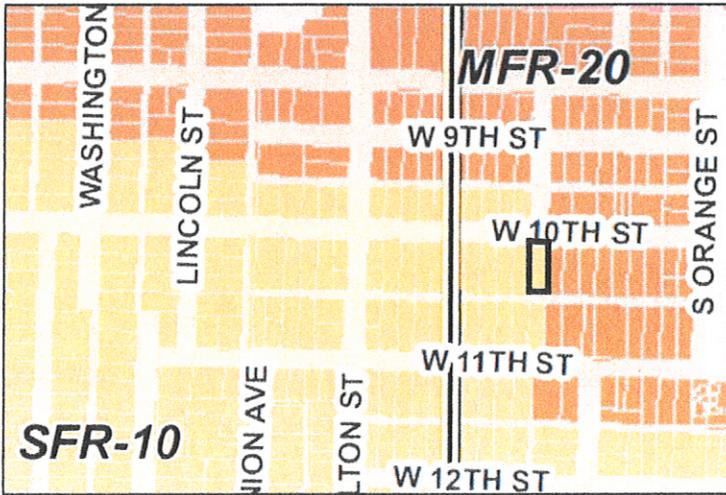
CITY OF MEDFORD
 EXHIBIT # D
 FILE # ZC-19-015

8

There is a two-vehicle parking area at the front of the property accessed from W 10th Street. At the rear of the property, accessed from the alley is a parking area that provides head-in parking for four vehicles.

It can be found that the requested zone change from SFR-10 to MFR-20 is consistent with the General Land Use Plan (GLUP) designation as Urban High-Density and that the existing site development is generally consistent with the standards for multi-family residential site development.

Findings addressing the zone change criteria are found on the following pages.



"D"

RECEIVED

AUG 12 2019

PLANNING DEPT.

Findings of Fact

Medford Land Development Ordinance 10.204

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.

Finding:

The proposed rezoning of the property from SFR-10 to MFR-20 is consistent with the properties General Land Use Plan Map designation as Urban High Density (UH).

The requested zone change from SFR-10 to MFR-20 is consistent with the GLUP. Additionally, the property abuts, along the east property line, MFR-20 zoned land. The lot area is 8,400 square feet which complies with the minimum lot area in the MFR-20 zone. The MFR-20 zone allows for between 15 – 20 dwelling units per gross acre. The gross acreage of the property is 9,650 which has a density factor of between 3.3 (.22 X 15 = 3.3), and up to 4.4 units (.22 X 20 = 4.4). The proposed density of the lot is three units which complies with the allowed density of the property when zoned MFR-20.

The existing site development complies with many of the Multi-Family Dwelling Development Standards, but not all. The majority of the standards for setbacks, coverage, parking, landscape areas, comply. The structure was constructed in the early 1960s and the development pattern and orientation is consistent with the development pattern and orientation of the other multi-family and single family residences found in this section of W 10th Street.

The existing single-story structure is less than 18-feet in average height and the structure complies with the minimum required side yard setback of four-feet with a six-foot side yard setback on the east side and a 18-foot, 5 ½-inch setback on the west side. The existing lot complies with the maximum lot coverage in the zone of 50 percent in the zone as there is 27 percent coverage by structures.

The lot is not 80-feet wide as none are in the neighborhood. The existing lots in the block are all 50-feet wide. This is a pre-existing non-conforming situation that will not be increased as part of the request. The lot exceeds the minimum lot depth in the zone with 168-feet where 100-feet is required.

The Transportation System Plan (TSP) classifies W 10th Street as a Collector Street. The proposal is to accommodate a three unit development on the property. The number of vehicle trips from three units is less than 50 A.M. and P.M. trips and less than 250 trips which is below the threshold for a Transportation Impact Analysis.

CITY OF MEDFORD
EXHIBIT # D ZC-19-015
FILE #

12

The nearest major intersection (Columbus and Main Street) has a Level of Service (LOS) D. The proposed rezone will not have an impact on the intersection and according to the TSP the projected level of service in 2038 will remain D level. The property is not within any of the identified activity center nodes of transit-oriented development districts in the TSP. There are bike lane gaps as identified on the TSP on W 10th Street. The TSP finds that W 8th Street is an alternative route, and there are identified measures to increase the safety and comfort of bicyclist on 8th Street.

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

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

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

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

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

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

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

Finding:

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.

Finding:

"D"

(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.

Finding:

The property is serviced by sanitary sewer and to the property owners knowledge, there are no issues with the present sanitary sewer service to the three units. The existing structure has roof drains and downspouts that lead to splash blocks. This is consistent with other developments in the area.

The property is presently served by Medford Water Commission water service and there is a fire hydrant in the landscape park row directly in front of the property.

No new construction is proposed. In the event that connection to the storm drainage system is required, necessary extensions can be provided in accordance with the Rogue Valley Stormwater Quality Design Manual.

(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

Finding:

The property is on the south side of West 10th Street.

West 10th Street is a major collector street. There are sidewalks and landscape parkrow present along the frontage of the property. The street has east/west directional travel lanes and includes on-street, curbside parking on the south side of the street. The proposed zone change to accommodate the existing third unit will not increase vehicle trips to and from the property beyond the levels expected on a major collector street. Based on the most recent TSP information available, the street is operating at a level of service (LOS) D which is the minimum service standard citywide.

(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

Finding:

There are no plans to modify West 10th Street.

"D"

(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

Finding:

Not applicable

(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.

Finding:

Not applicable

(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.

Finding:

Not applicable, it appears that Category A facilities are available and no mitigating conditions are necessary.

"D"

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AUG 12 2019

PLANNING DEPT.

Legal Description

Commencing at the Northeast corner of Block 9 of Park Addition to the City of Medford, Jackson County, Oregon, according to the Official Plat thereof, now of record; thence West 450.0 feet to the true point of beginning; thence South 168.0 feet; thence West 50.0 feet; thence North 168.0 feet; thence East 50.0 feet to the true point of beginning.

CITY OF MEDFORD
EXHIBIT # D
FILE # ZC-19-015



PUBLIC WORKS DEPARTMENT STAFF REPORT

1035 West 10th Street (TL 20100)

- Project:** Consideration of a request for a zone change of an approximately .18 acre lot.
- Location:** Located at 1035 West 10th Street, south of the intersection of West 10th Street and Canon Street from SFR-10 (Single Family Residential, 10 dwellings units per gross acre) to MFR-20 (Multi Family Residential, 20 dwelling units per gross acre) (372W25DB TL 20100).
- Applicant:** Applicant, Rea Thomson; Agent, Rogue Planning & Development Services; Planner, Liz Conner.

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

I. Sanitary Sewer Facilities

The proposed zone change has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has 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 sewer flows do not exceed current zoning limitation, or the Developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

II. Storm Drainage Facilities

The subject property currently drains to the north. The City of Medford has existing storm drain facilities in the area. This site would be able to connect to these facilities at the time

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

III. Transportation System

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

No conditions pertaining to streets, street capacity, or access are requested by Public Works at this time. However, future building permits to add units or legalize non-permitted units will require improvements be made to the public alley.

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.

"E"

City of Medford

200 S. Ivy Street, Medford, OR 97501

(541) 774-2380

cityofmedford.org



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 9/12/2019
Meeting Date: 9/18/2011

LD File #: ZC19015

Planner: Liz Conner

Applicant: Rea Thomson; Agent, Rogue Planning & Development Services

Site Name: N/A

Project Location: Located at 1035 West 10th Street, south of the intersection of West 10th Street and Canon Street (372W25DB TL 20100).

ProjectDescription: Consideration of a request for a zone change of an approximately .18 acre lot located at 1035 West 10th Street, south of the intersection of West 10th Street and Canon Street from SFR-10 (Single Family Residential, 10 dwellings units per gross acre) to MFR-20 (Multi Family Residential, 20 dwelling units per gross acre).

Specific Development Requirements for Access & Water Supply

Conditions

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

Construction General Information/Requirements

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

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

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

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

www.medfordfirerescue.org

CITY OF MEDFORD
EXHIBIT # F
FILE # ZC-19-015



MEDFORD

BUILDING SAFETY

MEMORANDUM

To: Liz Conner, Planning Department
From: Mary Montague, Building Department
CC: Applicant, Rea Thomson; Agent, Rogue Planning & Development Services
Date: September 18, 2019
Subject: ZC-19-015_Rea Thomson

BUILDING DEPARTMENT:

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

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished.

Comments:

5. No Comments on zone change.

CITY OF MEDFORD
EXHIBIT # G
FILE # ZC-19-015



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-19-015

PARCEL ID: 372W25DB TL 20100

PROJECT: Consideration of a request for a zone change of an approximately .18 acre lot located at 1035 West 10th Street, south of the intersection of West 10th Street and Canon Street from SFR-10 (Single Family Residential, 10 dwellings units per gross acre) to MFR-20 (Multi Family Residential, 20 dwelling units per gross acre) (372W25DB TL 20100). Applicant, Rea Thomson; Agent, Rogue Planning & Development Services; Planner, Liz Conner.

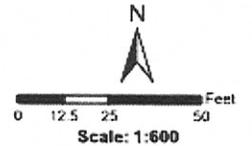
DATE: September 18, 2019

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

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. The MWC system does have adequate capacity to serve this property.
4. Static water pressure is approximately 82 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".
5. Off-site water line installation is not required.
6. On-Site water facility construction is not required.
7. MWC-metered water service does exist to this property. There is an existing 3/4" water meter near the existing fire hydrant on the east side of property along W 10th Street. This water meter serves the existing dwelling at 1035 W 10th Street.
8. Access to MWC water lines is available. There is an existing 6-inch water line located in W 10th Street.

CITY OF MEDFORD
EXHIBIT # H
FILE # ZC-19-015



Water Facility Map
City of Medford
Planning Application:
ZC-19-015
(372W25DB20100)
Sept 18, 2019

Legend

- ★ Air Valve
 - Sample Station
 - Fire Service
 - ◆ Hydrant
 - ▲ Reducer
 - ⊖ Blow Off
 - ◆ Flugs-Caps
- Water Meters:**
- Active Meter
 - On Well
 - Unknown
 - Vacant
- Water Valves:**
- ◆ Butterfly Valve
 - ◆ Gate Valve
 - Tapping valve
- Water Mains:**
- Active Main
 - - - Abandoned Main
 - Reservoir Drain Pipe
 - Pressure Zone Line
- Boundaries:**
- ▭ Urban Growth Boundary
 - ▭ City Limits
 - ▭ Tax Lots
- MWC Facilities:**
- C** Control Station
 - P** Pump Station
 - R** Reservoir



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"H"
19



BUILDING SAFETY DEPARTMENT
ROOM 277

CITY OF MEDFORD
LAUSMANN ANNEX
200 SOUTH IVY STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2350
FAX (541) 774-2575
E-MAIL:
bldmed@ci.medford.or.us

Policy on Installation of Pressure Reducing Valves

August 5, 2014

Section 608 of the 2011 Edition of the Oregon Plumbing Specialty Code requires a pressure regulator (commonly called a Pressure Reducing Valve or PRV) where the static pressure in the water supply piping exceeds 80 psi. Although this section gives limited guidance as to installation, it does require the device to be

"...accessibly located above ground or in a vault equipped with adequate means to provide drainage and shall be protected from freezing, and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping."

"Accessible" and "readily accessible" are defined in chapter 2.

To assure uniform and appropriate installation of these devices within Medford, the following standards have been agreed to by the City of Medford Building Safety Department and the Medford Water Commission:

1. The need for these devices will be based on pressure information provided by the Medford Water Commission, and can be verified on-site with a pressure gage. While factory settings of these devices may be adjusted, MWC recommends that the regulated pressure be set no higher than 65 psi.
2. PRVs shall NOT be installed when static pressure is less than 50 psi, except for limited specific equipment-based needs.
3. The PRV shall be installed outside the street right of way as close as practical to the water meter.
4. No expansion tank is necessary.
5. No fixture, device or system is permitted between the meter and the PRV.
6. The PRV must NOT be direct buried nor installed in a crawl space.
7. PRVs shall be installed within a readily accessible valve box / vault following the same standard as used for double check backflow assemblies, as follows:

"On new installations, at least 12-inches clearance will be required as per section 603.3.4. When replacing an existing assembly, the 12-inch clearance requirement can be waived as long as there is at least 3-inches clearance between the bottom of the assembly and the ground, and the device is tested and serviced from the top."

Sam Barnum

Building Safety Director

"H"



MEDFORD PLANNING

MEMORANDUM

Subject Legal Description
File no. ZC-19-015
To Jon Proud, Engineering
From Liz Conner, Planning Department
Date September 4, 2019

Please verify the attached legal description covering the below subject at your earliest convenience. See attached map.

1. ZC-19-015
Applicant: Rea Thomson
Agent: Amy Gunter

Liz-

The attached description accurately describes 372W25DB_20100 when compared to the tax map and most recent deed. 9-11-19

Thanks, Sean

cp

Attachments:

Vicinity Map, Legal description

CITY OF MEDFORD
EXHIBIT # I
FILE # ZC-19-015



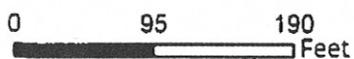
Project Name:

2019-13348

Rea Thomson

Map/Taxlot:

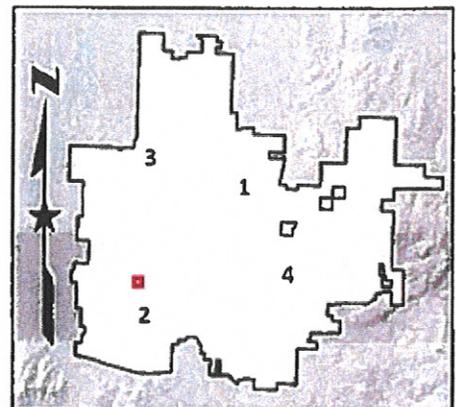
372W25DB TL 20100



Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts

08/30/2019



T

RECEIVED

AUG 12 2019

PLANNING DEPT.

Legal Description

Commencing at the Northeast corner of Block 9 of Park Addition to the City of Medford, Jackson County, Oregon, according to the Official Plat thereof, now of record; thence West 450.0 feet to the true point of beginning; thence South 168.0 feet; thence West 50.0 feet; thence North 168.0 feet; thence East 50.0 feet to the true point of beginning.

CITY OF MEDFORD
EXHIBIT # I
FILE # ZC-19-015

7

DENSITY CALCULATION FORM

For all residential LDP, LDS, PUD, and AC Application Files

SQ FT			6969.6
AC	0.16		0

File No.	ZC-19-015
Planner	Liz Conner
Date	October 1, 2019

GROSS ACREAGE		
Tax Lot Numbers		
372W25DB20100	0.18	AC
		AC
Existing ROW to Centerline	0.05	AC
Gross Acres	0.23	AC
Effective Acres (Gross - Subtracted)	0.23	

SUBTRACTED ACREAGE		
Large Lots for Existing Development		AC
Reserved Acreage		AC
Other ¹		AC
		AC
Subtracted Acres	-	AC

DENSITY RANGE		
Zoning District		MFR-20
Density Range		
Minimum		15
Maximum		20
No. DU Proposed		
No. DU Permitted Min.		3
No. DU Permitted Max.		5
Minimum	3.39	
Maximum	4.52	
Percentage of Maximum		0.00%

EXISTING R-O-W CALCULATION

Street Name	LE	Width	SF	Acreage
Tenth Street	50.00	30.00	1,500.00	0.03
Alley	50.00	10.00	500.00	0.01
		-	-	-
		-	-	-
			2,000.00	0.05

CITY OF MEDFORD
 EXHIBIT #
 FILE # ZC-19-015

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

DENSITY CALCULATION FORM

For all residential LDP, LDS, PUD, and AC Application Files

SQ FT 6969.6
 AC 0.16 0

File No.	ZC-19-015
Planner	Liz Conner
Date	October 1, 2019

GROSS ACREAGE	
Tax Lot Numbers	
372W25DB20100	0.18 AC
	AC
	AC
	AC
	AC
Existing ROW to Centerline	0.05 AC
Gross Acres	0.23 AC
Effective Acres (Gross - Subtracted)	0.23

SUBTRACTED ACREAGE	
Large Lots for Existing Development	AC
Reserved Acreage	AC
Other ¹	AC
	AC
	AC
Subtracted Acres	-

DENSITY RANGE	
Zoning District	SFR-10
Density Range	
Minimum	6
Maximum	10
No. DU Proposed	
No. DU Permitted Min.	1
No. DU Permitted Max.	2
Minimum	1.36
Maximum	2.26
Percentage of Maximum	0.00%

EXISTING R-O-W CALCULATION					
Street Name	LF	Width	SF	Acreage	
Tenth Street	50.00	30.00	1,500.00		0.03
Alley	50.00	10.00	500.00		0.01
		-	-		-
		-	-		-
			2,000.00		0.05

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



Project Name:

Rea Thomson

Map/Taxlot:

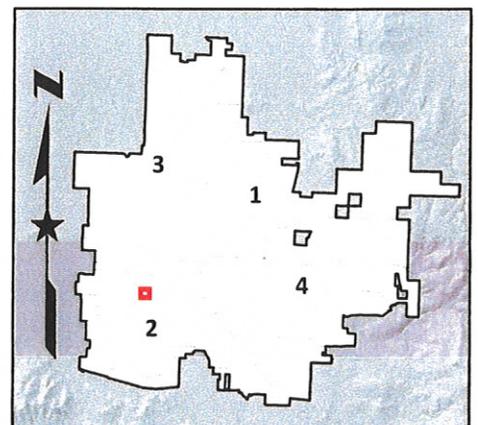
372W25DB TL 20100



Legend

-  Subject Area
-  Tax Lots
-  Zoning Districts

08/30/2019





STAFF REPORT

for a Type-IV legislative decision: **Development Code Amendment**

Project Emergency Shelters (Severe Event Shelters)
File no. DCA-19-00004
To Planning Commission *for 10/10/2019 hearing*
From Kyle Kearns, AICP, Planner II
Reviewer Carla Angeli Paladino, Principal Planner
Date October 3, 2019

Proposal

An amendment (Exhibit A) to portions of Chapter 10, the Medford Land Development Code (MLDC), to create a land use for emergency (homeless) shelters for short-term use during severe weather events.

History

In February and March of 2019, City Council directed staff to prepare a report describing the process for declaring an emergency and establishing emergency shelters during such emergencies. Staff from the City Manager's Office prepared this report and provided Council, at their March 21, 2019 hearing, with staff's recommendations which included the following six items for consideration:

- 1) Direct city staff to develop a "Shelter Site Pre-Authorization Plan..."
- 2) Address Chapter 10 in the Medford Municipal Code creating a mechanism for Emergency Shelters that differs from Temporary Shelters and does not require a Conditional Use Permit
- 3) Direct City staff to propose a rewrite of Chapter 12 in the Medford Municipal Code to align the Emergency Declaration process with current industry standards and build flexibility needed for the City to safely execute operations during times of emergency
- 4) Direct City staff to adopt administrative policies/requirements that address the fire/life/building safety issues for both temporary shelters and emergency shelters
- 5) Consider the creation of an administrative policy that allows the City to execute emergency shelter plans given a s specific set of parameters for

- severe weather without elevating the situation to an official declaration of an emergency
- 6) When the City determines that opening Emergency Shelters is necessary, the City should make every effort to secure shelters at community based locations, staffed by community based organizations. City owned facilities are not optimal and even more so, City staff are not trained adequately to fully staff an emergency shelter responsibly at this time.

Of these recommendations, staff is accomplishing 1-2 and 4-6 in DCA-19-00004; staff has determined that, at this time, #3 is not feasible or needed especially with the implementation of #5.

Presently, permitted shelters include permanent shelters in the City's commercial zones (SIC# 839) and temporary shelters (no more than 180 days in 12 months) as a conditional use permit (CUP); temporary shelters may be accessory to an institutional use in residential zones or a primary or accessory use in commercial/industrial zones. Examples of permanent shelters include Medford Gospel Mission or Hearts with a Mission; examples of temporary shelters include the Kelly Shelter or Maslow Project's youth shelter, both of which went through the CUP process.

Study Sessions and Public Outreach

Staff reviewed the proposal (Exhibit A) with the Planning Commission at the September 9th study session as well as with service providers at the Jackson County Homeless Task Force and the Continuum of Care (CoC) meetings on September 17 and 16, respectively. Below is a summary of the feedback received at the meetings.

Planning Commission Study Session September 9, 2019 - Minutes Exhibit C

In large part, the discussion focused on understanding the implications of these shelters and the operations of organizations like Red Cross, how emergency shelters will open based on weather events outside of hot/cold spells, the validity of the Conditional Use Permit as a means of approval for such uses and whether or not to discuss the policies proposed (Exhibit __) outside of Chapter 10. It was the consensus of the Planning Commission that they wanted to review the policies, even though outside of the scope of Chapter 10. Additionally, staff coordinated with Curtis Peetz, the Deputy Regional Disaster Officer of American Red Cross, to see the effects of the proposed code language (Exhibit A) and the proposed policies (Exhibit B). Peetz concluded that the operations of organizations like Red Cross would not be impacted by the proposed amendments and policies. Lastly, the Commission had asked that the hearing be rescheduled to allow for more time on the proposed policies. This feedback is addressed below.

Jackson County Continuum of Care (CoC) and Homeless Task Force Meetings (JCHTF)

Staff, per the Planning Commission's direction, brought the proposed policies before the service providers at the regularly scheduled Continuum of Care (CoC) board meeting and the Jackson County Homeless Task Force meeting, on September 16 and 17, respectively. Comments at both meetings were focused on the following:

- parameters and flexibility desired in establishing a "severe weather event," such as
 - Air quality was mentioned as a determinant
 - Why not 32°F as determinant?
 - Build in flexibility to allow City Manager or designee to open shelters when minimum criteria isn't met
- the capacity of providers to provide shelter and how the aforementioned parameters could impact their ability (i.e. more allowance to open, more of their capacity is stretched thin)
- suggested the City have Community Emergency Response Team (CERT) volunteers ready to provide capacity
- staffing for Ashland's shelters is contracted out, Medford may want to consider a similar contract
- suggested communication methods for when "severe weather events" occur, including:
 - "...Jackson County alert style..."
 - Using 211
 - Police Department & Livability Team
 - Social Media & Email list

Staff provided a week for additional comments to be made, and to date, none have been received. Most of the proposed additions would impact the policies (Exhibit __) and not the proposed amendments to Chapter 10 (Exhibit A); changes have been incorporated into the latest draft policy.

Authority

This proposed plan authorization is a Type IV legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.214 and 10.218.

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ISSUES AND ANALYSIS

Background

Provisions within Chapter 10 currently allow for shelters for homeless, or individuals at risk of exposure of extreme weather, in both a permanent and temporary nature. Permanent shelters are permitted in commercial zones or as residential facilities, meeting state regulations, in residential zones. Additionally, the City conditionally permits temporary shelters (per section 10.819A) in the commercial and residential zones, with a conditional use permit (CUP). Both of these methods come with their own burdens in regards to staff time, land use permitting and financial cost.

For example, permanent shelters often require fire/life/safety building codes be met for the desired shelter capacity often escalating hard cost for the organizations seeking to provide shelter. Additionally, depending on the services provided, state permits for particular services may be necessary requiring additional staff capacity and financial requirements. Temporary shelters are a temporary use within a building that like, permanent shelters, are intended to provide relief to the homeless as defined by MLDC Section 10.012, Definitions, Specific. Per the MLDC, temporary shelters are to operate under a conditional use permit and the special standards of 10.819A. This process requires three to four months of land use review and offers no guarantee of an approved conditional use. While both options are being used throughout the City, the flexibility to respond to quickly changing weather and severe events does not exist currently in the MLDC.

Currently, City ordinances allow for three methods of providing shelter to homeless individuals. Those include permanent facilities (homeless shelters, supportive housing, social service programs), temporary shelters for three to six months and then emergency declarations per Chapter 12 of the Medford Municipal Code. A fourth option, provided in the proposal (Exhibit A) for "severe event shelters," enables a step before a declared emergency that currently does not exist.

Severe Events vs. Declared Emergencies

Declared emergencies are intended to enable more direct coordination with larger agencies (Federal or State) to circumvent municipal code standards that would otherwise prohibit actions used to mitigate loss of life or property. Within recent history (i.e. 20 years), the City has not declared an emergency; examples of possible reasons for declared emergencies would be large scale flooding, earthquakes, wildfires, and evacuation due to the aforementioned acts of nature. The creation of a "severe event shelter" standard (Exhibit A), and its accompanying policies (Exhibit B), allows for an avenue for permitting shelters during severe events that don't constitute a declared emergency. Severe events are related to extreme cold or heat events that present issues for the homeless or groups/individuals without adequate

shelter, but not the City, or a particular neighborhood, as a whole. These new policies and standards have more latitude in their ability to be declared as they are more regulated than shelters would be during an emergency. Thus, with the creation of the “severe event shelter” policies, the City can be more responsive to weather affecting the most disadvantaged citizens of Medford without declaring an emergency.

Temporary Shelters Compared to Severe Event Shelters

Below is a comparison of the new “severe event shelter” standards and policies as it relates to the existing temporary shelter standards (section 10.819A).

Key Provisions	Severe Event Shelter	Temporary Shelter
Permitting Requirements	Operational Permit (can only operate during severe event per policy)	Conditional Use Permit & Operational Permit
Intended Operational Period	2-3 days at a time, during severe events	3-6 months
Applicable standards	Exhibit A; City Temporary Shelter Policy	MLDC Section 10.819A; City Temporary Shelter Policy
Fire Watch Required	Yes	Yes
Public Input Process	No	Yes
Intended Populations Served	Homeless and persons without adequate shelter	Homeless

Other Cities and Shelter Policies

Many cities throughout the Pacific Northwest have implemented similar policies and standards allowing for the establishment of shelters during severe weather events. The process for implementation is varied, but typically they exist within a policy, like the one proposed (Exhibit B), with minimal standards within land use regulations. Below is a summary of some of the criteria used to establish when shelters can operate in other cities. These were used to prepare the proposed standards within Exhibit B.

Ashland, OR

- “Regular” shelters offered on 6 regular nights per week when temperatures are below freezing.
- Emergency shelter offered when the temperatures will drop below 20 degrees Fahrenheit (°F) and no “regular” shelter is offered.
- The criteria of 20°F was established to open “Emergency” shelters to supplement the regular shelters, without overwhelming the community with too many nights requiring volunteers, etc.

Multnomah County, OR

- Temperatures are forecasted at 25°F or below.
- Forecasters predict an inch or more of snow.
- Overnight temperatures drop below 32°F, with an inch of driving rain.
- Other conditions occur as needed, including severe wind chills or extreme temperature fluctuations.

Bend, OR

- The weather has fallen to 25°F or less; and,
- All Bend area shelter facilities have reached capacity.

Lane County/Eugene, OR (criteria and shelters not established by City policy)

- Emergency shelter during extreme weather from November to March to accommodate the need for additional emergency housing when temperatures drop below 30°F.

Kelso, WA

- A period of two or more days where temperatures are forecasted by the National Weather Service (National Oceanic and Atmospheric Administration) or actually reach 32°F or below; and/or
- Snow accumulation exceeding or expected to exceed three inches in depth; and/or
- In association with severe weather warnings or alerts for temperature, precipitation, or flooding issued by the National Weather Service; and/or
- Other conditions deemed severe enough to present a substantial threat to life or health.

Proposed Language, Summarized

In order to allow for the drafted policies (Exhibit B) to function, updates to Chapter 10 are required to distinguish the land uses of temporary shelters from “severe event shelters.” Below are summaries of the changes proposed in Exhibit A.

Definitions Proposed in 10.012 Definitions, Specific

In order to create consistency with the proposed Temporary Shelter Policy (Exhibit B) and to show the difference of temporary shelters from severe event shelters new or modified definitions are needed. New definitions include severe event and severe event shelter; modified definitions include emergency shelter, homeless, and temporary shelter.

Zones Districts Proposed in 10.314 & 10.337

As proposed, severe event shelters would be permitted in all zones. In residential zones, severe event shelters would need to be an accessory use to an institutional use; in commercial and industrial zones it could be an accessory or primary use.

Proposed Special Use Standards, 10.825 Severe Event Shelters

Staff has proposed land use standards that clarify which policy to follow regarding severe event shelters. Additionally, the proposed section 10.825 includes definitions pertaining to severe event shelters, permit requirements, operational requirements, operational periods, standards for closure, consent to inspection and site standards. The standards proposed were modeled after the Temporary Shelter standards found in Section 10.819A, but reduced as the policy (Exhibit B) is intended to dictate the standards for severe event shelters. The choice to use the policy as opposed to

the MLDC for the severe event shelter standards was to provide greater flexibility if practices in providing severe event shelters are to change.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.218. The criteria are rendered in italics; findings and conclusions in roman type.

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

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

Findings

Responding to the needs of those without adequate shelter during severe weather directly benefits the public. In using the Kelly Shelter, a temporary shelter per 10.819A, as a basis for providing shelter we can begin to understand the public benefit better. Per Rogue Retreats website (in 2018), the operator of the Kelly Shelter, 131 chronically homeless were provided shelter, 31 of the 131 people were provided with more permanent housing, 41 people were signed up for health insurance, and four shelter guests were enrolled in college. More importantly, enabling organizations to provide a shelter for homeless individuals enables a place for one to sleep as the City of Medford does not permit camping in the City per Municipal Code Section 5.257 Prohibited Camping unless specifically authorized by code or by declaration of the Mayor in emergency circumstances.

In a recent survey of business owners in the Rogue Valley, conducted by Southern Oregon University, 52% of the 621 respondents said homelessness impacted their business 1-5 times a week, 14% citing impacts 6-10 times per week.¹ Having a place for homeless individuals and families to seek shelter removes potential conflicts from surrounding community members, and potentially enabling homeless persons to seek aid in achieving permanent housing, both of which would aid with concerns of conflicts of businesses, community members, and homeless people.

¹ Benitez, Karla, et al. Business Perceptions of Homelessness and How Homelessness Impacts Business Along the I-5 Corridor in Southern Oregon. 2018, Business Perceptions of Homelessness and How Homelessness Impacts Business Along the I-5 Corridor in Southern Oregon.

Lastly, providing shelter saves tax dollars. A recent study commissioned by the City of Albuquerque found that for every dollar spent housing chronically homeless persons resulted in a cost savings return of \$1.78.² Albuquerque's program focused more on permanent housing over shelter, but anecdotally Rogue Retreat has cited a savings of \$150,000 in their second year of operations of the Kelly Shelter, per the Rogue Retreat website. The cost savings are attributed, in both cases, to less emergency service calls, less jail time, and less court time. Giving shelter in times of severe weather would potentially provide additional cost savings as extreme cold and heat can exacerbate health concerns, raising the cost of services needed to save lives. Providing severe event shelter provides many benefits to the larger community of Medford, not just homeless persons, and should be considered as one of the many tools in addressing homelessness.

Conclusions

Per the City's Environmental Element of the Comprehensive Plan, "Severe weather is the most frequently occurring natural hazard in Medford. Severe weather includes winter storm events such as heavy rain, wind, snow and ice..." The Environmental Element goes on to say that, "While severe weather events have been more frequent in winter months, climate change is resulting in probabilities becoming a moving target." This presents a public need for shelter that is unmet in times of severe weather, in particular for the City's most disadvantaged citizens. In creating an avenue for approval of severe event shelters, the City will be able to quickly respond to the hazards caused by the climate and severe storms. Additionally, providing shelter to otherwise unsheltered individuals has larger implications for the public benefit most immediately being the improved quality of life for shelter users, improved quality of life for the community as a whole, and cost savings of tax dollars (e.g. less emergency service calls). The criterion has been satisfied.

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² Hilf, Aaron. "UNM Research Reveals Big Benefits to Housing Homeless Population." UNM Newsroom, 24 Oct. 2016, news.unm.edu/news/unm-research-reveals-big-benefits-to-housing-homeless-population.

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

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

Findings

The following goals, policies, and implementation measures are from the Housing Element:

Policy 8: The City of Medford shall assist regional housing agencies, nonprofit organizations, private developers, and other entities in their efforts to provide affordable housing, opportunities for minorities, low- and moderate income people, and people in protected classes to gain access to housing.

The following goals, policies, and implementation measures are from the Population Element:

Goal 1: To accept the role and responsibilities of being the major urban center in a large and diverse region that includes portions of southwest Oregon and northern California.

The following goals, policies, and implementation measures are from the Health Services section of the Public Facilities Element:

Goal 1: To support the provision of adequate health services and facilities to meet the needs of the people within the Medford Urban Growth Boundary and the region.

Policy 1-B: The City of Medford shall encourage cooperation among local, state, federal, and private agencies in planning and providing for health and related social services.

The following goals, policies, and implementation measures are from the Environmental Element:

Goal 12: To protect the citizens of Medford from the potential damage caused by hazards such as flooding, earthquakes, wildland-urban interface fires, volcanic eruptions, severe weather, emerging infectious diseases, noise, and airport hazards.

Policy 12-A: The City of Medford shall assure that hazard mitigation standards are formally adopted as public policy through comprehensive planning, land development ordinances, permit review, and fire/building safety codes.

Conclusions

The comprehensive plan is relatively silent on directly addressing issues of homelessness, however the proposal of DCA-19-00004 is supported by the Housing, Population, Public Facilities, and Environmental Elements. Medford, being the regional hub of the Rogue Valley has, "To accept the role and responsibilities of being the major urban center in a large and diverse region..." In doing this it means accepting that Medford takes on many complex issues of being an urban center, homelessness being one of them. Providing shelter to homeless individuals, although temporary, is a start to "...accept[ing] the role and responsibilities of being the major urban center..." as stated in Goal 1 of the Population Element.

In accepting these aforementioned roles this would further require enabling those who provide "...adequate health services and facilities..." (Public Facilities Element) the ability to do just that, provide health services. In providing an avenue for the allowance of severe event shelters the City would be in direct support of the Public Facilities Element of the Comprehensive Plan. Additionally, with increased risk of climate change and severe weather events it will be increasingly important for the city to be able to quickly respond to weather events "To protect the citizens of Medford from the potential damage caused by hazards such as....severe weather."

Lastly, DCA-19-00004 is supported by the Housing Element of the comprehensive plan as it calls for the support of "...nonprofit organizations, private developers, and other entities in their efforts to provide affordable housing, opportunities for minorities, low- and moderate income people, and people in protected classes to gain access to housing," (Policy 8). Within the housing element temporary housing programs are recognized as a service provided to homeless persons by non-profits, churches, or cities. In drafting the policies (Exhibit B) staff sought direction from service providers. As proposed, DCA-19-004 would assist local agencies, developers, and nonprofits in their efforts in providing severe event shelters. DCA-19-00004 aids in meeting several goals, polices and implementation items of the Comprehensive Plan. The criterion has been satisfied.

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

Findings

The proposed development code amendment was distributed to internal and external agencies for review and comments. On September 11, 2019 DCA-19-0004 was reviewed at the regularly scheduled Land Development Committee meeting and no substantive comments were provided (Exhibits D - H). Additionally, staff went before the Jackson County Continuum of Care (CoC) and the Homeless Task Force to seek comment on the proposed policy (Exhibit B). These two organizations represent the service providers, non-profits, social service agencies, affordable housing developers and faith-based organizations providing shelter to the homeless in Medford.

Conclusions

The City has reviewed and revised the draft language based on comments received from applicable referral agencies. This criterion is found to be satisfied.

3) Public comments.

Findings

A draft of the proposed text was e-mailed in October to a group of 45 citizens, developers, business owners, land use consultants, and non-profit representatives who have requested notification of code amendment projects. No specific comments have been received to date. Draft language is made available, with the staff report, to the public on the City's webpage seven days prior to the hearing and two public hearings will be provided to allow for public testimony.

Conclusions

The language was provided to members of the public interested in reviewing code amendments proposed by the City. This criterion is found to be satisfied.

4. Applicable governmental agreements.

Findings

Staff could find no applicable governmental agreement.

Conclusions

This criterion does not apply.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the applicable criteria are satisfied, forward a favorable recommendation for approval of DCA-19-0004, to the City Council per the staff report dated October 3, 2019, including Exhibits A through H.

EXHIBITS

- A Proposed amendment
- B City of Medford Temporary Shelter Policy - DRAFT
- C Planning Commission Study Session Minutes - September 9, 2019
- D Medford Fire-Rescue Department Comments - September 11, 2019
- E Building Department Comments - September 11, 2019
- F Public Works Department Comments - September 11, 2019
- G Medford Water Commission Comments - September 11, 2019
- H Jackson County Roads Comments - September 11, 2019

PLANNING COMMISSION AGENDA:

OCTOBER 10, 2019

Exhibit A

Proposed Text DCA-19-00004

~~Deleted Text~~ New Text

ARTICLE I - GENERAL PROVISIONS

* * *

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

* * *

Emergency Shelter. Any facility, the primary purpose of which is to provide permanent or temporary facilities that are used as a temporary or transitional shelter for the homeless in general or for specific populations of the homeless. See SIC Classification 832.

* * *

Homeless. Individual(s) or families who are experiencing one or more of the following living conditions:

- (1) Living in a place not meant for human habitation;
- (2) Living in an emergency shelter or in transitional housing;
- (3) At risk of imminently (within 14 days or less) losing their primary nighttime residence, which may include hotels/motels or sleeping in a residence as a temporary guest, and lack the resources or support networks to remain in housing;
- (4) Unstably housed and likely to remain unstably housed;
- (5) Attempting to flee domestic violence, have no other residence, and lack the resources or support networks to obtain permanent housing; or
- (6) At risk to exposure of extreme weather/severe event conditions; See Severe Event definition per section 10.012.

Homeless Shelter. See Emergency Shelter or SIC Classification 832.

* * *

Severe Event. An act of nature or unforeseen circumstance that constitutes an uninhabitable living experience for individual or groups, as defined in the City of Medford Temporary Shelter Policy.

Severe Event Shelter. A temporary use within a building, typically not used as a residence, meant to provide relief during a Severe Event to individuals or groups who are homeless or at risk of exposure to a severe event.

* * *

Temporary Shelter. A temporary use within a building, typically not used as a residence, meant to provide ~~relief from extreme weather and substandard living conditions~~ overnight

sleeping accommodations and related services for individuals or families-groups who are homeless.

* * *

ARTICLE III - ZONING DISTRICTS

* * *

10.314 Permitted Uses in Residential Land Use Classification.

* * *

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

* * *

(c) Institutional Uses	Cs	10.815-817							
(c)(i) Temporary Shelters Accessory Uses	Cs	10.816-817 & 10.819A							
<u>(c)(ii) Severe Event Shelters, Accessory Uses</u>	<u>Ps</u>	<u>10.825</u>							

* * *

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

* * *

SIC USE ZONING DISTRICT

O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
<u>005</u> <u>Severe Event Shelters</u>	<u>Ps</u>							

See section 10.839 for special use regulations on marijuana-related businesses.
See section 10.819A for special use regulations for Temporary Shelters.
See section 10.825 for special use regulations for Severe Event Shelters.

* * *

10.825 Severe Event Shelters.

(A) Purpose and Intent.

Severe Event shelters provide short-term relief from Severe Events, as defined in the City of Medford Temporary Shelter Policy, such as extreme weather. The City of Medford Temporary Shelter Policy, in Section 10.825, shall be herein referred to as "The Policy" in this section. Severe Event shelters shall be within an existing institutional building or other buildings, typically not intended for residential uses. It is the intent of these standards to ensure that any conflicts with Severe Event shelters and the surrounding land uses are mitigated through the special regulations set forth in this Section 10.825.

(B) Definitions Pertaining to Severe Event Shelters.

When used in Chapter 10 in reference to Severe Event shelters, the following terms shall have the meanings as herein ascribed:

(1) Access Point: The main point of entry and exit where users, visitors, and other persons must sign in and out to maintain security within a shelter.

(2) Client(s): Person or persons who receive services from an operator of a Severe Event Shelter which shall include overnight sleeping, and may include other items established per the shelter's operations plan.

(3) Operator: The organization in charge of daily operations of a Severe Event Shelter. The operator shall be a civic, non-profit, public, faith, membership based, or otherwise competent organization and shall be the applicant for the Severe Event shelter. The words operator and applicant may be used interchangeably as they are one in the same.

(4) Operational Period: Days in which a Severe Event shelter are permitted to operate per the Policy

(5) Operations Plan: The guiding document for an operator to use in determining the standards clients must adhere to in a shelter.

(6) User(s): See 10.825 (B)(2) client(s).

(C) Severe Event Shelter Permit Requirements

(1) In order to begin operating a Severe Event shelter, an operator shall apply for and receive an approved permit per The Policy.

(D) General Standards for Severe Event Shelters

The following standards shall apply to Severe Event shelters:

(1) Operational Requirements. The operator shall be required to meet the following standards as it pertains to shelter operations:

(a) Conformance. It shall be the duty of the operator to ensure and maintain compliance with the City of Medford Shelter Policies and the requirements of the Operational Permit.

(b) Operations Plan. An operations plan shall be required for a Severe Event shelter. An operations plan shall include, at a minimum, items addressing client interaction, rules for shelter use and opening, facility operations and maintenance, safety and security provisions, and signage that complies with the Medford Municipal Code.

(2) Operational Period.

(a) The operational period of a Severe Event shelter shall only be permitted in accordance with The Policy.

(b) The operator shall notify Medford Fire-Rescue each time the shelter is

closing.

(c) The operator may be required to provide the opportunity for inspection prior to operating the shelter.

(3) Reporting Requirements. April 1 of each calendar year, the operator may be required to submit a report to the Housing Advisory Commission (HAC) or applicable conditions of approval on the operational permit.

(4) Standards for Closing/Suspending Severe Event Shelters

A shelter may be closed or suspended in accordance with the following procedures and criteria.

(a) A Severe Event shelter shall close or the operations may be suspended if:

- i. Conditions are considered non-severe per The Policy.
- ii. The City Manager, or designee, has determined that it would be in the public interest to do so.
- iii. Any safety issues are identified during an inspection, including, but not limited to fire and life safety issues.
- iv. Any violation of the Medford Municipal Code and/or state or federal law occurs.

(b) Clients of a temporary shelter, the operator, and the property owner shall be given a 24-hour notice to cease operations, unless immediate closure is necessary due to issues pertaining to fire or life safety. The owner or operator shall not be required to remove components utilized for the severe weather shelter if:

- i. The shelter is closing due to condition changes per 10.825(D)(4)(a)(i);or
- ii. The components of the shelter are customarily used for the primary use of the building.

(c) The City Manager, or designee, may revoke a shelter's permits and the decision shall be effective immediately. Appeals of this decision shall be made to the City Council.

(5) Consent to Inspection of Severe Event Shelter(s)

(a) Severe Event Shelters are subject to inspection at any time by the City to verify safe operation of a shelter.

- i. Inspections by the City may include inspections of all portions of a Severe Event Shelter. Inspections shall be in conformance with all applicable local, state, and federal laws.
- ii. Areas used for bathrooms and showers shall be subject to inspections by the City, but any users of the facilities shall be given ten minutes notice prior to inspection to allow for the privacy needs of individuals who may be using the facilities.

(b) Inspections may be required prior to each opening of a Severe Weather Shelter. All violations of applicable codes found through an inspection shall be resolved prior to commencing operations of a Severe Event Shelter. Inspections may be required by the following City departments to verify conformance with applicable codes, prior to operations commencing:

- i. Building Department
- ii. Planning Department

iii. Police Department

iv. Fire-Rescue Department

(c) Signage stating “Inspection by the City of Medford officials, including Medford Fire-Rescue and Medford Police Department, may occur without notice” shall be prominently posted in the sleeping units, shower areas, and toilet areas of the temporary shelter.

(E) Site Standards for Severe Event Shelters

The following standards shall apply to the development and use of Severe Event shelters.

- (1) Severe Event Shelters shall be an accessory use, in residential zones, to institutional uses.
- (2) In commercial and industrial zones, Severe Event shelters may be an accessory or primary use.
- (3) Adequate space shall be provided for client’s personal items and shall not displace required parking per Sections 10.741-10.751.
- (4) Access points shall have a trash receptacle that does not block the public right of way and is large enough for trash disposal during times of intake.
- (5) Adequate access shall be given for emergency vehicles and personnel, where applicable.
- (6) Operators of Severe Event shelters shall comply with all provisions contained in the most recently adopted/approved City of Medford Temporary Shelter Policy.

Exhibit B

City of Medford Temporary Shelter Policy - DRAFT

Purpose:

These policies have been established in coordination with other City of Medford departments including Building, Planning, Police, and Fire to provide a safe solution for providing shelters for sleeping purposes. Many of these policies are based on the Oregon State Fire Marshal's Technical Advisory for Temporary Shelters (OSFM TA 11-14). These policies allow a building not normally designated as a Residential "R" Occupancy to be used as a shelter (Residential use of a building, or a portion thereof, for temporary living and sleeping purposes). These requirements apply to *Temporary Shelters* and *Severe Event Shelters*, unless noted otherwise. These requirements are intended to be a starting point. Every shelter will be different, and these requirements are intended to provide a reasonable level of life safety. Therefore, some requirements will be on a case-by-case basis and may be modified, if approved.

City of Medford municipal code requirements for Temporary and Severe Event Shelters shall take precedence when in conflict with these requirements.

Application:

This policy will be applied by multiple departments and stakeholders, including:

- City Management will declare a Severe Event
- The Building Safety Department, Fire Department, Planning Department and other City of Medford departments to review and approve the use of shelters
- Stakeholders in the community dedicated to or affected by providing shelters for those in need.

Definitions:

Incapable of Self-Preservation (OFC Section 202): Persons who because of age, physical limitation, mental limitations, chemical dependency, or medical treatment cannot respond as an individual to an emergency situation.

Individual Area: An individual space or area provided per person (occupant) for sleeping purposes. Unless approved otherwise, the minimum dimensions shall be as follows:

- 4 ft x 7 ft if no storage area is provided. The occupants and operators shall be responsible for maintaining egress paths free of obstructions.
- 3 ft x 7 ft if a separate storage area is provided. This area does not include area required for means of egress. This is the minimum individual area to be provided when adequate storage space is provided for storage of personal belongings. The occupants may have small items within their individual space, such as a purse or small bag. The occupants and operators shall be responsible for maintaining egress paths free of obstructions.

Limited Assistance: Persons who because of age, physical limitation, mental limitations, chemical dependency, or medical treatment require limited verbal or physical assistance while responding to an emergency situation.

Marking of Sleeping Area: Markings, such as tape or another approved method, shall be provided to designate and define the exit access including aisles, and exits. Markings may also be used, and are encouraged, for *Individual Areas*. The purpose of these markings is to maintain clear egress paths at all times

Severe Event: from City of Medford Municipal Code Section 10.012 – An act of nature or unforeseen circumstance that constitutes an uninhabitable living experience for individuals or groups.

Severe Event Shelter: from City of Medford Municipal Code Section 10.012 – A temporary use within a building, typically not used as a residence, meant to provide relief during a Severe Event to individuals or groups who are homeless or are at risk of exposure to a severe event.

Note: Rather than overwhelm Temporary Shelter resources, the intent of allowing Severe Event Shelters is to supplement Temporary Shelters by providing respite during Severe Events.

Sleeping Area: Space or area that includes, but is not limited to, exit access including aisles, and a row or rows of *Individual Areas*.

Temporary Shelter: from City of Medford Municipal Code Section 10.012 – A temporary use within a building, typically not used as a residence, meant to provide overnight sleeping accommodations and related services for individuals or groups who are homeless.

- Note: a Temporary Shelter is a place or area within a building that includes, but is not limited to, exit access including aisles, and a row or rows of *Individual Areas*.

Policy:

USE OF SHELTERS:

Approval Requirements:

Prior to approval for use of a shelter, the following items are required:

- All Shelters (Temporary Shelters and Severe Event Shelters)
 - Approval from the Medford Building Department
 - An approved Operational Permit through Medford Fire-Rescue
 - If not included in the application, please request a Business Safety Checklist for common fire hazards.
 - Note: Consultations/inspections for pre-approval will generally be provided at no cost. Fees may be required if a significant number of consultations or inspections are requested.
 - Inspection and approval from a fire code official and building code official prior to opening.

- Temporary Shelters:
 - Approval from the Planning Department for use of a location, including a Conditional Use Permit (CUP)
- Severe Event Shelters:
 - Conditional Use Permit (CUP) is not required
 - Locations are subject to zoning regulations
 - Shall only be operated during a declared Severe Event

Severe Event Declarations:

The Mayor or City Manager, or their designee, may consider declaring a Severe Event based on the following factors and criteria:

- Cold Weather
 - Forecasted low temperatures of 25 degrees Fahrenheit or less.
 - Forecasted temperatures at 32 degrees Fahrenheit or less, and additional factors and considerations that would reasonably cause a person to be at increased risk of exposure to cold, including:
 - Precipitation
 - Wind
 - Humidity, including dense fog
 - Sustained temperature, including during the day
 - Consecutive days (cumulative effects)
 - Overall weather patterns (e.g. precipitation, then drop in temperature)
 - Special alert such as warning or watch
- Hot Weather
 - Forecasted high temperature of 102 degrees Fahrenheit or more

- Forecasted sustained temperatures of 80 Fahrenheit degrees or more, and additional factors and considerations that would reasonably cause a person to be at increased risk of exposure to heat, including:
 - Precipitation
 - Humidity
 - Wind
 - Duration and potential for cumulative effects (hours per day, consecutive days)
 - Overall weather patterns
- Air Quality
 - Air Quality index of “very unhealthy” or more
- Other conditions that result in a Severe Event, such as:
 - Chemical spill or release

LOCATION PLANNING AND REQUIREMENTS:

Occupancy Requirements:

How each occupant responds during an emergency can affect the risk of all occupants. Considerations that can influence the ability to respond correctly to an emergency include, but are not limited to, mental and physical abilities. For this reason, there are more strict requirements for locations where some of the occupants require physical or verbal assistance to respond to an emergency including fire protection, staffing, training, etc. As such, the following requirements apply to all shelters:

- (OFC 1101.1) Persons who are Incapable of Self-Preservation shall not be permitted to stay at a shelter.

- (OFC 104.8, 1101.1) Shelters may allow persons requiring Limited Assistance to sleep at the shelter when approved. Considerations for approval include, but are not limited to:
 - The number of persons requiring limited assistance.
 - The presence of fire protection systems such as an automatic sprinkler system
 - Staffing
 - Staff training
 - Modifications to the Emergency Evacuation Plan.
 - Provisions for moving individuals who require limited assistance to a different location when the maximum number is exceeded.
- Locations may be approved to shelter persons who are Incapable of Self-Preservation and/or require Limited Assistance when sufficient fire and life safety features are provided. Approval will be on a case-by-case basis.
- Shelter Operations Plans shall include procedures for moving persons who are incapable of self-preservation to a location that can safely meet their needs.

Fire Protection Requirements:

The following life-safety requirements apply to buildings used as a shelter:

- (OFC 1101.1, 104.8) Automatic Sprinkler System. Buildings used as shelters shall be protected throughout with and approved Automatic Sprinkler System, with the following exceptions:
 - Temporary Shelters: Approval through Medford Fire-Rescue and the Building Department is required in order to locate a Temporary Shelter in a building not protected throughout with a fire sprinkler system. For shelters not protected throughout to be approved, the sleeping areas and shelter operations shall be limited to the ground floor with a minimum of two (2) exits directly to the outside at ground level.

- *Severe Event Shelters*: An automatic fire sprinkler system is not required for Severe Event Shelters that are located on the ground floor with a minimum of two (2) exits directly to the outside at ground level. Severe Event Shelters shall meet the other requirements of this Policy.
- Fire extinguishers with a minimum rating of 2-A:10-B:C shall be provided within 75 feet of travel, and within 10 feet of exits. A minimum of 2 fire extinguishers shall be provided unless approved otherwise.

Means of Egress (Exiting – OFC Chapter 10):

The following requirements apply to all shelters, unless noted otherwise. All means of egress (exit) paths shall be maintained free of obstructions at all times.

- Exits from sleeping areas within buildings protected throughout by an automatic sprinkler system shall be as follows;
 - Sleeping areas located on the ground floor of a shelter with an occupant load of 49 (i.e. persons using shelter) or less shall have at least one (1) exit and at least one (1) window qualifying as an escape or rescue window as defined by the building code.
 - All other floor levels (other than the ground floor) used as Temporary Shelter sleeping areas that have an occupant load of 10 or more shall have two (2) exits from the area.
 - The exits serving the areas shall be separated by a distance equal to at least 1/3 of the longest diagonal distance of the area.
- Exits from sleeping areas within buildings NOT protected throughout by an automatic sprinkler system:
 - For *Temporary Shelters* and *Severe Event Shelters* that are approved without an automatic fire suppression system, the sleeping areas shall only be located on the ground floor, and a minimum of 2 exits shall be provided for occupant loads of 10 or more.

- Shelters approved without a fire suppression system with an occupant load of nine (9) or less shall have at least one (1) exit and at least one (1) window qualifying as an escape or rescue window as defined by the building code.
- The exits serving the areas shall be separated by a distance equal to at least 1/2 of the longest diagonal distance of the area.
- Doors shall operate properly. The intent of this is that doors are easily opened and closed, even for people with limited strength and mobility.
- Emergency egress lighting shall be provided. This lighting may be the plug-in type with battery backup.
- Egress for *Sleeping Areas*:
 - *Sleeping areas* shall be grouped in single (1) or double (2) rows of *Individual Areas*.
 - The total number of *Individual Areas* provided shall not exceed the maximum occupant load minus the minimum staffing.
 - A 36" min. aisle (OFC 1017.5) shall be provided on both sides of rows of *Individual*, except that:
 - An aisle may be provided on one side of a single row of *Individual Areas* against a wall.
 - Egress paths shall be marked (such as with tape on the floor) and shall be maintained clear at all times.
- (OFC 1007.1) Accessibility: An accessible egress path shall be provided, unless approved otherwise.

Maximum Number of Occupants Allowed:

(OFC 104.8, 1004.1.2) The maximum number of allowable shelter occupants will be approved by both a building code official and a fire code official on a case-by-case basis.

An occupant load sign shall be posted in a clear and obvious location near the entrance showing the maximum number of occupants in the shelter.

PLEASE NOTE: Additional requirements will apply when the occupant load exceeds 49 people in sprinklered shelters, and 9 people in unsprinklered shelters.

Smoke Alarms and Detection (OFC 907.2):

- All shelter sleeping areas shall be provided with approved smoke alarms or a complete approved smoke detection system.
- All other areas of the building used for shelter operations shall be equipped with smoke alarms or a smoke detection system as required by the local fire code official.
- Smoke alarms may be battery-powered.

Carbon Monoxide (CO) Alarms and Detection (OFC 908.7):

- All shelter sleeping areas shall be provided with approved carbon monoxide alarms or an approved Carbon Monoxide detection system
- Carbon monoxide alarms may be battery-powered.

Cooking Facilities:

(OFC 609.1 and 904.11) Shelters where food is provided may have to meet requirements for new construction for cooking equipment. This will be determined on a case-by-case basis.

Storage:

(OFC Section 315, Chapter 10) Provisions for storage shall be provided in order to maintain egress paths and allow storage of items that are not permitted within the shelter.

Sanitation:

Toilets, hand washing, and trash disposal shall be provided. Provisions for bathing are typically recommended, but not required.

OPERATIONAL (USE) REQUIREMENTS:

Operational Permit:

An Operational Permit through Medford Fire-Rescue will be required. A plan / layout shall be submitted as part of operation permit. The following shall be shown on the plan:

- Location, size and occupant load for all areas including sleeping areas, kitchen, bathroom, storage, etc.
- Access points
- Trash cans
- Lighting
- Emergency vehicle access
- Etc.

These items may be shown on the building floor plan required as part of the Emergency Evacuation Plan as long as the plan is legible and reasonably useful. A separate building floor plan may be required as part of the Emergency Evacuation Plan in order to provide only critical information needed during an emergency.

Staffing:

A minimum ratio of staff per occupants shall be provides as follows:

- Unless approved otherwise in rare circumstances, a minimum of 3 people shall staff a shelter at all times:
 - A minimum of 1 staff per 25 occupants, but not less than 2
 - A person dedicated to Fire Watch in addition the staffing required for the occupants

Recommended Staff:

- Shelter Liason – Represents the owner(s) of the shelter location
- Shelter Coordinator – Directs and leads the shelter operation.

- Shelter Host – Responsible for operations under the direction of the Shelter Coordinator
- Meal Coordinator – Arranges meals, if provided
- Logistics Coordinator – Necessities, transportation, etc.

Notification:

Temporary Shelters:

- First Opening: A fire inspection shall be completed and final approval shall be received prior to opening a shelter for the first time.
- Subsequent Openings: The fire code official (Fire Marshal or Deputy Fire Marshal) shall be notified 48 hours minimum prior to each anticipated non-consecutive use of a shelter. The fire code official may require a fire inspection prior to the shelter being used.

Severe Event Shelters:

- Pre-Authorization: a location shall be approved by a building code official and fire code official prior to use as a *Severe Event Shelter*. A fire inspection should be requested a minimum of 2 months prior to anticipated use. The shelter shall not be used until a final inspection has been completed and approval for been provided.
- Approval Prior to Opening: The fire code official and operators will work together to schedule/conduct a fire inspection prior to use of a *Severe Event Shelter*. This is intended to be a follow-up inspection in addition to the fire inspection required prior to approval of a *Severe Event Shelter* location.

Time limits:

Temporary Shelters:

- A building may be used as a *Temporary Shelter* for a maximum of ninety days (90) within any twelve (12) month period of time beginning on the first (1st) day of occupancy or as approved by the local authority having jurisdiction.

- Additionally, Temporary uses exceeding a six month (180 day) time period beginning on the first (1st) day of occupancy require approval from the Building Code Official.

Severe Event Shelters:

- *Severe Event Shelters* shall only be operated during a *Severe Event*.

Emergency Evacuation Plan (OFC Chapter 4):

An approved emergency evacuation plan addressing the evacuation of all occupants in an emergency event shall be available at all times at the shelter location (not a remote location). The plan shall be reviewed a minimum of once per year, and shall be revised when needed. At a minimum, the emergency evacuation plan shall contain the following:

- Emergency Response Plan: complete and review with a fire code official
- Occupant log: A log of all occupants for each night must be maintained and made available to the emergency personnel in the event of a fire or incident.
- Building floor plans: Building floor plans for each floor of the shelter shall be posted throughout the shelter, and shall include:
 - *Sleeping Areas* clearly identified.
 - Room size: the square footage of all rooms within the shelter.
 - Evacuation Routes: the primary and secondary egress (exit) paths from all areas of the shelter shall be shown.
 - Accessible egress routes: locations shall be shown on the building floor plans.
 - Life-safety systems: include locations for fire sprinkler system including riser room, fire alarm panel and controls, etc.
 - Manual Fire Alarm Pull Boxes, if present
 - Fire Extinguishers
 - AED (Automated External Defibrillator), if present

Documentation:

Documentation of all fire safety requirements including copies of an Emergency Plan and a Shelter Operational Plan shall be maintained on site and shall be immediately available for review if requested by the fire code official.

Fire Watch:

A fire watch shall be maintained continuously. See fire watch packet for additional requirements. A fire watch shall be maintained during sleeping hours at a minimum, and may be required at other times. This means at least one responsible person shall be awake and assigned this responsibility. The intent is that if one person cannot survey all areas of the shelter, then additional persons will be required. Fire watch personnel are dedicated to this task and shall not be responsible for other duties such as serving food. This duty may be rotated among a number of responsible adults. The fire watch personnel shall be familiar with the building, the emergency plan, and shall be trained on procedures during an emergency. They have the responsibility for a continuous patrol of the shelter for the purpose of detecting fire or other emergencies and transmitting an immediate alarm to the Fire Department and occupants. If a fire alarm system is not present, fire watch personal shall have a manual device such as a whistle or bell for alerting occupants and a cell phone for alerting the fire department and other Fire Watch personnel.

General Safety Requirements:

- Alcohol and drugs shall not be in possession or used
- (OFC 310) No smoking inside. Outside smoking, if allowed, shall be in designated locations and non-combustible containers filled with water shall be provided. Smoking shall be a minimum of 10 ft away from entrances, exits, windows, ventilation intakes, etc.
- (OFC 305) Potential fire ignition sources such as lighters and candles shall not be allowed in shelters, unless stored in supervised or locked storage areas.
- Use of portable heaters or unvented fuel-fired heaters shall be prohibited inside. Outside use may be approved.

- Separate locations or areas for different populations including families, single men, etc. shall be required, unless approved otherwise.

Responsibilities:

The Building Safety Department, Fire Department, Planning Department and other City of Medford departments will be responsible for:

- Review of shelters
- Approval of shelters
- Developing and maintaining a Shelter Team with stakeholders from City departments and the community

The City of Medford will not be responsible for:

- Providing staffing for Temporary Shelters or Severe Event Shelters
- Providing locations for Temporary Shelters or Severe Event Shelters

The Shelter Team will be responsible for:

- Developing partnerships within the community
- Revising policies and practices related to shelters

For Severe Events, The Mayor or City Manager, or their designee, will be responsible for:

- Ensuring the procedures are followed where possible
- Declaring a Severe Event
- Providing early warning of a Severe Event Declaration as soon as possible (ideally 48 hours) by:
 - Communicating Severe Events to Provider Network and City Departments,
 - Conducting media out reach

Severe Event Procedures:

Review the Shelter guidelines for recommended procedures.

Severe Event Procedures:

- Prepare for Severe Events:
 - Engage and partner with stakeholders to

- Share information
- Pre-authorize shelter locations
- Develop processes and policies ahead of events
- Identify a Severe Event threat
 - Communicate that a warning that a Severe Event may be declared
 - Notify stakeholders as soon as possible (48 hours is preferred)
 - Coordinate with providers and stakeholders to:
 - Estimate need (# of beds, population type etc)
 - Identify available resources
- Declare Severe Event
 - Communicate resources and shelter locations (media, provider network, 211info, etc)
- Monitor the event
 - Communicate anticipated end of Severe Event
- Declare and end to the Severe Event
 - Communicate end of Severe Event
 - Shelter Team Review event and communicate ways to improve

Approved:

Brian Sjothun, City Manager

Date

Legal Reference(s):

Exhibit C

Planning Commission Study Session Minutes – September 9, 2019

September 9, 2019
12:00 P.M.,
Lausmann Annex, Room 151
200 S. Ivy Street, Medford, Oregon

The regular meeting of the Planning Commission was called to order at 12:00 noon in the Medford Lausmann Annex, Room 151, 200 S. Ivy 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

Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Sarah Sousa, Planner IV
Kyle Kearns, Planner II

20. Subject

20.1 DCA-19-004 Emergency Shelters

Kyle Kearns, Planner II reported that the City Council adopted Temporary Shelters on September 20, 2018. Complaints received were that the Conditional Use Permit was onerous. On March 21 2019, the City Council directed staff to prepare policies for emergency shelters during "...severe weather emergencies..." with the following directives:

1. Create "Shelter Site Pre-Authorization Plan" (planning staff is not addressing)
2. Address Chapter 10 code language (planning staff addressing)
3. Address Chapter 12 code language for declaring emergency (not proposing with this project)
4. Fire/Life/Building Safety policies for shelters (planning staff addressing)

5. Administrative policies for severe weather events for shelters (planning staff addressing)
6. City staff should seek out shelter providers (planning staff is not addressing)

Temporary uses are often difficult to regulate. Conditional Uses Permit limits short-term action and definitions are limiting or non-existent.

The proposal creates new definitions for severe event and severe event shelter. They are permitted outright in all zones. Accessory to institutional uses in residential zones. It mirrored temporary shelter section removing unnecessary language from the code. Relies on City of Medford Shelter Policy.

Staff is seeking direction from service providers to aid in drafting policies on what a severe event is (outside Chapter 10). Staff will also seek out providers to set more shelters up for severe events. The proposal will be presented at the Thursday, September 26, 2019 Planning Commission hearing and is scheduled to go before the City Council on Thursday, November 7, 2019.

Does the Planning Commission want to review the policies that are outside the scope of Chapter 10 as part of the code amendment process or does the Commission feel those can be left out? Does the Planning Commission need more information before making a decision on September 26, 2019?

Vice Chair Foley asked, are fires, floods and earthquakes in this proposal? Mr. Kearns responded that they could be.

Commissioner McFadden asked, are there locations already identified for those issues? Mr. Kearns replied no. That would be in the scope for Emergency Management Plan. The discussion today is weather related.

Vice Chair Foley understands that but what about a wildfire that displaces 50 people. Red Cross opens a shelter. Can they do that in the City? Mr. Kearns stated that is outside the scope of this project.

Eric Mitton, City Deputy City Attorney commented that this is aimed at private organizations like a church or school who wants to set up for cold weather.

Vice Chair Foley stated it would not be as high as FEMA. The Red Cross gets calls from a fire department asking if the City could setup a temporary shelter. Does that type of instance fall into this category? If this is just for weather events he does not want it to preclude the City from other events that happen like tornadoes, fires, earthquakes, not big enough to trigger FEMA. Mr. Kearns

read the current definition of Severe Event: *"An act of nature or unforeseen circumstance that constitutes an uninhabitable living experience for individual or groups, as defined in the City of Medford Shelter Policy"*. It depends on what it states in that policy. Given past experience there is latitude for the City Manager to make that decision. Commissioner McFadden and Commissioner Mansfield commented that seems to cover Vice Chair Foley's concerns.

Chair McKechnie is confused. They just spent a lot of time on the shelter policy which was basically for the homeless. If that is still the group this is trying to serve why go through this proposal? Mr. Kearns responded that they have to get a Conditional Use Permit. Chair McKechnie suggested to fix that rather than coming through this proposal. The City has dealt with that population and has a policy. If it does not work, fix the policy. Mr. Kearns responded that they could recommend that.

Commissioner Pulver commented that he does not think they are being asked to approve the policy or not. It seems to be shoved down their throats because the City Council has decided this is necessary. That is not the question they are being asked. Personally he agrees with part of what Chair McKechnie stated. Conditional Use Permits are not made to be easy. If an organization decides to provide a shelter then they need to go through the process so neighbors are notified, they are set up appropriately and operate. What he read is that the organizations are willing to do it for a couple of nights but beyond that is too much of a burden. He is not in favor of this proposal.

Vice Chair Foley commented that when discussing temporary shelters originally there was the long term that was pushed to the side and then there was the immediate need for cooling that they are trying to address with this proposal. Chair McKechnie's statement is the correct one. Instead of creating a new policy is there a simpler fix to the current policy that allows for short durations versus approval of 180 days? The Conditional Use Permit makes sense for the longer term but for shorter term there needs to be a way to certify those places to be able to do that without going through the Conditional Use Permit process. It seems to him this is going about this the wrong way. Mr. Kearns replied that is the way they are proposing to do this. Currently, there is the temporary shelter policy. As proposed now, they are changing it to the Shelter Policy that are items outside of Chapter 10. There is no definition in Chapter 10 for the three to four day shelters. They have to refer to the temporary shelters that have to go through the Conditional Use Permit process or the SIC code the points to emergency shelters that is only permitted in four City zoning districts. It is not allowed in residential zones that are largely where churches are located. They are the ones wanting to do the

temporary shelters. The shelter policy dictates when, how and the length of time these shelters can be opened.

Commissioner Mansfield asked, what is Commissioner Pulver against? Commissioner Pulver responded that the idea of the temporary shelter with a Conditional Use Permit was that it gave the ability to be opened for 180 days not that they necessarily intend to be. It is an important distinction that if an organization wants to offer this service it should be difficult. When churches are approved as a conditional use and it comes before the Planning Commission, the Commissioners look at what they are providing. If they are going to change the scope of what they are doing it should be a new application. His objection of what is being proposed will utilize a lot of resources of the City's for a legitimate problem. He does not think this is how taxpayers want their resources used. Mr. Kearns responded that there are three or four churches that are ready to go. Commissioner Pulver does not think three or four will suffice. The City continues to enable the homeless and not solve the problem. This is another means of enabling.

Commissioner McFadden does not want to review policies outside of Chapter 10. Chapter 10 is what the Planning Commission goes by. There is no reason for the Planning Commission to review other chapters.

Commissioner Mansfield agrees with Commissioner McFadden. It was a consensus of the Planning Commissioners not to review other chapters outside of Chapter 10.

It feels to Commissioner McManus they are trying to create a parameter for other operators to provide this type of emergency service where there are other entities (i.e. Red Cross) that have already built these policies. They did it according to what the code allowed. Now, other private organizations are asking to do the same thing. He agrees that it is in their wheel-house to try and accomplish what the City Council is wanting to do. He does not think it is the right path.

Commissioner Thomas agrees with Commissioner Pulver.

Mr. Mitton asked, would it alleviate some of the concerns if the definitions were clarified that this is focusing primarily on the homeless population for short term weather events opposed to Red Cross emergency situations?

Commissioner McFadden does not think churches are set up to shelter long term. If it is short term for a specific reason it does not need a Chapter 10 review.

Commissioner Culbertson agrees with all the sentiments voiced. If a church has the facilities and capacity to have a warming shelter they know the process because they filed for a Conditional Use Permit in the past for 90 days, in that case they know and are prepared for the process. Maybe a streamline could be created for the people that have the capacity. As long as they follow the guidelines, have the emergency plan in place, made an application in the past, that their application is automatically expedited for the next season. His fear is allowing a church that is ill equipped to handle the circumstance and something happens in a short three day period they point to the City that they allowed them do it on a short term basis.

Mr. Kearns reported that the Shelter Operations Plan covers those concerns. It makes sure the building meets the code requirements. Staff has been directed to get this completed before winter.

Commissioner McFadden asked, could the City in an emergency situation have a liability waiver for a two or three day situation? Mr. Mitton responded that if a shelter catches fire and people die a waiver is not going to protect anyone. There is not another option between the warming /cooling shelters that require a Conditional Use Permit and the Mayor declaring a state of emergency that means anything in the code can be suspended at the Mayors discretion. Currently, there is no middle ground for a cold week and the existing warming shelters do not have the capacity and other places want to offer shelter for a few days.

Commissioner Mansfield agrees that liability waivers do not work.

Mr. Kearns asked, is it correct that the Planning Commission does not want to review the policies? There was not an audible answer.

Mr. Kearns asked, is the hearing date fine or does the Commission want two more weeks. Chair McKechnie stated it would be helpful if the Commission could get more information and clarity. Mr. Kearns responded that the only difference would be the policy that the Commission has stated they did not want to review. It would be more refined with reasons why the shelters could open and standards that service providers want incorporated.

Commissioner McFadden commented that those issues are outside of Chapter 10. If the policies were incorporated into Chapter 10 then the Commission should review it.

Chair McKechnie responded that if this is specifically for the homeless having a church on the east side of Medford would not be helpful. More than likely it will affect church organizations closer to the downtown area. If the idea is that there is an unusual cold snap and the shelter ran out of space and wanted to use a neighboring facility for several days to take care of the overflow a better way to do that is to put in something that allows the shelter administration to be responsible instead of the policy. Mr. Kearns reported that they have to work the policy regardless. The policy requires them to get an operational permit through the Fire department regardless of three days or ninety. They have to go through building inspections to meet the codes.

Mr. Mitton stated that the Kelly Shelter's permit has a limit on beds and which buildings on campus can be used. There are specific rules. Currently, cooling/warming shelters cannot suddenly open up a building that Fire and Building have not been through already. The permits are specific to a particular floor plan and layout. One cannot be ad-hoc adding more square footage that has not been reviewed outside what was approved for cool/warming shelters. If the intent is to be able in the short term add a building to an existing cooling/warming shelter the cooling/warming code would need to be rewritten.

Mr. Kearns reported staff's direction was to keep Chapter 10 with minimal changes and work through the policy in regards to temporary shelters whether they be three or ninety days. If the Commission wants the opportunity to review the policy staff is happy to provide that. Getting into the details of occupants and how many buildings the Commission needs to review the policy.

Vice Chair Foley would like to review the policy.

Commissioner McManus asked, when talking to private organizations has there been correspondence with Red Cross? Vice Chair Foley reported Red Cross does not have these types of facilities, they just administer. Red Cross is for disaster services.

Commissioner McManus stated it seems there could already be in place these agreements with all these shelters. If those agreements are already in place they have to be in compliant. Maybe staff is addressing an issue that has

already been taken care of by operators who already do emergency preparedness but maybe focuses on disasters. Mr. Kearns responded that currently the City has temporary shelters for ninety days and declared emergency in the code but there is no middle ground. If the Commission feels they need more information staff needs to get the policy written by October but staff could bring the policy before the Planning Commission to review. Does the Planning Commission want to review the policy?

Chair McKechnie, Vice Chair Foley, and Commissioner McFadden replied yes.

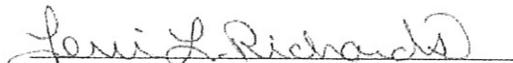
Mr. Kearns reported the hearing would be early October for the Planning Commission and late November for the City Council.

* * *

100. Adjournment

101. The meeting was adjourned at approximately 1:08 p.m.

Submitted by:



Terri L. Richards
Recording Secretary

Exhibit D

Medford Fire-Rescue Department

Comments – September 11, 2019



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 9/6/2019
Meeting Date: 9/11/2019

LD File #: DCA190000
4

Planner: Kyle Kearns

Applicant: City of Medford

Site Name: N/A

Project Location: N/A

ProjectDescription: An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create a land use for emergency (homeless) shelters for short-term use during severe weather events. Staff is proposing the creation of a new land use category, "Severe Event Shelters" to allow for local organizations to set up short-term shelter during severe events due to inclement weather or other unforeseen acts of Nature.

Specific Development Requirements for Access & Water Supply

Conditions

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

Construction General Information/Requirements

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

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

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

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

www.medfordfirerescue.org

Exhibit E

Building Department Comments – September 11, 2019



MEMORANDUM

To: Kyle Kearns, Planning Department
From: Chad Wiltrout, Building Department (541) 774-2363
CC: None
Date: September 11, 2019
Subject: DCA-19-00004_Emergency Shelters_Amend Chapter 10

Please Note:

This is not a plan review. Unless noted specifically as Conditions of Approval, general comments are provided below based on the general information provided; these comments are based on the 2014 Oregon Structural Specialty Code (OSSC) unless noted otherwise. Plans need to be submitted and will be reviewed by a commercial plans examiner, and there may be additional comments.

Fees are based on valuation. Please contact Building Department front counter for estimated fees at (541) 774-2350 or building@cityofmedford.org.

For questions related to the Conditions or Comments, please contact me, Chad Wiltrout, directly at (541) 774-2363 or chad.wiltrout@cityofmedford.org.

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us. Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us. Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. Building department will work in conjunction with the fire department's operational permit.

Exhibit F

Public Works Department Comments – September 11, 2019



LD DATE: 9/11/2019
File Number: DCA-19-00004

PUBLIC WORKS DEPARTMENT STAFF REPORT

Emergency Shelters ("Severe Event Shelters") City of Medford (*Code Amendment – Chapter 10*)

Project: An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create a land use for emergency (homeless) shelters for short-term use during severe weather events. Staff is proposing the creation of a new land use category, "Severe Event Shelters" to allow for local organizations to set up short-term shelter during severe events due to inclement weather or other unforeseen acts of Nature.

Applicant: City of Medford

Planner: Kyle Kearns, Planner II – Long Range Division

Public Works has no comments on the proposed amendment.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

Exhibit G

Medford Water Commission Comments – September 11, 2019



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: DCA-19-00004

PROJECT: An amendment to portions of Chapter 10, the Medford Land Development Code (MLDC), to create a land use for emergency (homeless) shelters for short-term use during severe weather events. Staff is proposing the creation of a new land use category, "Severe Event Shelters" to allow for local organizations to set up short-term shelter during severe events due to inclement weather or other unforeseen acts of Nature. Planner, Kyle Kearns.

DATE: September 11, 2019

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

CONDITIONS

1. No Conditions

COMMENTS

1. No Comments

Exhibit H

Jackson County Roads Comments – September 11, 2019



JACKSON COUNTY
Roads

Roads
Engineering

Chuck DeJanvier
Construction Engineer

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

www.jacksoncounty.org

September 5, 2019

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

RE: Consideration of a land development code amendment
Various city maintained roads.
Planning File: DCA-19-00004.

Dear Kyle:

Thank you for the opportunity to comment on consideration of a land development code amendment to modify portions of chapter 10 to create a land use for emergency (homeless) shelters for short-term use during severe weather events. Jackson County Roads has no comment.

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

Sincerely,

for 
Chuck DeJanvier, PE
Construction Engineer