

PLANNING COMMISSION

OCTOBER 22, 2020



MEDFORD

OREGON

Commission Members

David Culbertson
Joe Foley
David Jordan
Bill Mansfield
David McFadden
Mark McKechnie
E. J. McManus
Jared Pulver
Jeff Thomas

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

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380

PLANNING COMMISSION AGENDA



MEDFORD
OREGON

October 22, 2020

5:30 P.M.

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

10. Roll Call

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

20.1 **ZC-20-256** Final Order of City-initiated zone changes of six parcels located on Westwood Drive, Orchard Home Drive, and Stewart Avenue including the following: A change from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-15 (Multi-Family Residential -15 dwelling units per gross acre) for Tax Lots 202, 300, 400, & 900 of Jackson County Assessor's map 372W35DD; A change from SFR-6 to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on Tax Lot 1500 of Jackson County Assessor's map 372W35DA; and A change from SFR-00 (Single Family Residential – 1 dwelling unit per existing lot) to MFR-20 on Tax Lot 1400 of Jackson County Assessor's map 372W35AA. Planner: Sarah Sousa.

30. Approval or Correction of the Minutes from October 8, 2020 hearing.

40. Oral Requests and Communications

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

50. Public Hearings

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

New Business (Taken Out of Order)

50.1 **DCA-20-244** A legislative code amendment to Chapter 10 of the Municipal Code to establish a process for validating a unit of land unlawfully created. Planners: Liz Conner and Carla Angeli Paladino.

Continuance Requests

50.2 **LDS-20-219** Consideration of tentative plat approval for Cherry Meadows Subdivision Phase II a 15-lot residential subdivision with reserve acreage on a 2.68 acre parcel located on the west side of Cherry Street approximately 400 feet north of Stewart Avenue within an SFR-10 (Single Family Residential - 10 units per acre 372W35AA819) zoning district. Agent: Angela Hibbard; Planner: Liz Conner. **The applicant has requested that this item be continued to December 10, 2020, in order to address General Land Use Plan designation.**

50.3 **ZC-20-216 / LDS-20-218** Consideration of a zone change from SFR-00 (Single Family Residential, one dwelling unit per lot/parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling

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.

units per gross acre) and consideration of tentative plat for an eight-lot subdivision on a 1.21 acre parcel located at 1210 Sweet Road approximately 400 feet west of the intersection of West McAndrews Road and Sweet Road. Applicant: Sweet Homes Development LLC; Agent: Jay Harland, CSA Planning Ltd; Planner: Liz Conner. **The applicant has withdrawn the Land Division application and requested a change of zone from SFR-00 to SFR-4. Due to this change, a request for comment from the various agencies as well as re-noticing property owners is required. The applicant has extended the 120 days to February 2, 2021. The next available hearing date to accommodate the re-noticing will be December 10, 2020.**

New Business

50.4 LDP-20-241 / E-20-240 Consideration of a tentative plat approval for a two lot partition and an Exception pertaining to relief to the lot width and lot depth standards on a parcel of land, 0.46 acres in size located at 2720 Connell Avenue north of the intersection of Connell Avenue and Mellecker Way within a SFR-6 (Single Family Residential, six dwelling units per gross acre) zoning district (372W14AA2600). Applicant: RZ and Brianna Lathrom; Agent: Scott Sinner Consulting Inc.; Planner: Liz Conner.

50.5 UP-20-211 A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 211 acres of property located north of Barnett Road and south of Cherry Lane within a portion of Planning Unit MD-5b (371W26 TL 103, 104, 105, and 300). Applicant: Michael Mahar; Agent: Neathamer Surveying Inc.; Planner: Sarah Sousa.

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

Exhibit A

Legal Descriptions for ZC-20-256

372W35AA1400

Beginning at the Southeast corner of Lot 10, Block 4 of the Nickell Addition to the City of Medford, JCO; thence West 139 feet for the true point of beginning; thence North 400 feet, parallel with the East line of said Lot 10; thence West 100 feet; South 400 feet; thence East 100 feet to the true point of beginning.

372W35DA1500

Beginning at a point on the east line of Donation Land Claim No. 80 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon said point being South 228.4 feet from the northeast corner of said Claim; thence West 959.6 feet; thence South 105.9 feet; thence East 959.6 feet to said Claim line; and thence North 105.9 feet to the point of beginning.

372W35DD202

PARCEL 3, AS SHOWN ON THE PARTITION PLAT FILED IN THE OFFICE OF THE JACKSON COUNTY OREGON SURVEYOR AS NO. 18794 AND RECORDED AS PARTITION PLAT NO. P-43-2005 OF "RECORD OF PARTITION PLATS" IN JACKSON COUNTY, OREGON.

372W35DD300

COMMENCING AT THE NORTHEAST CORNER OF DONATION LAND CLAIM NO. 80 IN TOWNSHIP 37 SOUTH, RANGE 2 WEST OF THE WILLIAMETTE MERIDIAN, JACKSON COUNTY, OREGON, AND RUNNING THENCE SOUTH 0 DEGREES 05' WEST A DISTANCE OF 635.52 FEET; THENCE WEST 308.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE WEST 297.00 FEET; THENCE NORTH 0 DEGREES 05' A DISTANCE OF 301.22 FEET TO THE SOUTH LINE OF TRACT DESCRIBED IN VOLUME 299 PAGE 91 OF THE JACKSON COUNTY DEED RECORDS; THENCE EAST, ALONG THE SOUTH LINE OF SAID TRACT 301.22 FEET; THENCE SOUTH 0 DEGREES 05' WEST 301.22 FEET TO THE TRUE POINT OF THE BEGINNING. EXCEPTING THEREFROM THAT PORTION CONVEYED TO JACKSON COUNTY, OREGON A POLITICAL SUBDIVISION, FOR ROAD PURPOSES BY DEED RECORDED IN VOLUME 455 PAGE 243 OF THE DEED RECORDS, JACKSON COUNTY, OREGON.

372W35DD400

COMMENCING AT THE NORTHEAST CORNER OF DONATION LAND CLAIM NO. 80 IN TOWNSHIP SOUTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON AND RUNNING THENCE SOUTH 0 DEGREES 05' WEST A DISTANCE OF 635.52 FEET; THENCE WEST 605.0 FEET FOR THE TRUE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 05' EAST 301.22 FEET TO THE SOUTH LINE OF TRACT DESCRIBED IN VOLUME 299, PAGE 91 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON; THENCE WEST, ALONG THE SOUTH LINE OF SAID TRACT, 354.54 FEET; THENCE SOUTH 0 DEGREES 05' WEST 301.22 FEET; THENCE EAST 354.54 FEET TO THE TRUE POINT OF BEGINNING. EXCEPTING THEREFROM THAT PORTION CONVEYED TO JACKSON COUNTY, OREGON A POLITICAL SUBDIVISION, FOR ROAD PURPOSES BY DEED RECORDED IN VOLUME 455, PAGE 243 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON

372W35DD900

Commencing at the Northeast corner of Donation Land Claim No. 80, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon thence along the East boundary of said Claim, South 0 degrees 05 West, 635.52 feet to the Northeast corner of tract described in Volume 326, Page 393, Jackson County, Oregon, Deed Records, for the true point of beginning; thence along the North boundary of said tract, West 249.62 feet; thence South 1 degree 46' 05" West, 156.05 feet to the Northwest corner of the parcel described in Document No. 77-02303, Official Records of Jackson County, Oregon; thence along Claim No. 80; thence along said Claim boundary. North 0 degrees 05' East, 155.98 feet to the true point of beginning. EXCEPTING THEREFROM that portion lying within the boundaries of the Public Roads Orchard Home Drive and Westwood Drive. ALSO EXCEPTING THEREFROM that portion of property conveyed to the City of Medford, a municipal corporation of the State of Oregon, recorded May 26, 2016 as document no 2016-015790, Official Records of Jackson County, Oregon.



PLANNING COMMISSION REPORT

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

Project Westwood Drive/Orchard Home Drive/Stewart Avenue Zone Changes

Date October 8, 2020

BACKGROUND

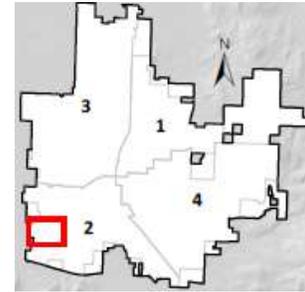
Proposal

Consideration of City-initiated zone changes of six parcels located on Westwood Drive, Orchard Home Drive, and Stewart Avenue including the following:

- A change from SFR-6 (Single Family Residential – 6 dwelling units per gross acre) to MFR-15 (Multi-Family Residential -15 dwelling units per gross acre) for Tax Lots 202, 300, 400, & 900 of Jackson County Assessor’s map 372W35DD;
- A change from SFR-6 to MFR-20 (Multi-Family Residential – 20 dwelling units per gross acre) on Tax Lot 1500 of Jackson County Assessor’s map 372W35DA; and
- A change from SFR-00 (Single Family Residential – 1 dwelling unit per existing lot) to MFR-20 on Tax Lot 1400 of Jackson County Assessor’s map 372W35AA.

All of the owners of the above properties have consented in writing to the subject zone change.

Vicinity Map



Subject Site Characteristics

Property	GLUP	Existing Zone	Proposed Zone	Existing Use	Acreage	Owner
1928 Stewart Avenue	UH	SFR-00	MFR-20	Single family home	0.91	Mark Taylor
372W35DA1500 On Orchard Home Drive	UH	SFR-6	MFR-20	Vacant	2.26	Housing Authority of Jackson County
372W35DD202 NW Corner of Westwood Drive and Orchard Home Drive	UM	SFR-6	MFR-15	Vacant	1.14	Nations Lending, LLC
1980 Westwood Drive	UM	SFR-6	MFR-15	Single Family Home	1.99	Nations Lending, LLC
2068 Westwood Drive	UM	SFR-6	MFR-15	Single Family Home	2.43	Westwood Partners, LLC
1935 Westwood Drive	UM	SFR-6	MFR-15	Single Family Home	0.71	HRP, LLC

Surrounding Site Characteristics to Westwood Drive & Orchard Home Drive properties

- North* Zone: MFR-20
 Use(s): Vacant Land
- South* Zone: SFR-00 & SFR-6
 Use(s): Larger properties with single family homes
- East* Zone: SFR-6
 Use(s): Single family homes within the Orchard Meadows Subdivision
- West* Zone: SFR-6
 Use(s): Large properties with single family homes

Surrounding Site Characteristics to property on Stewart Avenue

- North* Zone: SFR-10 (Single Family Residential – 10 dwelling units per gross acre)
 Use(s): Single family homes within Cherry Meadows Subdivision
- South* Zone: MFR-20
 Use(s): Multi-Family Apartments
- East* Zone: SFR-00
 Use(s): Single family homes
- West* Zone: SFR-00
 Use(s): Large properties with single family homes

Related Projects

CP-13-032 UGBA Phase 1: Internal GLUP Amendment

Approval Authority

This is a Type III land use decision. The Planning Commission is the approving authority under Medford Land Development Code (MLDC) Section 10.108(1).

ISSUES AND ANALYSIS

Background

As part of the Urban Growth Boundary Amendment process, the City changed the General Land Use Plan designations of approximately 500 acres of Selected Area Lands (SALs) in order to improve land use efficiency in 2014. General Land Use Plan map changes were made to re-classify lands, initially known as Internal Study Areas

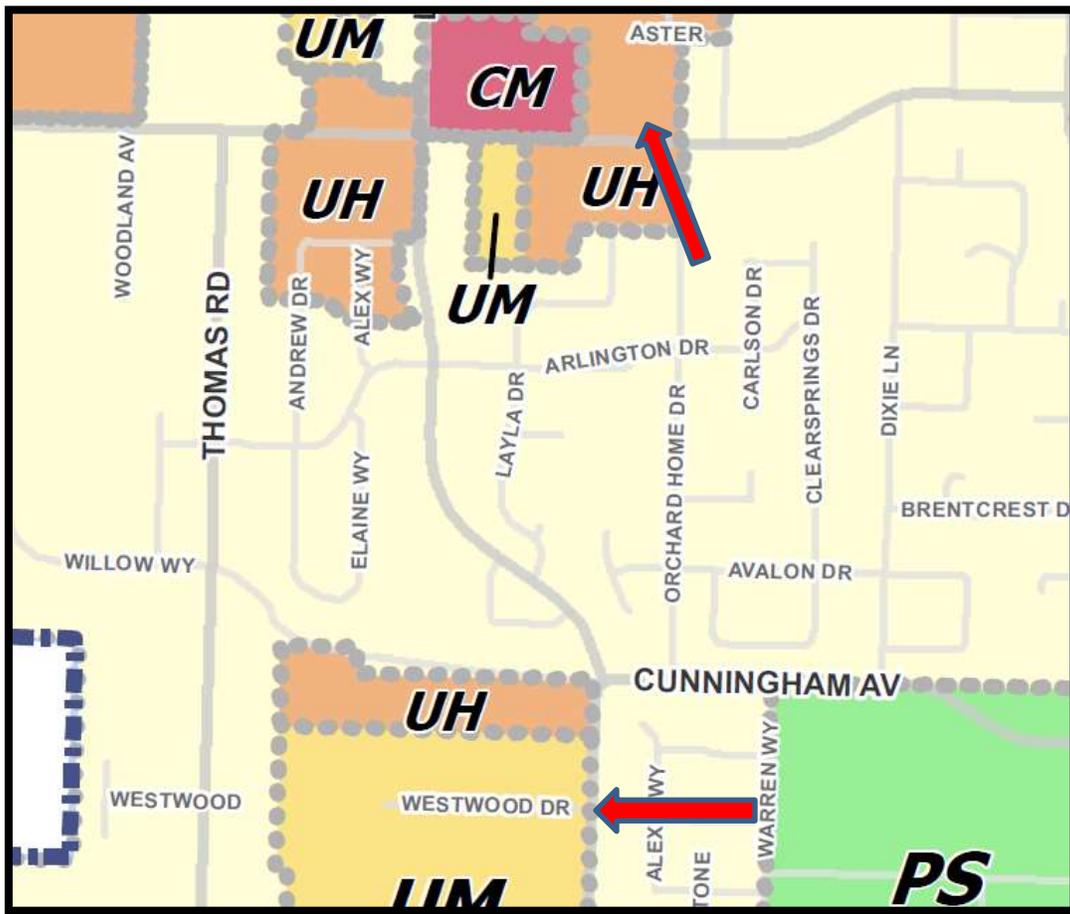
or ISAs. The changes were primarily from Industrial to Commercial or from low density residential to medium or high density residential. Each of the subject properties were included in that process as follows.

- 1928 Stewart Avenue was included in ISA 670b, an 8.3 acre area that changed from Urban Residential to Urban High Density Residential.
- Westwood properties (372W35DD 202, 300, 400, & 900) were included in ISA 630b, a 30.4 acre area that changed from Urban Residential to Urban Medium Density Residential.
- The property on Orchard Home Drive (372W35DA 1500) was included in ISA 630a, an 8.5 acre area that changed from Urban Residential to Urban High Density Residential.

This process did not include zone changes corresponding to the new General Land Use Plan designations.

In order to promote more housing, the City initiated a program to process zone changes on behalf of consenting property owners that were included in the Selected Area Lands. This program is aimed at smaller properties that were given a Medium or High Density Residential General Land Use Plan designation. This is the first round of these City-initiated zone changes that include five grouped properties within an area of Westwood Drive and Orchard Home Drive and one property off of Stewart Avenue.

GLUP Map



Analysis

GLUP/TSP Consistency

The General Land Use Plan (GLUP) designation for the subject areas are UM (Urban Medium Density Residential) and UH (Urban High Density Residential). According to the General Land Use Plan Element of the *Comprehensive Plan*, the MFR-15 and MFR-20 zoning districts are permitted zones within those designations.

A traffic Impact Analysis (TIA) is required when an application has the potential of generating more than 250 net Average Daily Trips (ADT). Based upon the increase of vehicle trips that would be generated by the proposed new zoning, an analysis was required and submitted with the application. The Public Works Department reviewed the analysis and submitted comments are discussed below.

Locational Criteria

Zone changes to multi-family zones do not include locational criteria.

Facility Adequacy

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

The agency comments included in Exhibits C-I, demonstrate that Category A facilities are adequate to serve the properties at the time of development, other than storm drainage facilities on four lots (372W35DD 202, 300, 400 & 372W35DD 1500). A condition is placed on these four properties that stipulates development cannot exceed the current zoning densities until easements are obtained or improvements made to connect to existing storm drainage facilities.

Committee Comments

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

Applicable Criteria MLDC Section 10.204: Zone Change Criteria

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

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

Findings

Medford's Transportation System Plan (TSP) provides a framework for the implementation of the statewide Transportation Goal (Goal 12). It explains how government agencies are responsible for transportation planning to address all modes of travel and identifies existing and future transportation needs.

Land Development Code Sections 10.460 and 10.461 identifies when a traffic impact analysis is needed based upon proposed development. An analysis is required when the proposed zoning on property has the potential to generate more than 250 net average daily vehicle trips beyond the existing zoning. Under the current zoning, the subject properties totaling 9.44 acres are expected to generate 519 average daily

trips. The proposed zoning is expected to generate 1,215 average daily trips, an increase of 696 average daily trips. Since this is in excess of 250 average daily trips, a traffic impact analysis was required to be submitted. An analysis was performed by Southern Oregon Transportation Engineering. The report shows no significant impact to the transportation system (Exhibit I). The Medford Public Works Department – Traffic Engineering Division reviewed the traffic impact analysis and agreed with that conclusion.

In regards to the properties on Westwood Drive (372W35DD 202,300,400, & 900), the proposed MFR-15 zoning is consistent with the properties underlying General Land Use Plan designation of UM. In regards to the property on Stewart Avenue and on Orchard Home Drive (372W35AA 1400 & 372W35DA 1500), the MFR-20 zoning is consistent with those properties underlying General Land Use Plan designation of UH.

Conclusions

Satisfied. The net increase in vehicle trips generated with the proposed zone changes required a traffic impact analysis to be submitted. A traffic impact analysis was submitted that found no significant impact to the transportation system.

The subject properties General Land Use Plan designations are UM and UH. The MFR-15 zoning is found to be consistent with the UM designation and the MFR-20 is allowable under the UH designation. The Commission can find this criterion is satisfied.

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

Findings

There are no additional locational standards for the multi-family zones. Also, none of the subject properties are located in a special plan area.

Conclusions

Not Applicable. No locational criteria exist for the proposed multi-family zones and none of the properties are located in a special plan area. The Commission can find this criterion is 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 and Goal 2 of the Comprehensive Plan "Public Facilities Element" and Transportation System Plan.

- (a) Storm drainage, sanitary sewer, and water facilities must already be adequate in condition, capacity, and location to serve the property or be extended or otherwise improved to adequately serve the property at the time of issuance of a building permit for vertical construction.*
- (b) Adequate streets and street capacity must be provided in one (1) of the following ways:*
 - (i) Streets which serve the subject property, as defined in Section 10.461(2), presently exist and have adequate capacity; or*
 - (ii) Existing and new streets that will serve the subject property will be improved and/or constructed, sufficient to meet the required condition and capacity, at the time building permits for vertical construction are issued; or*
 - (iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one (1) proposed or anticipated development, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs:*
 - (a) the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two (2) years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or*
 - (b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works*

Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

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

Findings

The Public Facilities Element of the Medford Comprehensive Plan provides a list of Category "A" services and facilities to be considered, which include: water service, sanitary sewer, storm drainage, streets & transportation facilities. Below is a discussion of each.

Water Service

According to the Medford Water Commission, there is adequate capacity to serve all of the subject properties with water (Exhibit F). There is a 12-inch water main at the intersection of Orchard Home Drive and Orchard Home Court which can be extended to serve the properties on Westwood Drive and Orchard Home Drive. A 16-inch water line exists on the north side of Stewart Avenue that serves the property at 1928 Stewart Avenue.

Sewer Service

The subject properties on Westwood Drive and Orchard Home Drive are within the Rogue Valley Sewer Services (RVSS) area. There is a 10 inch sewer main along Orchard Home Drive and an 8 inch main along Westwood Drive. In regards to the property on Stewart Avenue, there is a 12-inch sewer main on Stewart Avenue. According to RVSS, there is adequate system capacity for the proposed zone changes (Exhibit H).

Storm Drainage

The subject properties are within the Elk Creek Drainage basin. According to the Medford Public Works Department, the subject properties on Westwood Drive and Orchard Home Drive (372W35DD 202, 300, 400 & 372W35DD 1500), currently drain to the northwest. The proposed zone changes have the potential to increase storm drainage flows to down gradient properties. The Public Works Department recommends the owners of the above mentioned tax lots stipulate to only develop to the total storm drainage flows on the current SFR-6 zoning limitation. This will be a condition of the zone change. This restriction can be lifted once easements are obtained or improvements can be made to connect to existing storm drainage facilities as described in the Public Works Report (Exhibit C).

In regards to the subject property on the southwest corner of Westwood Drive and Orchard Home Drive as well as the property on Stewart Avenue, there are existing storm drainage facilities in the area. These two sites would be able to connect to those facilities at the time of development. These two properties would not be required to stipulate to a condition restricting development to existing densities.

Transportation

Orchard Home Drive serves five of the subject properties. North of Westwood Drive, Orchard Home drive is a major collector street under City jurisdiction, designed with bike lanes, sidewalks, curbs and gutters. South of Westwood Drive, Orchard Home Drive is a County minor arterial road, under the jurisdiction of Jackson County.

Westwood Drive is a local access road, and is an unpaved gravel roadway without curbs, gutters, or sidewalks. It is currently maintained by the property owners. Future development will require improvements to the road to City of Medford standards.

One of the properties is located on Stewart Avenue, just west of Cherry Street. Stewart Avenue is classified as a Major Arterial street. This section of Stewart Avenue is an 80-foot right-of-way and the north side does not have a curb, gutter, parkstrip, or sidewalk.

Rogue Valley Transportation District (RVTD) provides transit services within the vicinity of the subject properties. In regards to the Westwood Drive and Orchard Home properties, a transit stop is available in front of the South Medford High School campus, approximately 1,200 feet from the intersection of Westwood Drive and Orchard Home Drive. In regards to the property on Stewart Avenue, a transit stop is

approximately 980 feet to the east on Stewart Avenue. In regards to air travel, the Medford Jackson County International Airport is located less than six miles from all the subject properties.

The Public Works Department reviewed the traffic impact analysis submitted from Southern Oregon Transportation Engineering. The analysis evaluated street and intersection capacity, sight distance, queuing, turn lane criteria, and crash history. The summary of that study states that the zone changes can be approved without causing adverse impacts on the transportation system. The Public Works Department memo concurs with that analysis.

Conclusions

Satisfied. The agency comments included in Exhibits C-I, demonstrate that Category A facilities are adequate to serve the properties at the time of development, other than noted restrictions regarding storm drainage facilities. A condition is placed on four of the properties that stipulates development not exceed the current zoning densities until easements can be obtained or improvements made to connect to existing storm drainage facilities. The Commission can find that this criterion is met.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare the final order for approval of ZC-20-256 per the Planning Commission Report dated October 8, 2020, including Exhibits A through K.

EXHIBITS

- A Conditions of Approval
- B Assessor's Maps for subject properties
- C Public Works Department Memo dated September 16, 2020
- D Medford Building Department Memo dated September 15, 2020
- E Medford Fire Department Memo dated September 8, 2020
- F Medford Water Commission Memo dated September 8, 2020
- G Jackson County Roads Memo dated September 8, 2020
- H Rogue Valley Sewer Services Memo dated
- I Traffic Impact Analysis Summary
- J **Statewide Planning Goal 10 Findings**
- K **Letter from Fair Housing Council of Oregon received October 7, 2020**
Vicinity Map

MEDFORD PLANNING COMMISSION

Mark McKechnie, Chair

PLANNING COMMISSION AGENDA:

**OCTOBER 8, 2020
OCTOBER 22, 2020**

MEMORANDUM

To: Planning Commission
From: Sarah Sousa | Planner III
File No: ZC-20-256
Date: October 1, 2020
Subject: Statewide Planning Goal 10 Findings – Exhibit J

Proposal

The properties in the subject zone change are all currently zoned with single family zoning and are all changing to multi-family zoning. To address Statewide Planning Goal 10 (Housing) staff offers the supplemental findings below.

Findings

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

The subject six properties all have the Urban Medium or High Density Residential General Land Use Plan (GLUP) designation. The single family zoning on all six properties is not consistent with the GLUP designation. The single family zoning only allows for detached single family homes and some duplexes. All six properties are changing to Multi-Family Residential – 15 dwelling units per gross acre or Multi-Family Residential – 20 dwelling units per gross acre zone. These zones allow for more diverse housing types including townhomes, duplexes, apartments, mobile home parks, and group quarters. This allowance for more housing types and more units provides greater opportunities for housing people of all income levels.



Conclusions of Law

The City of Medford has an adopted and acknowledged Housing Element which is intended to implement Goal 10. The Housing Element indicates 15,050 dwelling units are needed between 2009 and 2029. Of that total, the need for single-family detached housing is 9,034 units, of which 384 are identified as attached units. The need for multi-family housing includes 651 duplexes and 4,586 multi-units (3 or more attached units). The proposed zone changes will allow for 110-157 units with more housing types allowed, such as townhomes, apartments, and mobile home parks. This will help meet the goals as outlined in the City's Housing Element.

October 7, 2020

City of Medford Planning Commission
200 South Ivy Street,
Medford, Oregon 97501

RE: ZC-20-256

Consideration of City-initiated zone changes of six parcels located on Westwood Drive, Orchard Home Drive, and Stewart Avenue.

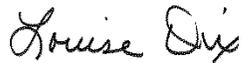
Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians.

Both HLA and FHCO are supportive of ZC-20-256, the amendment to the zoning of six parcels on Westwood Drive, Orchard Home Drive, and Stewart Avenue. Furthermore, the Goal 10 findings are well written, detailed, and a good example of a conscientious planning staff. Good luck with the continuation of this project!

Thank you for your consideration of our comments.

Sincerely,



Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

Cc: Gordon Howard, DLCD



STAFF REPORT

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

Project Lot Legalization
File no. DCA-20-244
To Planning Commission *for 10/22/2020 hearing*
From Carla Angeli Paladino, Principal Planner & Liz Conner, Planner II, CFM
Date October 15, 2020

BACKGROUND

Proposal

A legislative code amendment to Chapter 10 of the Municipal Code to establish a process for validating a unit of land unlawfully created. (See Exhibit A)

History & Analysis

Lot legality and the creation of a land use process to address this issue has been a topic of interest discussed in the Planning Department for several years. The importance of working with a lawfully established parcel at the onset of development provides for a smoother land use process and provides certainty for future sales transactions. The establishment of a local process is understandable to applicants and staff who may be dealing with a parcel that was unlawfully created and are seeking a way to correct it.

The proposed language pulls from Oregon Revised Statute 92.176 specifically to align criteria and applicability with state law. Jurisdictions are afforded the ability to validate a unit of land that is found to be unlawfully created as stipulated in the statute. The proposal brings the state law down to the local level where it is proposed that these situations are reviewed as a Type II Director's Decision with notice. Providing a local process helps to clarify for staff and the property owner what steps are needed in order to correct a situation where a parcel was unlawfully established.

This new process may be beneficial as land from the Urban Growth Boundary is annexed into the city, and further subdivided and developed. If any issues are found

with lot legality, the City will have a local land use process to use in order to validate any unlawful parcels created.

A Land Development meeting was held on October 7, 2020, to receive input from internal and external referral agencies.

The Planning Commission discussed this topic at their August 24, 2020 study session. On October 12, 2020, the Planning Commission held a second study session to review the latest draft of the amendment (**See Exhibits B and C for minutes**).

Authority

This proposed plan authorization is a 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 Sections 10.214 and 10.218.

FINDINGS AND CONCLUSIONS

The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). 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:

10.184 (2) (a). Explanation of the public benefit of the amendment.

Findings

Currently, the Land Development Code does not include a process to validate parcels unlawfully created. Staff has relied upon state statute for guidance in correcting these situations. With the proposal, state law is brought down to the local level and translated into a land use process that is easy for staff to administer and explain to customers. The submittal materials are outlined and the process is clarified for customers to use.

Conclusions

Satisfied. Code changes or additions are intended to assist staff and customers with simplifying and clarifying procedures. The addition of this validation process helps to provide a local process by which parcels can be corrected in accordance with state law.

This criterion is found to be satisfied.

10.184 (2) (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 Comprehensive Plan does not address specific goals, policies, and implementation measures related to lot legality, but the following offer guidance in support of the amendment:

Urbanization Element - Statewide Planning Goal 14: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Public Facilities Element – Goal 2: To assure that General Land Use Plan (GLUP) designations and the development approval process remain consistent with the City of Medford's ability to provide adequate levels of public facilities and services.

Conclusions

Satisfied. Lot legality is the cornerstone to ensure development is occurring on parcels that are lawfully established. It provides certainty for property owners to know they have clean title and can proceed forward with improving sites. For situations that do occur and need to be corrected, the City will have an identified process within the code to point to in order to assist customers. The processing time will be timely and efficient.

As land is urbanized within the Urban Growth Boundary, having a process to correct any unlawful parcels will be beneficial to both the property owner and City. The proposal is supported in broad terms with the goals in the Comprehensive Plan.

This criterion is found to be satisfied.

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

Findings

The proposal was distributed to internal and external agencies for review and comment in preparation for a Land Development meeting held on October 7, 2020. Planning staff received official "no comments" from the following

agencies: Medford Fire Department, Medford Water Commission, Medford Public Works-Engineering, Medford Building Department, Jackson County Roads, and the Oregon Department of Transportation (ODOT).

Planning staff worked closely with Medford Legal and Surveying staff on revisions to the draft. The proposal incorporated final changes received from both internal agencies.

Conclusions

Satisfied. Meetings, e-mails, and discussions have occurred regarding the proposal. Modifications have been made to the text based on the feedback received.

This criterion is found to be satisfied.

3. Public comments.

Findings

The proposal was e-mailed on October 12, 2020, to the Planning Department's Proposed Code Amendment Interested Parties list which consists of 47 local land use planners, surveyors, engineers, and other engaged citizens. One e-mail comment was received regarding clarifying the date of final decision. This change has been added to the draft.

The amendment is posted on the Planning Department's Planning Projects webpage on the City's website where the public can view a copy of the draft proposal.

The Planning Commission held two separate study sessions on the topic on August 24, 2020 and October 12, 2020. Members of the public were in attendance at the October study session.

Conclusions

Satisfied. To date, one public comment has been received regarding the proposed amendment. Additional opportunities to provide input have been provided to Medford citizens including testifying at the public hearings.

This criterion is found to be satisfied.

4. *Applicable governmental agreements.*

Findings

There are no known governmental agreements that relate to this amendment.

Conclusions

Not Applicable. This criterion is found to be not applicable as no known governmental agreements are impacted by this proposal.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the approval criteria are either satisfied or not applicable, forward a favorable recommendation for adoption of DCA-20-244 to the City Council per the staff report dated October 15, 2020, including Exhibits A through C.

EXHIBITS

- A Proposed amendment – Draft #6_2020-10-13
- B Planning Commission Study Session Minutes, August 24, 2020 Excerpt
- C Planning Commission Study Session Minutes, October 12, 2020 (Not yet available)

PLANNING COMMISSION AGENDA: OCTOBER 22, 2020

CODE AMENDMENT
DRAFT

New Text is bold and underlined

10.034 Criteria for Nonconformity Expansion or Change.

A nonconforming structure or use described in Section 10.032, Nonconformities, may be expanded or changed to serve another use, as per Section 10.033, Continuation of Nonconforming Development. The expansion or change shall be found to comply with the following criteria:

(1) The lot or parcel of record was legally created, **is a legal, nonconforming lot or parcel as described in Section 10.033(6), or was legally established in accordance with the provisions of Section 10.171, Validation of a Unit of Land.**

* * *

10.108 Land Use Review Procedure Types.

Table 10.108-1 identifies the procedural type, applicable standards, and approving authority for each type of land use review as well as whether the 120-day rule in Section 10.104(D) is applicable. Each procedural type is subject to specific due process and administrative requirements of this chapter.

Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Vacation of Public Right-of-Way	IV	10.228	City Council	No
<u>Validation of a Unit of Land</u>	<u>II</u>	<u>10.171</u>	<u>Planning Director</u>	<u>Yes</u>

* * *

10.168 Type II Land Use Actions.

(A) Type II actions comprise the following land use reviews:

- Land Use Actions
- Partition, Tentative Plat
- Validation of a Unit of Land**
- Portable Storage Containers



* * *

10.171 Validation of a Unit of Land.

(A) Purpose. The purpose of this section is to establish a process pursuant to ORS 92.176 by which a unit of land that was unlawfully created may be lawfully validated. This section shall only be used to validate units of land that were unlawfully created prior to January 1, 2007. For purposes of this section, a unit of land is unlawfully created if:

(1) It was created through a deed or land sale contract that did not comply with the criteria applicable to the creation of the unit of land at the time of sale or transfer; and

(2) It was created solely to establish a separate tax account, created by gift, or created through any other method of transfer that is not considered a sale.

(B) Procedure. The review and approval of a validation of a unit of land request is a Type II administrative decision with notice, and the Planning Director is the approving authority. The Planning Department shall route a copy of the application materials to the appropriate referral agencies including the City Surveyor for review and comments in accordance with Section 10.112.

(C) Review Criteria. The Planning Director shall approve an application to validate a single unit of land if all of the following criteria are met:

(1) The unit of land was unlawfully created as defined in 10.171(A) prior to January 1, 2007; and

(2) The unit of land could have complied with applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold; and

(3) A validation tentative plat, prepared by an Oregon professional land surveyor, complying with Section 10.170(C), Partition Tentative Plat (see Sections 10.202(C)(1) through (C)(8)), and the applicable provisions of ORS Chapter 92.

(D) Unlawfully Created Units of Land with Existing Structures.

Notwithstanding Section 10.171(C)(2), the Planning Director may approve an application to validate a unit of land under this section that was unlawfully created prior to January 1, 2007, if the city or county approved a permit as defined in ORS 227.160 for the construction or placement of a dwelling or other building on the unit of land after the sale[See ORS 92.176(2)]

(E) Expiration and Recording.

(1) Approval to validate a unit of land shall take effect fourteen calendar days following the date the notice of decision is mailed, unless appealed, in which case the decision is effective when all appeals are decided.

(2) A final validation plat, prepared by an Oregon professional land surveyor, shall be submitted by the applicant for review and signatures in accordance with applicable provisions of Section 10.162, ORS 92 and ORS 209. The unit of land becomes lawfully

established if the plat is recorded with the county within 90 days after the date the city validates the unit of land.

(3) One copy of the recorded plat (either in paper or electronic format) shall be provided to the Planning Department within 10 days following recordation.

(F) Development or Improvement of a Lawfully Established Unit of Land.

Development or improvement of a unit of land created under subsection (E) of this section must comply with the applicable laws in effect when a complete application for the development or improvement is submitted. [See ORS 92.176(7)]

(G) Application Form.

An application for Validation of a Unit of Land shall contain the following:

(1) The deed, land sales contract or other document that created the unit of land;

(2) For a unit of land unlawfully created within the City, a copy of the land division and zoning regulations applicable to the property at the time the unit of land was created;

(3) For a unit of land unlawfully created outside the City, documentation identifying the County zoning designation of the property at the time the unit of land was created and either:

(A) A written statement from the County confirming the unit of land could have complied with the applicable criteria for creation of the unit of land in effect when it was created; or

(B) A copy of the land division and zoning regulations applicable to the property at the time the unit of land was created; and

(4) A validation tentative plat prepared in accordance with Section 10.170(C), Partition Tentative Plat (see Sections 10.202(C)(1) through (C)(8)), and the applicable provisions of ORS Chapter 92.

PLANNING COMMISSION STUDY SESSION MINUTES



MEDFORD
OREGON

August 24, 2020

12:00 P.M.

Zoom Webinar, Medford, Oregon

EXCERPT

The study session of the Planning Commission was called to order in a Zoom webinar at 12:00 p.m. in Medford, Oregon on the above date with the following members and staff in attendance:

Commissioners Present

Mark McKechnie, Chair

Joe Foley, Vice Chair

David Jordan

Bill Mansfield

Jared Pulver

Staff Present

Matt Brinkley, Planning Director

Carla Paladino, Principal Planner

Eric Mitton, Deputy City Attorney

Terri Richards, Recording Secretary

Kyle Kearns, Planner II

Liz Conner, Planner II

Sarah Sousa, Planner III

Commissioner Absent

David Culbertson, Unexcused Absence

David McFadden, Unexcused Absence

E.J. McManus, Unexcused Absence

Jeff Thomas, Unexcused Absence

20. Subject

20.1 DCA-20-127 Pad Lot and Multifamily Standards

Kyle Kearns, Planner II reported that staff has continued drafting development code amendments to implement regulatory changes proposed by the 2017 Housing Advisory Committee, adopted by the City Council in 2018.

DCA-20-127 had been previously reviewed by the Planning Commission at the July 13, 2020 study session and by the Housing Advisory Committee at the August 12, 2020 meeting. The direction provided by the Planning Commission on July 13 was to limit the building height and coverage increases and the lot area increase in the MFR-30 zone. Staff did not amend the lot coverages proposed as parking, right-of-way and landscaping contribute to restricting lot coverage. In increasing lot coverage, structures could then be built over parking enabling better utilization of the available land.

Staff is seeking whether the Commission wants any more changes or options brought forward prior to the public hearing. The public hearings are scheduled for September 24th for the Planning



Vice Chair Foley asked, with the definition of a tract as opposed to developer lot can a tract be legally sold in the State? Ms. Sousa will ask the City Surveyor if tracts of land sellable and can they be called tracts or do they need to be called lots. Vice Chair Foley thinks it is a good idea and makes sense but he has the same concerns of Commissioner Pulver. That there is not some underlying issue that is missing that will get slipped past the City. Ms. Sousa thinks the purpose of doing this amendment is so that it does not get slipped past the City.

Eric Mitton, Deputy City Attorney apologized that he does know the answer off the top of his head. He will be involved with checking with the City Surveyor and get an update to the Planning Commission.

Chair McKechnie commented that the Commission understands the need and provides flexibility for the development community. Wants to make sure they are doing it efficiently.

20.3 DCA-20-244 – Lot Legality

Carla Paladino, Principal Planner reported that she is working with Liz Conner, Planner II on the amendment. She is present and if Ms. Paladino missteps Ms. Conner can fill in.

Staff is seeking direction and feedback from the Planning Commission on the draft language related to establishing a process and regulations for validating a unit of land unlawfully created.

The proposal seeks to create a land use process supported by state statute to validate a unit of land unlawfully created through mechanisms such as a deed or land sale contract, separate tax account, or gift. The current code provides zero guidance or process as to how a property owner validates a unit of land identified as being unlawfully created. In the past, staff has relied on Oregon Revised Statute Chapter 92 and the partition process to assist with correcting these situations.

Incorporating specific language and an outlined process provides better direction to staff and the property owner when improperly created parcels are identified and need to be corrected.

It would be a Type II Land Use Process. It would follow Oregon Revised Statute 92 for lots created before January 1, 2007. There would be review criteria, expiration and recording, validation when Building Permits are issued and application information.

Staff will be meeting with Legal and Surveying Staff to refine the proposal and tentative public hearing dates are October 22, 2020 to the Planning Commission and November 19, 202 to City Council.

Staff is seeking the Commission's thoughts and feedback on the draft and does the Commission want to review a final draft at a future study session or by email?

Commissioner Mansfield stated that he suspects this has happened from time to time where someone conveys an unusable remnant of land to someone that could not be used or legalized. Does it just sit there? Does this amendment cover it or not? Is this amendment designed to legalize all remnants or just remnants that can be legalized? Ms. Paladino stated that is a great question. Staff will need to review that further. The thought is if something is created that is usable and done inappropriately this would be a way to fix it. Small remnants are going to be atypical.

Commissioner Pulver would like to see a final draft at a study session or email before going to a public hearing.

Chair McKechnie commented that staff has a lot of details to work out and would like to see it at a study session.

Ms. Paladino stated that staff will come back with this in a future study session.

Chair Foley stated that the Commission has ran across cases of excess right-of-way and there is a process to put it back to the original property owner. Is that part of this amendment? Ms. Paladino reported that is through the Vacation process.

Ms. Conner had nothing to add.

Ms. Paladino asked whether the Commission felt this was a valid venture. Chair McKechnie replied yes.

100. Adjournment

101. The meeting was adjourned at approximately 12:45 p.m.

Submitted by:



Terri L. Richards
Recording Secretary



STAFF REPORT – CONTINUANCE REQUEST

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

Project Cherry Meadows Phase II
Applicant: RD Properties Oregon LLC; Agent: Angela Hibbard

File no. LDS-20-219

To Planning Commission *for October 22, 2020 hearing*

From Liz Conner CFM, Planner II

Reviewer Kelly Evans, Assistant Planning Director

Date October 15, 2020

BACKGROUND

Proposal

Consideration of tentative plat approval for Cherry Meadows Subdivision Phase II a 15-lot residential subdivision with reserve acreage on a 2.68 acre parcel located on the west side of Cherry Street approximately 400 feet north of Stewart Avenue within an SFR-10 (Single Family Residential - 10 units per acre 372W35AA819) zoning district.

Request

The applicant has requested that the item be continued to December 10, 2020, in order to address General Land Use Plan designation.

EXHIBITS

- A Continuance request received October 8, 2020
Vicinity map

PLANNING COMMISSION AGENDA:

OCTOBER 22, 2020
OCTOBER 8, 2020
SEPTEMBER 24, 2020

Continuance Request

To: Landmarks and Historic Preservation Commission
 Planning Commission
 Site Plan and Architectural Commission

RE: Project Name: Cherry Meadows Subdivision

File No(s): LDS-20-219 Cherry Meadows

I am the applicant authorized agent for the above referenced project. Please continue the public hearing for the above referenced file to the following date:

December 10th, 2020 meeting

Reason for request: To research and prepare documents in hopes of coming to a mutual agreement before presented at the meeting.

This request is made pursuant to ORS 222.178(5):

The 120-day period set in subsection (1) of this section may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

I understand that this request extends the 120-day period equal to the number of calendar days between hearings (i.e., April 10 to May 8 = 28 days).

Angela Hibbard
Signature

10-08-2020
Date

Angela Hibbard
Print Name



Project Name:

Cherry Meadows

Map/Taxlot:

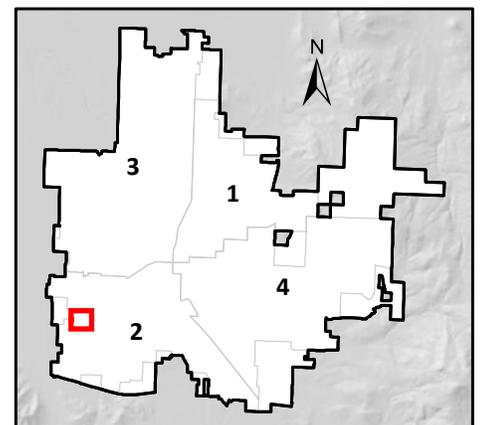
372W35AA TL 819



Legend

-  Subject Area
-  Tax Lots

Date: 8/4/2020





STAFF REPORT – CONTINUANCE REQUEST

for a Type-C quasi-judicial decision: **Zone Change and Land Division**

Project Sweet Homes Subdivision
Applicant: Sweet Homes Development LLC; Agent: CSA Planning Ltd

File no. LDS-20-218/ ZC-20-216

To Planning Commission *for October 22, 2020 hearing*

From Liz Conner, CFM Planner II

Reviewer Kelly Evans, Assistant Planning Director

Date October 15, 2020

BACKGROUND

Proposal

Consideration of a zone change from SFR-00 (Single Family Residential, one dwelling unit per lot/parcel) to SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) and consideration of tentative plat for an eight-lot subdivision on a 1.21 acre parcel located at 1210 Sweet Road approximately 400 feet west of the intersection of West McAndrews Road and Sweet Road.

Request

The applicant originally requested that the item be continued to October 22, 2020, in order to work through additional details prior to the hearing. The applicant has now withdrawn the Land Division application and has requested a change of zone from SFR-00 to SFR-4, due to this change, a request for comment from the various agencies as well as re-noticing property owners is required. The applicant has extended the 120 days to February 2, 2021.

The next available hearing date to accommodate the re-noticing will be December 10, 2020.

EXHIBITS

- A Continuanance request received October 14, 2020
Vicinity map

PLANNING COMMISSION AGENDA:

**OCTOBER 22, 2020
SEPTEMBER 24, 2020**



Memorandum

To: Liz Conner, City of Medford Planner II
Date: October 13, 2020
Subject: Planning Files LDS-20-218 & ZC-20-216

CSA Planning, Ltd
4497 Brownridge, Suite 101
Medford, OR 97504
Telephone 541.779.0569
Fax 541.779.0114
Jay@CSAplanning.net

This memo serves to withdraw Planning File LDS-20-218.

Attached please find a revised submittal for file ZC-20-216. The submittal replaces the prior zone change submittal as we are now requesting a different zone and all the exhibit numbers have changed.

This memo also serves to continue the 120-day timeline for final decision on the zone change by 32 days. A previous continuance was provided on September 10, 2020 that continued the hearing from September 24 to October 22. Thus, the total continuance period is now 60 days for a total of 180 days from August 6, 2020, requiring the City of Medford to make a final decision by February 2, 2020.

CSA Planning, Ltd.

Jay Harland
President

RECEIVED
OCT 14 2020
PLANNING DEPT.



Project Name:
Sweet Home Development LLC

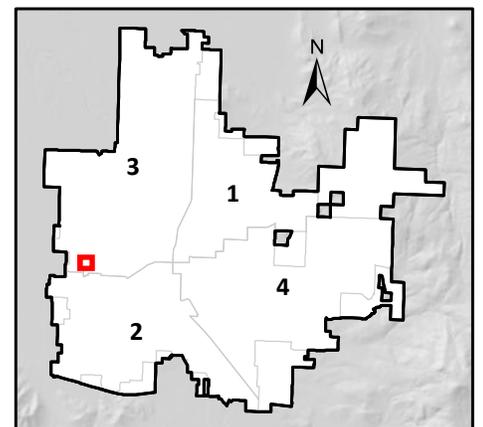
Map/Taxlot:
372W26AA TL 300



Legend

-  Subject Area
-  Tax Lots

Date: 8/3/2020





STAFF REPORT

for a Type-III quasi-judicial decision: **Patition and Exception**

Project Lathrom Partition
Applicant: RZ and Brianna Lathrom; Agent: Scott Sinner Consulting

File no. LDP-20-241/E-20-240

To Planning Commission *for October 22, 2020 hearing*

From Liz Conner CFM, Planner II

Reviewer Kelly Evans, Assistant Planning Director

Date October 15, 2020

BACKGROUND

Proposal

Consideration of a tentative plat approval for a two lot partition and an Exception pertaining to relief to the lot width and lot depth standards on a parcel of land, 0.46 acres in size located at 2720 Connell Avenue north of the intersection of Connell Avenue and Mellecker Way within a SFR-6 (Single Family Residential, six dwelling units per gross acre) zoning district (372W14AA2600).

Vicinity Map



Subject Site Characteristics

GLUP	UR	Urban Residential
Zoning	SFR-6	Single-family residential (six dwelling units per gross acre)
Overlay	Airport Area of Concern	
Use	Single Family Residence	

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-6
	Use:	Single Family Residence
<i>South</i>	Zone:	SFR-6
	Use:	Single Family Residence
<i>East</i>	Zone:	SFR-6
	Use:	Single Family Residence
<i>West</i>	Zone:	SFR-6
	Use:	Single Family Residence

Related Projects

None.

Applicable Criteria

**PARTITION TENTATIVE PLAT APPROVAL CRITERIA
FROM SECTION 10.170(D) OF THE *MEDFORD LAND DEVELOPMENT CODE***

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

- (1) Is consistent with the Comprehensive Plan, any other applicable specific plans thereto, including Neighborhood Circulation Plans, and all applicable design standards set forth in Article IV and V;
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;
- (3) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the

approving authority determines it is in the public interest to modify the street pattern;

(4) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;

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

**EXCEPTION APPROVAL CRITERIA
FROM SECTION 10.186(B) OF THE *MEDFORD LAND DEVELOPMENT CODE***

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

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

Approval Authority

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

ISSUES AND ANALYSIS

Legacy Street Designation and Public Improvements

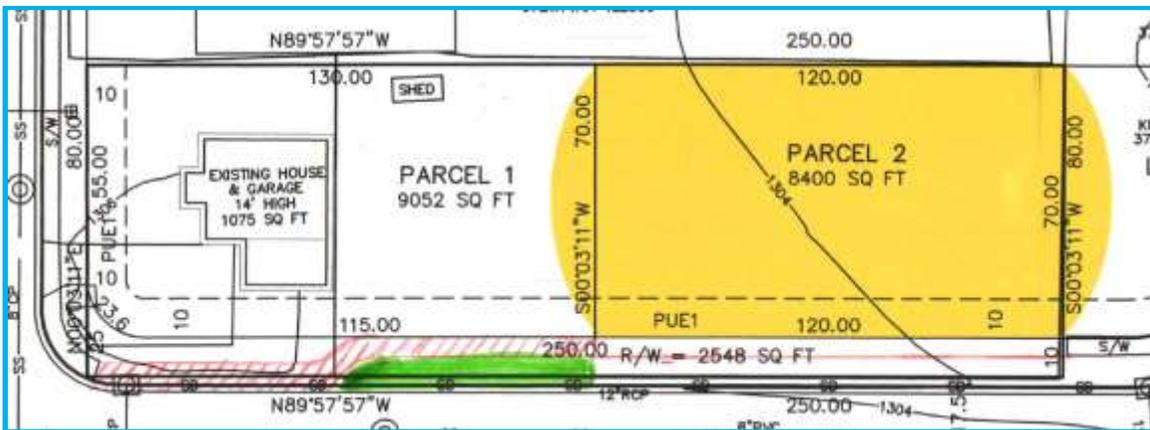
The applicant received a legacy street designation for both Connell Avenue and Mellecker Way by the City Engineer as identified in (Exhibit G). The applicant provided a sidewalk layout plan (Exhibit F) that identifies the approximate location of the street dedication and sidewalk.

The applicant is requesting approval (Exhibit F) of a curb tight sidewalk along the western portion of Parcel 1 that transitions into a typical street section with curb, planter strip then sidewalk as shown below.

The red hatched area is the location for the sidewalk and the green is the proposed planter strip.

Parcel 2 frontage will have a typical street section.

The Public Works report (Exhibit H) states that the applicant shall install a sidewalk and planter strip prior to final plat for the frontage of Parcel 1. A condition of approval has been included to comply with the Public Works staff report.



The commission can find that the request for curb tight sidewalks as depicted by Exhibit F and shown above meets the intent of the code and allows for a functional transition to the future sidewalk with planter strip.

Density

Density Table (MLDC 10.710)

Minimum /Maximum Density	Allowed	Shown
4 to 6 dwelling units per gross acre	3 min – 4 max	2

The MLDC Section 10.708(C)(4) states when the subject parcel is less than one gross acre, the minimum density may be reduced by one unit without applying for an exception.

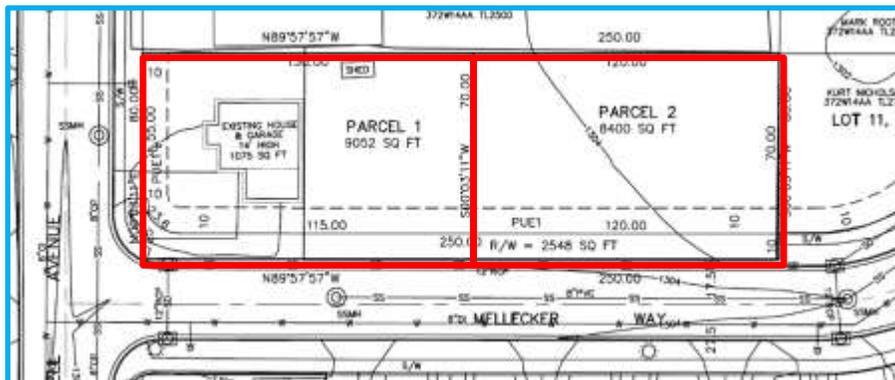
Development Standards

Single Family Residential Site Development Table (MLDC 10.710)

SFR-6 Zone	Lot Area (Square Feet)	Minimum Lot Width (Interior)	Minimum Corner Lot Width	Minimum Lot Depth	Minimum Lot Frontage
Required	4,500 to 12,500	50 feet	60 feet	90 feet	30 feet
Parcel 1	9052	70	70	115	70
Parcel 2	8400	120	120	70*	120

The applicant has requested an exception to the site development standards for lot depth. The tentative plat identifies that the entire subject parcel is oriented length-wise east to west and is also bound by Connell Avenue and Mellecker Way as shown below.

The applicant’s findings (Exhibit D) state that the layout of Parcel 2 with the required 10 foot Public Utility Easement along the frontage is similar to the lot width requirements of a corner lot and the lot would meet SFR-6 site development standards if it was oriented differently and still allow for sufficient building envelope for the zoning district.



Committee Comments

Per the agency comments submitted to staff (Exhibits H-M), it can be found that the facilities are adequate or can be made adequate with the conditions of approval facilities to serve the future development of the site.

No other issues were identified by staff.

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for approval of LDP-20-241/E-20-240 per the staff report dated October 15, 2020, including Exhibits A through M.

EXHIBITS

- A. Conditions of Approval, dated October 15, 2020
- B. Tentative Plat received August 5, 2020
- C. Preliminary Grading and Drainage plan received August 5, 2020
- D. Proposed Sidewalk drawing received October 12, 2020
- E. Applicants findings and conclusions received August 5, 2020
- F. Applicant's request for sidewalk orientation Received October 12, 2020
- G. City Engineer – Legacy street email received October 12, 2020
- H. Public Works report received October 12, 2020
- I. Medford Fire Department memo received September 22, 2020
- J. Medford Building Department memo received September 22, 2020
- K. Medford Water Commission memo received September 22, 2020
- L. Jackson County Roads email received September 11, 2020
- M. Oregon Department of Aviation email received September 15, 2020
Vicinity map

PLANNING COMMISSION AGENDA:

OCTOBER 22, 2020

EXHIBIT A

Lathrom Partition
LDP-20-241/E-20-240
Conditions of Approval
October 15, 2020

CODE REQUIRED CONDITIONS

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

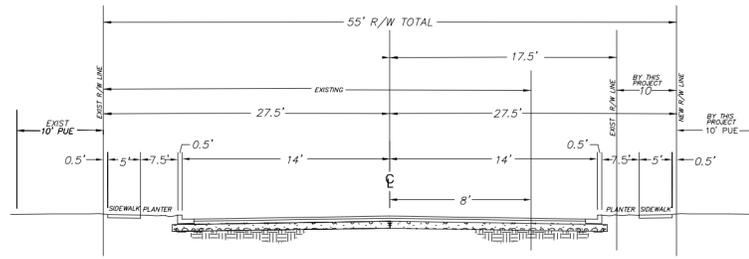
1. Comply with all conditions stipulated by the Medford Public Works Department (Exhibit H).
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit K).

TENTATIVE PARTITION PLAT

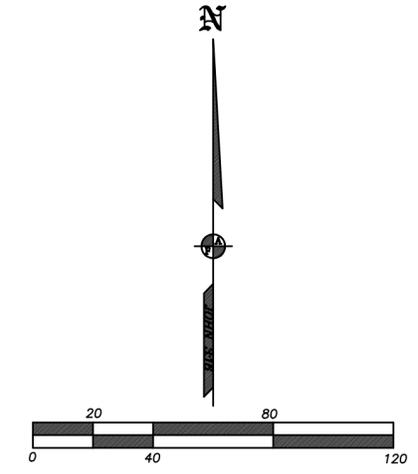
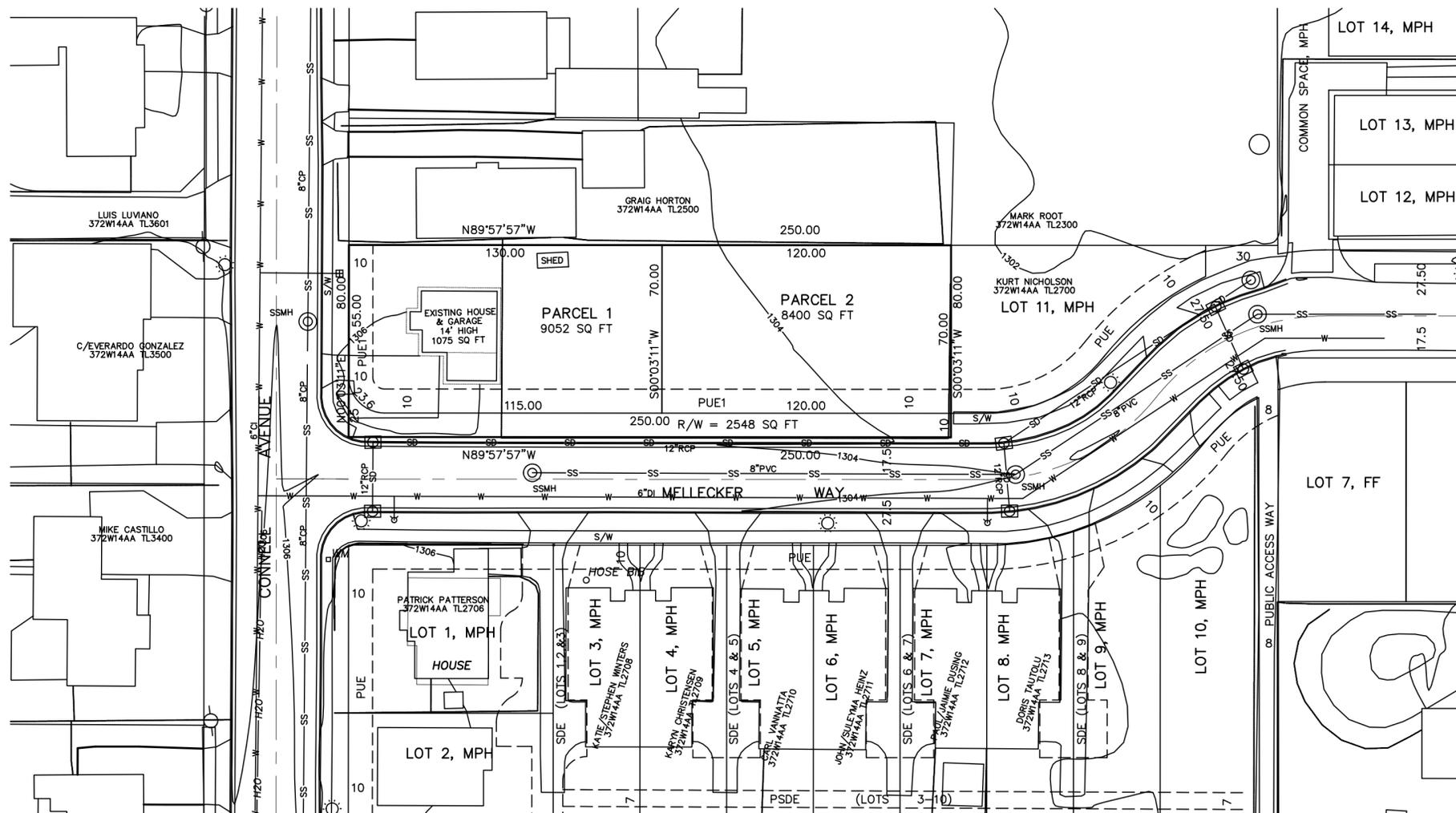
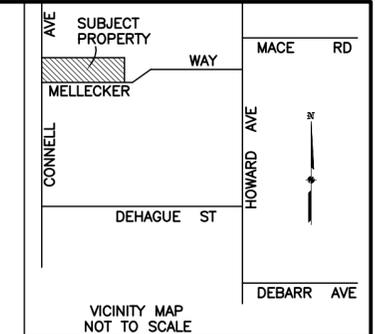
Located in the N.E. 1/4 of Sec. 14, T.37S., R.2W., W.M.
& in the City of Medford Jackson County, Oregon

EXHIBIT **"A"**

FILE NO.: _____ DATE: _____
 ASSESSOR'S PARCEL NO.: 372W14AA TL2600
 ZONING DISTRICT: SFR-6
 MIN. LOT SIZE: 4500 SF MAX. LOT SIZE: 12500 SF
 NO. OF LOTS: 2 SFR PARCELS
 MATS TRACT: _____
 COMP. PLAN DESIGNATION: URBAN RESIDENTIAL
 RECEIVED BY: _____ DATE: _____
 REVIEWED BY: _____ DATE: _____



MELLECKER WAY (LOOKING WEST)
NOT TO SCALE



GENERAL NOTES

SCHOOL DISTRICT: MEDFORD 549C
 IRRIGATION DISTRICT: M.I.D.
 GROSS ACREAGE: 0.627 AC
 NET ACREAGE: 0.459 AC
 MIN # LOTS = 2 MAX # LOTS = 3
 10' PUE ALONG STREETS
 ALL STRUCTURES TO BE REMAIN.

LEGEND

PUE = EXISTING 10' PUBLIC UTILITY EASEMENT.
 PUE1 = PROPOSED 10' PUBLIC UTILITY EASEMENT.
 MPH = MORIAN PARK HOMES, PHASES 1 & 2

REGISTERED PROFESSIONAL LAND SURVEYOR <i>James E. Hibbs</i> OREGON JULY 17, 1986 JAMES E. HIBBS 2234 RENEWAL DATE: 6-30-21	TITLE: TENTATIVE PARTITION PLAT ASSESSOR'S MAP #: 372W14AA TL2600 OWNER & APPLICANT: RZ & BRIANNA LATHROM 2720 CONNELL AVE. MEDFORD, OR 97501	DATE: 29 JULY 2020 SCALE: 1 inch = 40 feet DRAWN BY: JEH CHK BY: ORIGIN: ROTATION: 0° JOB#: 20168FM
	L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS P.O. Box 1947, Phoenix, OR 97535 Phone: (541) 772-2782 Email: lfriarandassociates@charter.net	

CONCEPTUAL GRADING & DRAINAGE PLAN
LAND PARTITION
 Located in the N.E. 1/4 of Sec. 14, T.37S., R.2W., W.M.
 & in the City of Medford Jackson County, Oregon

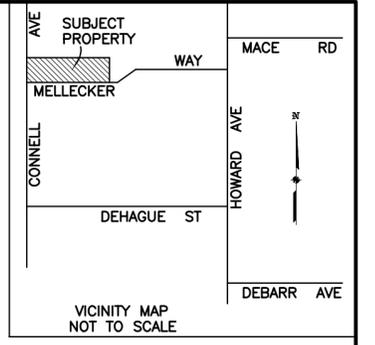
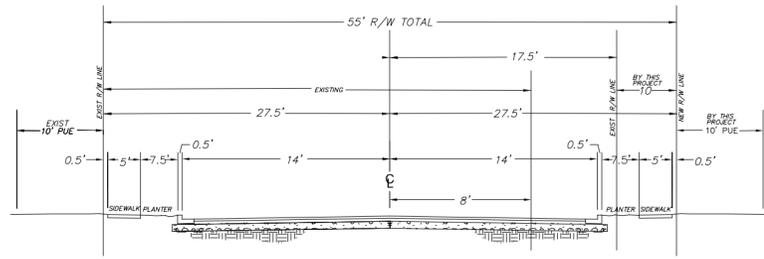


EXHIBIT **A**

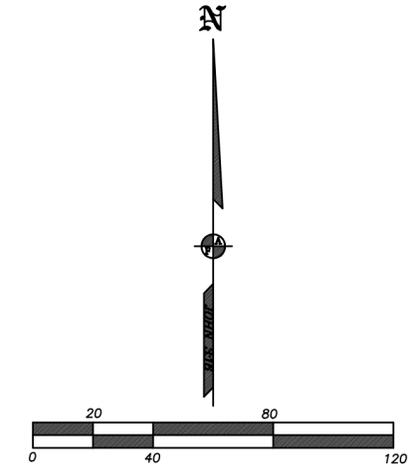
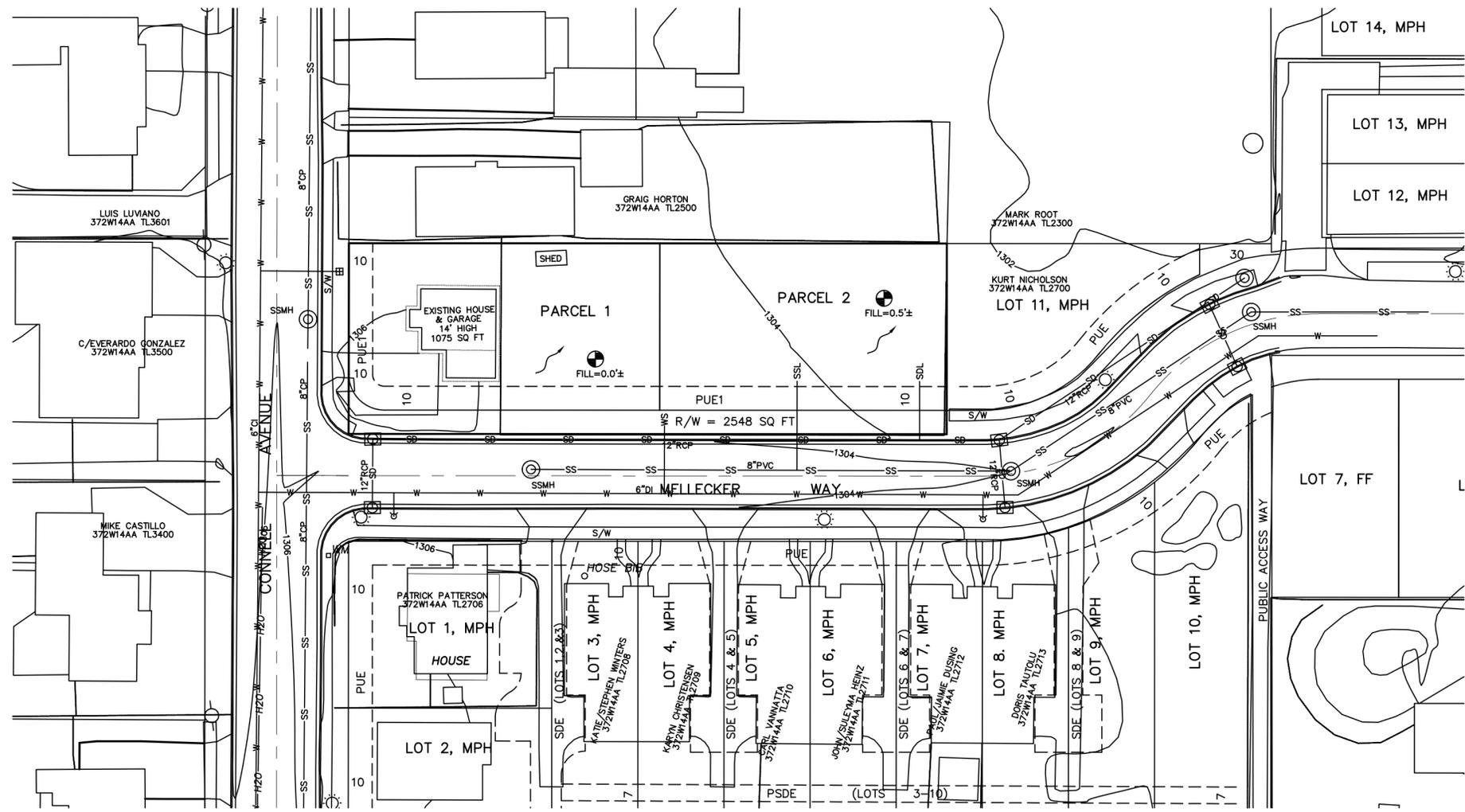
FILE NO.: _____ DATE: _____
 ASSESSOR'S PARCEL NO.: 372W14AA TL2600
 ZONING DISTRICT: SFR-6
 MIN. LOT SIZE: 4500 SF MAX. LOT SIZE: 12500 SF
 NO. OF LOTS: 2 SFR PARCELS
 MATS TRACT: _____
 COMP. PLAN DESIGNATION: URBAN RESIDENTIAL
 RECEIVED BY: _____ DATE: _____
 REVIEWED BY: _____ DATE: _____



MELLECKER WAY (LOOKING WEST)
 NOT TO SCALE

DRAINAGE NOTES:

UPON DEVELOPMENT, EXCESS SPOILAGE WILL BE REMOVED BY THE CONTRACTOR FROM THE PROJECT IF, IN FACT, IT WILL CREATE AREAS OF DRAINAGE ONTO EXISTING PROPERTIES.
 ROOF DRAINS WILL BE DIRECTED INTO STORM DRAIN MAIN LINES IN STREETS.



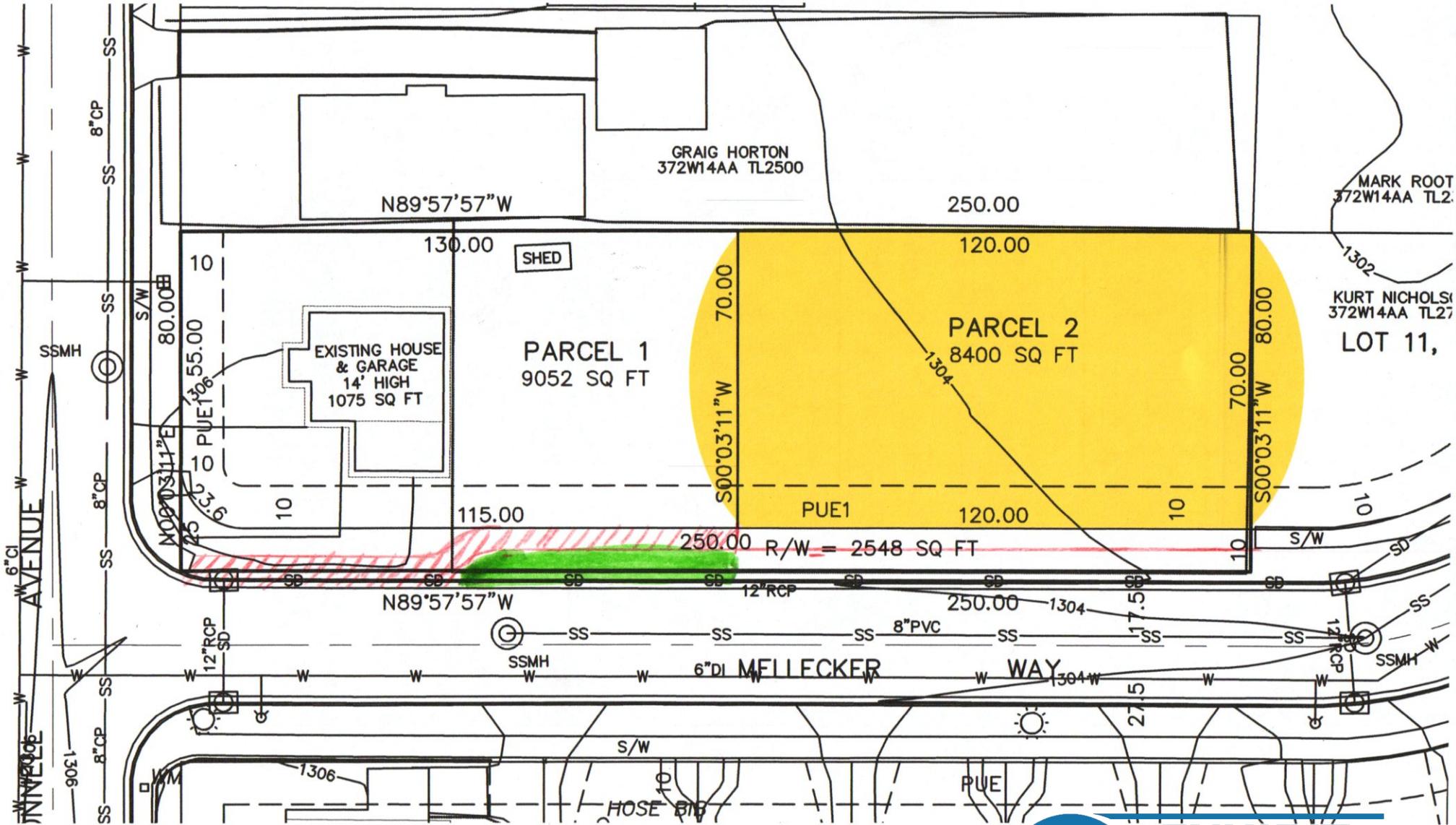
GENERAL NOTES

SCHOOL DISTRICT: MEDFORD 549C
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 GROSS ACREAGE: 0.627 AC
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 MIN # LOTS = 2 MAX # LOTS = 3
 10' PUE ALONG STREETS
 ALL STRUCTURES TO BE REMAIN.

LEGEND

PUE = EXISTING 10' PUBLIC UTILITY EASEMENT.
 PUE1 = PROPOSED 10' PUBLIC UTILITY EASEMENT.
 MPH = MORIAN PARK HOMES, PHASES 1 & 2
 FF = FALCO FIELDS (IN PROGRESS).

REGISTERED PROFESSIONAL LAND SURVEYOR <i>James E. Hibbs</i> OREGON JULY 17, 1986 JAMES E. HIBBS 2234 RENEWAL DATE: 6-30-21	TITLE: CONCEPTUAL GRADING & DRAINAGE PLAN ASSESSOR'S MAP #: 372W14AA TL2600	DATE: 29 JULY 2020
	OWNER & APPLICANT: RZ & BRIANNA LATHROM 2720 CONNELL AVE. MEDFORD, OR 97501	SCALE: 1 inch : 40 feet
L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS P.O. Box 1947, Phoenix, OR 97535 Phone: (541) 772-2782 Email: lfriarandassociates@charter.net	ROTATION: 0° JOB#: 19204FM	Sheet 1 of 1.



AUG 05 2020

IN THE MATTER OF AN APPLICATION FOR)	
AN EXCEPTION REQUEST FOR THE PROPERTY)	FINDING OF FACT
IDENTIFIED AS T372W14AA TAX LOT 2600)	AND
RZ / BRIANNA LATHROM APPLICANTS)	CONCLUSIONS
SCOTT SINNER CONSULTING, INC. AGENT)	OF LAW

I. BACKGROUND INFORMATION

Applicant:

RZ and Brianna Lathrom
2720 Connell Avenue
Medford, OR 97501
Brianna Lathrom brilath@outlook.com

Agent:

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

Property:

37 2W 14AA TL 2600
RZ and Brianna Lathrom
2720 Connell Avenue
Medford, OR 97501

.46 acres net
SFR-6 zoning district
UR GLUP Designation

Project Summary:

This application is consolidated with a land division application. This exception requests relief from the strict application of the standards contained within the Medford Land Development Code (MLDC).

The relief requested is the lot width and depth standards for a lot within the SFR-6 zoning district. Referring to the Figure 1 below, of the partition, Parcel 2 has a lot width of 120 feet and a lot depth of 70 feet. The minimum lot depth for an interior lot in the SFR 6 zoning district is 90 feet.



**EXHIBIT
E**

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Parcel 2 has sufficient buildable area for a dwelling at 8,400 square feet and has a building envelope with all setbacks applied to allow for a dwelling. Relief from the standard will allow for residential development at urban densities.

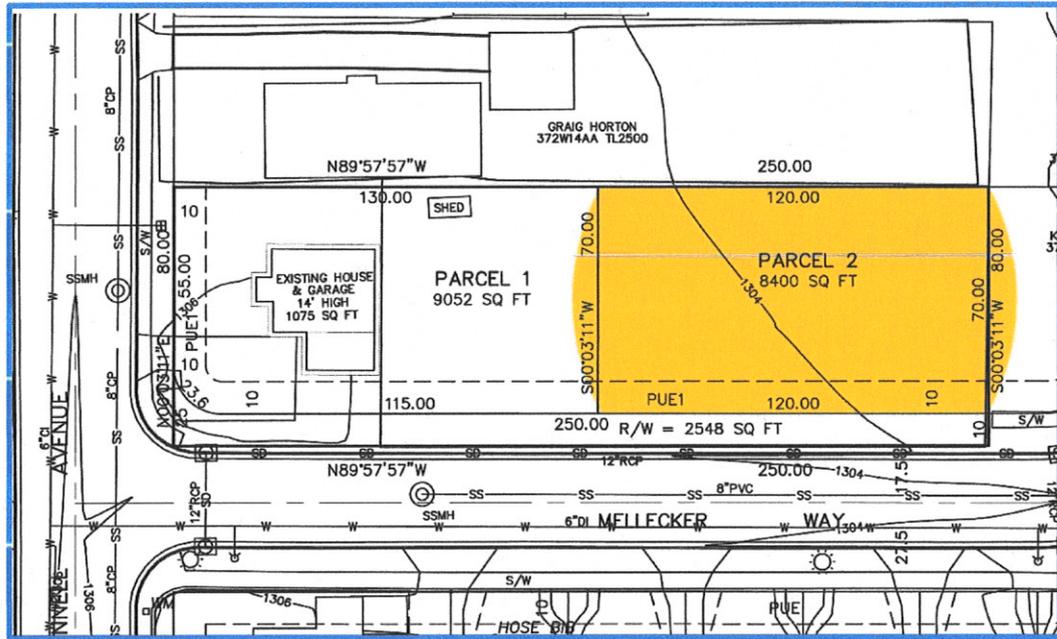


Figure 1 Parcel Orientation

Approval Criteria:

The purpose for an exception and relevant approval criteria for granting relief from the strict application of the standards of the Code is provided below:

(A) Exception, Purpose.

The purpose of this section is to empower the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of:

- (1) exceptional narrowness or shape of a parcel; or*
- (2) exceptional topographic conditions; or*
- (3) extraordinary and exceptional building restrictions on a piece of property; or*
- (4) if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.*

(B) Criteria for an Exception.

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the land use review

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:

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

Findings of Fact - Lot Depth:

- (1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.*

MLDC Section 10.710 provides the standards for a parcel in the SFR-6 zoning district. The minimum lot depth is identified as 90 feet. An SFR-6 lot must also be between 4,500 square feet and 12,500 square feet. The area of Parcel 2 is proposed as 8,400 square feet, within the range identified in the MLDC.

Lot Depth and Lot Width are defined as follows:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Lot depth. The horizontal distance between the front and rear property lines of a lot measured along a line midway between the side property lines.

Lot width. The perpendicular bisect of the lot depth measurement.

Per the definition, the minimum lot size is 90 feet deep and 50' wide. The proposed Parcel 2 is 120 feet wide and 70 feet in depth, Plenty of size for residential development, just the wrong orientation.

A concern of the proposed orientation of the lot would be a 10' Public Utility Easement (PUE) will be required on the lot frontage. The PUE would be an unbuildable area, reducing the building envelope of the lot. Applying the 10' PUE to this lot would be the same effect as creating a corner lot and the Code requires 60' for a corner lot instead of 50' for an interior lot in the SFR-6 zone.

The 70' dimension of the proposed Parcel 2 would meet the standards for a corner lot and would allow a sufficient building envelope for the zoning district.

The granting the relief of the request would not have a detrimental impact to the health, safety or general welfare of the residents in the vicinity.

Conclusions of Law

The Planning Commission can conclude granting the requested relief from the strict application of the Code is in harmony with the general purpose and intent of the regulations and the relief would not have a detrimental impact to the health, safety or general welfare of the residents in the vicinity.

- (2) *The granting of an exception will not permit the establishment of a use which is not permitted in the zoning district within which the exception is located.*

The proposed use of the lot is residential development, an outright permitted use in the SFR-6 zoning district. Granting the requested relief will not establish any non-conforming uses.

Conclusions of Law

The Planning Commission can conclude granting the requested relief from the strict application of the Code will not permit the establishment of a use which is not permitted in the Zoning district.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

(3) There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere in the City, and that the strict application of the standard(s) for which an exception is being requested would result in peculiar, exceptional, and undue hardship on the owner.

The subject property was created by subdivision in 1948 and the standards of the time were to develop long narrow lots. This lot faced Connell and at the time Mellecker Way was created with the City's approval of Morin Park Homes Phase 1, the property had double street frontage and an oversized lot and a lot depth that will not meet the current standards.

This is an unusual and unique set of circumstances that do not generally exist in the City.

The applicant contacted the owner of the adjacent rental property, with a similar long narrow parcel, to ask if they would be interested in co-developing and creating two conforming lots from their combined property. The adjacent owner chose not to co-develop leaving an exception request the only option for the applicant to develop their parcel.

Without relief, the applicant is not able to develop the back portion of the property resulting in an exceptional and undue hardship to be borne exclusively by the applicant.

Conclusions of Law

The Planning Commission can conclude there are unique and unusual circumstances which apply to this site and strict application of the standards would result in an undue hardship to the applicant.

(4) The need for the exception is not the result of an illegal act nor can it be established on this basis by one who purchases the land or building with or without knowledge of the standards of this code. It must result from the application of this chapter, and it must be suffered directly by the property in question. It is not sufficient proof in granting an exception to show that greater profit would result.

The need for relief is not the result of an illegal act. When the existing home was built on the parcel conformed to the standards of the time, and the approval of the subdivision plat for Morin Park Homes Phase 1 created Mellecker Way and the lot configuration that prevents development of the applicant's property without the requested relief.

The knowledge of the Code standards is not a factor in the need for the requested relief. Since the adjacent properties are already developed at urban densities, the hardship of not being able to develop at a similar urban density would be borne only by the applicant.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Conclusions of Law

The Planning Commission can conclude the need for the requested relief from the standards was not created by an illegal act and the hardship would be suffered by the applicant.

Application Summary and Conclusion:

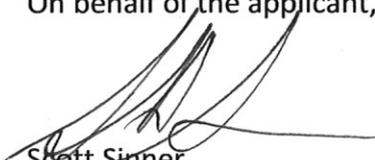
This application identifies the relevant approval criteria for an Exception for a granting relief from the strict application of the Code Standards.

The Findings of Fact address the approval criteria for the lot orientation request and demonstrate the exception request is in harmony with the Code and will allow for permitted residential uses within the SFR-6 zone and will not create a detrimental condition.

The existing parcel was developed 75 years ago and the site is surrounded by development consistent with the current land development code however the location of the existing dwelling and the adjoining development unusually constrains the subject parcel specifically and would not typically be impediments in other locations in the City.

The need for the requested relief is not the result of an illegal act and will provide for residential development at efficient urban densities.

On behalf of the applicant, I respectfully request the approval of this application.



Scott Sinner
Scott Sinner Consulting, Inc.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

RECEIVED

AUG 05 2020

PLANNING DEPT.

IN THE MATTER OF AN APPLICATION FOR)	
A LAND DIVISION FOR THE PROPERTY IDENTIFIED AS)	FINDING OF FACT
T372W14AA TAX LOT 2600)	AND
RZ / BRIANNA LATHROM APPLICANTS)	CONCLUSIONS
SCOTT SINNER CONSULTING, INC. AGENT)	OF LAW

I. BACKGROUND INFORMATION

Applicant:

RZ and Brianna Lathrom
2720 Connell Avenue
Medford, OR 97501
Brianna Lathrom brilath@outlook.com

Agent:

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

Property:

37 2W 14AA TL 2600
RZ and Brianna Lathrom
2720 Connell Avenue
Medford, OR 97501

.46 acres net
SFR-6 zoning district
UR GLUP Designation

Project Summary:

This application requests a 2 lot partition of the subject property. The application is consolidated with an exception request. The proposed Parcel 2 will not meet the lot depth standard of the Medford Land Development Code.

Lot 2 is oriented with a lot width of 120 feet and a lot depth, after street dedication, of 70 feet. The proposed lot has ample square footage for a building envelope however the orientation does not meet MLDC standards without granting the requested relief.

Scott Sinner Consulting, Inc. 541-601-0917 Latham Partition

CITY OF MEDFORD

Page 1 of 9

File # LDP-20-241/E-20-240

8

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Approval Criteria:

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

(E) Land Division Approval Criteria.

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

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

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

Findings of Fact:

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

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

The subject property is 3.5 miles from the Rogue Valley International Airport, and 1.8 miles from Interstate Highway 5 (I-5). The subject property has frontage on Connell Avenue and Mellecker Way.

RVTD bus route 40 is the closest route with a bus stop is located at on Merriman Road approximately .5 miles for the site.

The subject property is located on the corner of Connell Avenue and Mellecker Way. Connell Avenue is a legacy street and is improved with a full paved section with curb and a curb tight sidewalk. Mellecker is a minor residential street. The subject parcel is the last property on the segment without a sidewalk.

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

The subject property is within the General Land Use Plan Map (GLUP) UR Urban Residential map designation. The UR designation allows for the SFR-2, SFR-4, SFR-6 and SFR-10 zoning districts, and the subject parcel is within the SFR-6 zoning district. The current zoning is consistent with the UR GLUP designation.

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

Conclusions of Law:

The Planning Commission can conclude this application is with the Comp Plan, the TSP and there are no neighborhood circulation plans. The application is consistent with the adopted Medford Transportation System Plan and the Oregon Transportation Planning Rule, and the SFR-6 zoning district is appropriate within the UR GLUP designation.

- (1) *Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*

Findings of Fact:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

This application proposed development of the entire property at urban densities. The approval and development of the subject property will not prevent development of any adjoining parcels.

Conclusions of Law:

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

(3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

Findings of Fact:

The proposed land division is a partition and a unique name is not required by the MLDC.

Conclusions of Law:

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

(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property unless the approving authority determines it is in the public interest to modify the street pattern;

Findings of Fact:

This subject parcel is located on a corner lot and both streets are existing. There are no new streets proposed with this application. There is no need to alter the existing street pattern in the vicinity.

Conclusions of Law:

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

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

(5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;

This application does not propose any private streets.

Conclusions of Law:

The Planning Commission can conclude the tentative plat does not propose any new streets, public or private.

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

Findings of Fact:

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

Conclusions of Law:

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

Additional Criteria

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

Hillside Ordinance

10.929 Hillside Ordinance, Purpose; Applicability

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

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The subject property is not located in a steep slope area and the hillside ordinance and constraints do not apply to this application.

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

Conclusions of Law

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

Block Length Ordinance

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

10.426 Street Circulation Design and Connectivity

A. Street Arrangement Suitability.

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

- 1. Adopted neighborhood circulation plans where provided; and*
- 2. Safe, logical and convenient access to adjoining property consistent with existing and planned land uses; and*
- 3. Efficient, safe and convenient vehicular and pedestrian circulation along parallel and connecting streets; and*
- 4. Compatibility with existing natural features such as topography and trees; and*
- 5. City or state access management standards applicable to the site.*

B. Street Connectivity and Formation of Blocks Required.

- 1. Block layouts shall substantially conform to adopted neighborhood circulation plans for the project area if applicable. Street arrangement and location may depart from the adopted plan if the project will result in a comparable level of overall connectivity. Projects that depart from the neighborhood circulation plan shall conform to*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

planned higher order streets adopted in the City of Medford Transportation System Plan.

2. *Proposed streets, alleys and accessways shall connect to other streets within a development and to existing and planned streets outside the development, when not precluded by factors in Section 10.426 C.2 below. When a development proposes a cul-de-sac, minimum access easement or flag lot to address such factors, the provisions of Section 10.450 apply.*
3. *Proposed streets or street extensions shall be located to provide direct access to existing or planned transit stops and other neighborhood activity centers such as schools, office parks, shopping areas, and parks.*
4. *Streets shall be constructed or extended in projections that maintain their function, provide accessibility, and continue an orderly pattern of streets and blocks.*

C. Maximum Block Length and Block Perimeter Length.

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

MAXIMUM BLOCK LENGTH AND PERIMETER LENGTH		
<i>Table 10.426-1</i>		
<i>Zone or District</i>	<i>Block Length</i>	<i>Block Perimeter Length</i>
<i>a. Residential Zones</i>	<i>660'</i>	<i>2,100'</i>
<i>b. Central Business Overlay District</i>	<i>600'</i>	<i>1,800'</i>
<i>c. Transit Oriented Districts (Except SE Plan Area)</i>	<i>600'</i>	<i>1,800'</i>
<i>d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial-Professional Office Zones</i>	<i>720'</i>	<i>2,880'</i>
<i>e. Regional Commercial and Industrial Zones</i>	<i>940'</i>	<i>3,760'</i>

2. *The approving authority may find that proposed blocks that exceed the maximum block and/or perimeter standards are acceptable when*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

it is demonstrated by the findings that one or more of the constraints, conditions or uses listed below exists on, or adjacent to the site:

- a. *Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10,426 C.1.,*
 - b. *Environmental constraints including the presence of a wetland or other body of water,*
 - c. *The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet*
 - d. *Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical,*
 - e. *The subject site is in SFR-2 zoning district,*
 - f. *Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards,*
 - g. *The proposed use is a public or private school, college or other large institution,*
 - h. *The proposed use is a public or private convention center, community center or arena,*
 - i. *The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.*
 - j. *When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.*
3. *Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D,*
 4. *When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464*

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

through 10.466.

D. Minimum Distance Between Intersections.

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

Findings of Fact

The subject property is within an area of existing development. The block of Connell Avenue, Mace Road Howard Avenue and Mellecker Way is approximately 2,300 feet. The applicant has no potential to create a street pattern to conform to the Block Length Ordinance as existing development at urban densities on Mace Avenue preclude a public street connection from being completed to comply with the current standards.

10.426 (2)(d) recognizes the constraints of existing development on circulation.

Conclusions of Law

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

Application Summary and Conclusion:

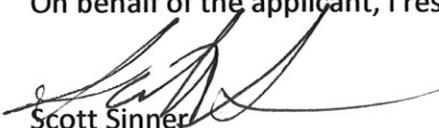
This application identifies the relevant approval criteria contained in the MLDC for a land division.

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

The Tentative Plat will develop the entire parcel at urban densities and will not prevent development on any adjoining parcels.

The partition does not require a unique name, and none is proposed. This application, with the relief requested with the consolidated exception application meet all the requirements of the Code.

On behalf of the applicant, I respectfully request the approval of this application.


Scott Sinner
Scott Sinner Consulting, Inc.

Liz A. Conner

From: scottsinner@yahoo.com
Sent: Monday, October 12, 2020 9:42 AM
To: Liz A. Conner; Alex T. Georgevitch; Douglas E. Burroughs
Cc: 'Brianna Lathrom'
Subject: FW: Lathrom Partition.
Attachments: Sidewalk.pdf

Liz,

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Alex confirmed Connell is a Legacy Street with an existing sidewalk and there are no additional dedication or improvements required for this frontage.

Alex also confirmed the Legacy Street Status of Mellecker Way. The attached detail indicates a dedication to allow a curb tight sidewalk from the corner to the existing cross fence that connects to the applicant's garage. At that point the dedication will be increased to allow for standard planter strip and sidewalk. For the remainder of Parcel 1.

As a condition of approval to obtain final plat the applicant will dedicate additional right of way and construct the sidewalk on the Mellecker Way frontage of Parcel 1. The sidewalk and planter strip for Parcel 2 will be developed with the permitting process for a new dwelling as required by the Code.

Alex also commented in the emails below the Legacy Street Standards only address dedication requirements and not the curb tight sidewalk.

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Please add the to the record for the application to meet the City Engineer Meeting requirement of the Legacy Street Standards of the Code and to request a curb tight sidewalk for approval by the Planning Commission.

Please feel free to call if you have any questions.

Scott

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504
541-601-0917

From: Alex T. Georgevitch
Sent: Monday, October 12, 2020 8:59 AM
To: scottsinner@yahoo.com
Cc: Douglas E. Burroughs ; Jodi K. Cope
Subject: RE: Lathrom Partition.

Scott,

This works perfectly.

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To: scottsinner@yahoo.com

Cc: Douglas E. Burroughs <DEBurroughs@cityofmedford.org>; Jodi K. Cope <Jodi.Cope@cityofmedford.org>

Subject: RE: Lathrom Partition.

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Thanks,

Alex Georgevitch, PE | Deputy Public Works Director – City Engineer

City of Medford, Oregon | Public Works Engineering

200 S. Ivy St., Medford, OR 97501

Direct: 541-774-2114 | Main: 541-774-2100

[Website](#) | [Facebook](#) | [Twitter](#)

From: scottsinner@yahoo.com <scottsinner@yahoo.com>

Sent: Wednesday, September 30, 2020 8:32 AM

To: Alex T. Georgevitch <Alex.Georgevitch@cityofmedford.org>

Subject: RE: Lathrom Partition.

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541-601-0917

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Liz A. Conner

From: scottsinner@yahoo.com
Sent: Monday, October 12, 2020 9:47 AM
To: Douglas E. Burroughs; Liz A. Conner
Subject: FW: Lathrom Partition.
Attachments: Sidewalk.pdf

Doug,
This email confirms the Legacy Street Determination by the City Engineer for the Lathrom Partition. We have requested the sidewalk and dedication as indicated in the attachment and emails below.
I believe this will have an impact on the Public Works report. Can you update the report to this request and recommendations indicated?
Thank you and let me know if you have any questions.

Scott
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land use applications containing legacy streets; the City Engineer shall produce a memorandum summarizing the meeting and legacy street standards that would apply to the land use application and this memorandum shall be submitted as an exhibit with the land use application. If a deviation from the City Engineer's recommendation is requested by the applicant, the applicant shall provide written findings (see criteria under MLDC 10.427(D)(1)(a-e).

Connell Avenue is classified as a Standard Residential street within the MLDC, Section 10.430. Through a Legacy Street conference it has been determined that no additional right-of-way is required.

Mellecker Way is classified as a Minor Residential Street within the Medford Land Development Code (MLDC) 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width of right-of-way, which is 27.5-feet or as reduced through the Legacy Street conference along the westerly portion adjacent to the existing house on Parcel one. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Public Utility Easements (PUE), 10-feet in width, shall be dedicated along the street frontage of all the Lots within this development (MLDC 10.471).

The right-of-way and easement dedications shall be submitted directly to the Engineering Division of the Public Works Department. The submittal shall include: the right-of-way and easement dedication, including an exhibit map; a copy of a current Lot Book Report, Preliminary Title Report, or Title Policy; a mathematical closure report (if applicable), and the Planning Department File Number; for review and City Engineer acceptance signature prior to recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

2. Public Improvements

a. Public Streets

Connell Avenue – All street section improvements have been completed in close conformance with current standards, including pavement, and curb and gutter and sidewalks. **No additional improvements are required.**

Mellecker Way – All street section improvements, with the exception of a planter strip and sidewalk, have been completed in close conformance with current standards, including pavement, and curb and gutter. No additional improvements are required except for sidewalk with a planter strip except as reduced along the westerly portion adjacent to the existing house on Parcel one where a curb tight sidewalk will be allowed if approved through the Planning Director. Sidewalk along Parcel 1 shall be constructed prior to approval of the final plat.

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b. Street Lights and Signing

No additional street lights are required.

The Developer shall be responsible for the preservation and re-installation of all signs removed during demolition and site preparation work. The Developer's contractor shall coordinate with the City of Medford Public Works Department to remove any existing signs and place new signs provided by the Developer.

c. Access to Public Street System

Public Works takes no exception to the applicant's block length findings and driveways shall comply with MLDC 10.550.

d. Pavement Moratoriums

There is a no pavement cutting moratorium currently in effect along this developments respective frontages.

e. Easements

Easements shall be shown on the final plat for all sanitary sewer and storm drain mains or laterals, which cross lots, including any common area, other than those being served by said lateral.

3. Section 10.668 Analysis

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

10.668 Limitation of Exactions

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

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

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

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1. Nexus to a legitimate government purpose

The purposes for these dedications and improvements are found throughout the Medford Code, the Medford Transportation System Plan, and the Statewide Planning Rule, and supported by sound public policy. Those purposes and policies include, but are not limited to: development of a balanced transportation system addressing all modes of travel, including motor vehicles, transit, bicycles, emergency services and pedestrians. Further, these rights-of-way are used to provide essential services such as sanitary sewer, domestic water and storm drains to serve the developed parcels. It can be found that the listed right-of-way dedications and improvements have a nexus to these purposes and policies.

2. Rough proportionality between the dedications and improvements, and the impacts of development.

No mathematical formula is required to support the rough proportionality analysis. Furthermore, benefits to the development resulting from the dedication and improvements when determining “rough proportionality” have been considered, including but not limited to: increased property values, intensification of use, as well as connections to municipal services and the transportation network.

As set forth below, the dedications and improvements recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

Connell Avenue & Mellecker Way:

Connell Avenue & Mellecker Way will be the primary routes for pedestrians traveling to and from this development. The development shall construct approximately 250 linear feet of sidewalk along the frontage of the property. All developments in Medford are required to construct their frontage sidewalk and therefore this is roughly proportional.

Local street right-of-way dedication and construction requirements identified by the Public Works Department and required by the City are the minimum required to protect the public interest and are necessary for additional or densification of development in the City without detracting from the common good enjoyed by existing properties. Developments are required to provide all internal local streets and half-street improvements to abutting streets, including associated right-of-way dedications, to ensure that new development and density intensification provides the current level of urban services and adequate street circulation is maintained.

Dedication of the Public Utility Easement (PUE) will benefit development by providing public utility services, which are out of the roadway and more readily available to each lot or building being served. The additional traffic of all modes of travel generated by this

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proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated for this development is necessary and roughly proportional to that required in similar developments to provide a transportation system that meets the needs for urban level services.

B. SANITARY SEWERS

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

C. STORM DRAINAGE

1. Drainage Plan

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

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

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

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

2. Grading

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

3. Mains and Laterals

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

A storm drain lateral shall be constructed to each parcel prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing property other than the one being served by the lateral. If a private storm drain system is being used to drain this site, the applicant shall provide a joint use maintenance agreement.

4. Erosion Prevention and Sediment Control

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

D. SURVEY MONUMENTATION

All survey monumentation shall be in place, field-checked, and approved by the City Surveyor prior to approval of the final plat.

E. GENERAL CONDITIONS

1. Easements

Easements shall be shown on the Final Plat for all sanitary sewer laterals and storm drainage laterals that cross lots other than the one being served by the laterals.

2. Permits

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

3. System Development Charges (SDCs)

Buildings in this development are subject to SDC fees. These SDC fees shall be paid at the time individual building permits are taken out.

This development is also subject to storm drain system development charges. The storm drain system development charge shall be collected at the time of the approval of the final plat.

4. Construction and Inspection

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Contractors proposing to do work on public streets (including street lights), sewers, or storm drains shall 'prequalify' with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings that have been approved by the City of Medford Engineering Division.

For City of Medford facilities, the Public Works Department requires that public sanitary sewer and storm drain mains be inspected by video camera prior to acceptance of these systems by the City.

Where applicable, the Developer shall bear all expenses resulting from the adjustment of manholes to finish grades as a result of changes in the finish street grade.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

SUMMARY CONDITIONS OF APPROVAL
2720 Connell Avenue (TL 2600)
2-Lot Partition (Lathrom)

LDP-20-241/E-20-240

A. Streets

1. Street Dedications to the Public:

- **Connell Avenue** - Dedicate additional right-of-way unless otherwise recommended through the Legacy Street Memorandum.
- **Mellecker Way** – Dedicate additional right-of-way.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- **Connell Avenue** – No improvements are required at this time.
- **Mellecker Way** – No improvements are required at this time, aside from sidewalk with planter strip.

Lighting and Signing

- No additional street lights are required.

Access to Public Street System

- Public Works takes no exception to the applicant’s block length findings and driveways shall comply with MLDC 10.550.

Other

- No pavement moratorium currently in effect along this frontage.

B. Sanitary Sewer:

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

C. Storm Drainage:

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

D. Survey Monumentation

- Provide all survey monumentation.

E. General Conditions

- Building permits will not be issued until after final plat approval.

- = City Code Requirement
- = Discretionary recommendations/comments

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

City of Medford

200 S. Ivy Street, Medford, OR 97501

(541) 774-2100

cityofmedford.org

pavement moratoriums and construction inspection.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Farrington, Tanner

Review Date: 9/16/2020

Meeting Date: 9/23/2020

LD File #: LDP20241 **Associated File #1:** E20240

Planner: Liz Conner

Applicant: RZ and Brianna Lathrom

Site Name: Latham Partition – Connell Avenue

Project Location: 2720 Connell Avenue

ProjectDescription: Consideration of a tentative plat approval for a two lot partition and an Exception pertaining to relief to the lot width and lot depth standards on a parcel of land, 0.46 acres in size located at 2720 Connell Avenue north of the intersection of Connell Avenue and Mellecker Way within a SFR-6 (Single Family Residential, six dwelling units per gross acre) zoning district (372W14AA2600)

Additional Project Consideration

Notes: Based on the information provided, no additional comments or conditions are provided at this time.

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





MEMORANDUM

To: Liz Conner, Planning Department
From: Mary Montague, Building Department
CC: Cogswell Limited Partnership and Rocky Knoll LLC, Applicants; Scott Sinner Consulting Inc., Agent
Date: September 22, 2020
Subject: LDP-20-241_E-20-240_Latham Partition – Connell Avenue

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 from the building department required to develop, install utilities prior to final plat.
4. Demo Permit is required for any buildings being demolished.

Comments:

5. Provide a letter to the building official per Section R401.4 indicating if expansive soils are present or not. If expansive soils are present then a site specific soils geotech report is required by a Geotech Engineer prior to foundation inspections. The report must contain information per Section 403.1.10 and on how you will prepare the lot for building and a report confirming the lot was prepared per their recommendations.





Staff Memo

TO: Planning Department, City of Medford

FROM: Brian Runyen, P.E.(TX), Water Commission Staff Engineer

SUBJECT: LDP-20-241 / E-20-240
Latham Partition – Connell Avenue

PARCEL ID: 372W14AA2600

PROJECT: Consideration of a tentative plat approval for a two lot partition and an Exception pertaining to relief to the lot width and lot depth standards on a parcel of land, 0.46 acres in size located at 2720 Connell Avenue north of the intersection of Connell Avenue and Mellecker Way within a SFR-6 (Single Family Residential, six dwelling units per gross acre) zoning district (372W14AA2600)

Applicant: RZ and Brianna Lathrom; Agent: Scott Sinner Consulting Inc.;
Planner: Liz Conner

MEMO DATE: September 17, 2020 **LAND DEVELOPMENT COMMITTEE DATE:** September 23, 2020

I have reviewed the above project application as requested. Comments and Conditions for approval are as follows:

COMMENTS

1. MWC has adequate capacity to serve the property with water.
2. The project is within MWC's "Reduced" Pressure Zone.
3. Static water pressure is expected to be over 80 psi. (See Condition 4 below regarding requirements for Pressure Reducing Valves.)
4. Access to MWC water lines is available. There is an existing 6" water line along the south side of Mellecker Way. There is a 6" water line along the west side of Connell Ave.
5. MWC-metered water service does exist to this property. A 3/4" water meter serves the property from the 6" water line in Connell Ave. (See Condition 2 below.)

CONDITIONS

1. Water facility planning / design / construction process will be done in accordance with the current Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities / Fire Protection Systems / Backflow Prevention Assemblies"
2. All parcels / lots of proposed property divisions will be required to have metered water service prior to recordation of final plat, unless otherwise arranged with MWC.
 - a. The existing 3/4" water service and water meter from Connell Drive can remain to serve

Page 1 of 2

200 S. Ivy Street, R
Medford, Oregon
Phone (541) 774-2430



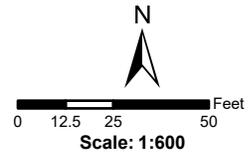
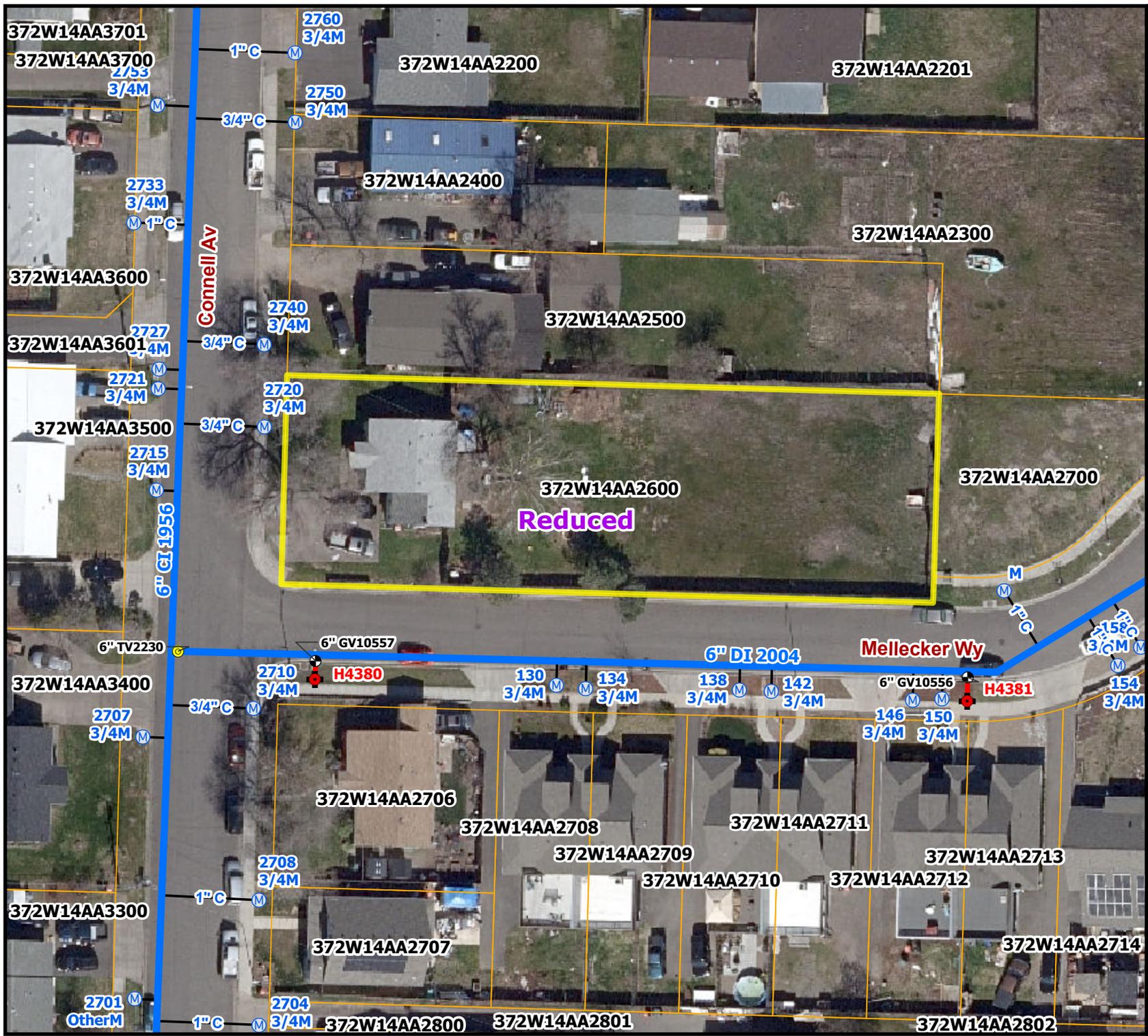
EXHIBIT
K
www.medfordwater.org
water@medfordwater.org
Fax (541) 774-2555

the westernmost proposed parcel (the existing house).

- b. Proposed new Parcels 1 & 2 shall take water service from the existing 6" water line in Mellecker Way.
3. Installation of Pressure Reducing Valves (PRV) is required per Uniform Plumbing Code. Pressure Reducing Valves shall be installed on the "private" side of the water meter. PRV's shall be located as close as possible to the water meter serving the parcel being served. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves."
 - a. If the existing water service from Connell Ave does not have a PRV installed currently then a PRV shall be added.

END CONDITIONS





**Water Facility Map for
City of Medford
Planning Application:
LDP-20-241 / E-20-240**

Legend

- ⊙ Air Valve
- ⊙ Sample Station
- Fire Service
- ⊕ Hydrant
- ▲ Reducer
- Blow Off
- ⊕ Plugs-Caps

Water Meters:

- ⊙ Active Meter
- On Well
- Unknown
- Vacant

Water Valves:

- ⊙ Butterfly Valve
- ⊙ Gate Valve
- ⊙ Tapping Valve

Water Mains:

- Active Main
- - - Abandoned Main
- Reservoir Drain Pipe
- Pressure Zone Line

Boundaries:

- ▭ Urban Growth Boundary
- ▭ City Limits
- ▭ Tax Lots

MWC Facilities:

- C** Control Station
- P** Pump Station
- R** Reservoir



This map is based on a digital database developed by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

Liz A. Conner

From: Nancy Coates <CoatesN@jacksoncounty.org>
Sent: Friday, September 11, 2020 12:29 PM
To: Liz A. Conner
Cc: Charles DeJanvier; Sheila M. Giorgetti
Subject: LDP-20-241 / E-20-240

Liz,
Thank you for the opportunity to comment on consideration of a tentative plat approval for a two lot partition and an Exception pertaining to relief to the lot width and lot depth standards on a parcel of land, 0.46 acres in size located at 2720 Connell Avenue north of the intersection of Connell Avenue and Mellecker Way within a SFR-6 (Single Family Residential, six dwelling units per gross acre) zoning district (372W14AA2600). Jackson County Roads has no comments. Stay safe & well,

Nancy Coates
Engineering Associate



200 Antelope Road
White City, OR 97503
Office: 541-774-6261
Fax: 541-774-6295
coatesn@jacksoncounty.org



Liz A. Conner

From: THOMPSON Seth <Seth.THOMPSON@aviation.state.or.us>
Sent: Monday, September 14, 2020 1:09 PM
To: Liz A. Conner
Subject: ODA Comment: LDP-20-241 / E-20-240

Good afternoon Liz,
The Oregon Department of Aviation (ODA) has no comment on File Number: LDP-20-241 / E-20-240.
Thank you for allowing the ODA to comment on this proposal.

Best regards,

Seth Thompson
OREGON DEPARTMENT OF
AVIATION
AVIATION PLANNER



OFFICE 503-378-2529 **CELL** 503-507-6965
EMAIL
seth.thompson@aviation.state.or.us
3040 25TH STREET SE, SALEM, OR 97302
WWW.OREGON.GOV/AVIATION



STAFF REPORT for a Type-IV legislative decision: **Comprehensive Plan Amendment – Urbanization Plan**

Project Urbanization Plan for Planning Unit MD-5b

Applicant Michael Mahar

Agent Neathamer Surveying, Inc.

File no. UP-20-211

To Planning Commission *for 10/22/2020 hearing*

From Sarah Sousa, Planner III

Reviewer Carla Angeli Paladino, Principal Planner

Date October 15, 2020

BACKGROUND

Proposal

A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 211 acres of property located north of Barnett Road and south of Cherry Lane within a portion of Planning Unit MD-5b (371W26 103, 104, 105, and 300).



Urbanization Plan Details

Proposed Residential Density	Open Space	Street Extensions
1,130 dwelling units	Required: 19.0% (40.10 acres) Proposed: 19% (40.10 acres)	Extension of Cherry Lane (Major Collector) Extension of East Barnett Road (Minor Arterial / Major Collector) Future north-south street (Minor Collector)

Subject Site Characteristics

Zoning: Exclusive Farm Use

GLUP: Urban Residential, Urban Medium Density Residential, and Service Commercial

Uses: One single family home / vacant land

Acreage: 211 acres

Surrounding Site Characteristics

North Zone: Single Family Residential – 1 dwelling unit per existing lot / Southeast Overlay
 Uses: Vacant Land, Single Family Homes

South Zone: Exclusive Farm Use
 Uses: Vacant Land

East Zone: Exclusive Farm Use
 Uses: Planning Unit MD-P – Chrissy Park (undeveloped)

West Zone: Single Family Residential – 4 & 10 dwelling units per gross acre / Southeast Overlay
 Uses: Vacant Land

History

In June 2018, the Department of Land Conservation and Development acknowledged the City of Medford's proposed Urban Growth Boundary (UGB) amendment providing for the inclusion of 1,658 acres of urbanizable land. Following the adoption of the UGB, the City established the Urbanization Planning process in order to provide a regulatory framework to ensure that the goals of the Regional Plan Element and other requirements are met as land converts from rural to urban uses. The land included in the UGB was divided into distinct planning units and coded with a specific numbering and lettering system (e.g. MD-5b). Each planning unit must adopt an Urbanization Plan prior to or in conjunction with a proposal for annexation. The Urbanization Plans are high level master plans intended to show conformance with the Regional Plan and transportation plan (TSP).

A pre-application conference with planning staff and other internal and external review agencies is required prior to submitting a formal application. A pre-application conference was held with the applicants to discuss the subject properties on July 24, 2019. In addition, applicants are required to hold a neighborhood meeting with surrounding neighbors and property owners in order to provide an opportunity to explain the proposal and provide for questions and answers. A neighborhood meeting was held for this project on December 18, 2019.

The planning unit consists of four tax lots that are located south of Cherry Lane and north of East Barnett Road. The proposal was initiated by Michael Mahar. Consent forms have been submitted by the owners of all four parcels, representing the ownership of 100 percent of the planning unit.

Public Comments

To date, no public comments have been received on this application.

Related Projects

PA-19-056 Pre-application for urbanization plan

CP-16-075 Urbanization Planning Comprehensive Plan Amendments

CP-14-114 Urban Growth Boundary Amendment

Authority

This is a Type IV legislative Comprehensive Plan Amendment. The Planning Commission is authorized to recommend, and the City Council to approve,

amendments to the Comprehensive Plan under Medford Municipal Code Sections 10.102-10.122, 10.214, and 10.220.

ANALYSIS

Planning Unit MD-5b was adopted into the City's Urban Growth Boundary in 2016 and acknowledged by the State in 2018 to help accommodate future growth. The site is located in southeast Medford, just south and east of the Southeast Overlay boundary. The area is bordered by Barnett Road to the south and Cherry Lane to the north. Cherry Lane is classified as a Major Collector street and is maintained by Jackson County. This will continue until a jurisdictional transfer is completed with Jackson County after a future annexation. The portion of East Barnett Road that borders the subject planning unit is a local access road and is currently maintained by the surrounding property owners. The City will not take over maintenance of this portion of East Barnett Road until it is improved to city standards and a jurisdictional transfer is complete.

Planning Unit MD-5b was approved with three General Land Use Plan (GLUP) designations: Urban Residential (UR), Urban Medium Density Residential (UM), and Service Commercial (SC). The applicant proposes minor percentage changes to the adopted GLUP acreages as discussed further in the report. The main change is the shift of the Urban Medium Density Residential designation location from the middle of the planning unit to the northeasterly section. However, this shift in location and minor percentage changes should be considered a Minor Spatial Adjustment.

This proposal meets the plan requirements and criteria for incorporation into the Neighborhood Element of the Comprehensive Plan as discussed in the Applicant's Findings and the Findings described below.

FINDINGS AND CONCLUSIONS

Applicable Criteria

For the applicable criteria, the Medford Municipal Code Section 10.220(B)(4) references the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. The applicable criteria in this action are those for an Urbanization Plan found in Sections 5 and 6 in the Urbanization Planning Chapter of the Neighborhood Element. The criteria are in *italics* below; findings and conclusions are in roman type.

The applicant's findings of fact and conclusions address each of the criteria in detail and are attached as **Exhibit B**.

Section 5 - PLAN CONTENTS

Criterion 5.1 RPS Density Requirements: Compliance with the Regional Element minimum gross density performance measures. The urbanization plan shall include specific zoning designations or text that assures development under the minimum densities will meet or exceed the density expected to be achieved for the planning unit(s) in the UGB Amendment residential land supply analysis. Plan techniques that can be employed to achieve this standard include but are not limited to the following:

5.1.1 Specify residential zoning districts for certain areas.

5.1.2 Commit to specific quantities of residential development in commercial areas.

The findings supporting the urbanization plan submittal shall include density calculations that explain how the plan complies.

The text below also includes findings that demonstrate compliance with Goal 10 (Housing).

Findings

The Regional Plan Element of the Comprehensive Plan was adopted in August 2012 and established the minimum residential densities that each of the participating jurisdictions agreed to achieve. For Medford, the minimum target density is 6.6 dwelling units per gross acre until 2035, when the density increases to 7.6 dwelling units per gross acre. Gross acreage in the City of Medford includes the total area of the properties' boundaries plus any adjacent right-of-way measured to the center line, multiplied by the zoning district minimum and maximum density factors.

The City's Housing Element indicates 15,050 dwelling units are needed between 2009 and 2029. Of that total, the need for single-family detached housing is 9,034 units, of which 384 are identified as being attached units. The need for multi-family housing includes 651 duplexes and 4,586 multi-units. The applicant proposes to supply a minimum total of 1,030 dwelling units within the overall planning area. The total will be supplied within the Urban Residential and Urban Medium Density Residential areas. The proposed zoning with density figures are shown below.

Zoning	Acreage	Density Range	Minimum Density	Maximum Density	Proposed Density
SFR-4	24.10	2.5-4 dwelling units per acre	60 dwelling units per acre	96 dwelling units per acre	80 dwelling units per acre
SFR-6	89.74	4-6 dwelling units per acre	359 dwelling units per acre	538 dwelling units per acre	505 dwelling units per acre
SFR-10	24.66	6-10 dwelling units per acre	148 dwelling units per acre	247 dwelling units per acre	195 dwelling units per acre
MFR-15	16.90	10-15 dwelling units per acre	169 dwelling units per acre	254 dwelling units per acre	250 dwelling units per acre
Totals	155.4 acres		736 dwelling units	1,135 dwelling units	1030 dwelling units

Conclusions

Satisfied. The Regional Plan (2012) requires a minimum residential density of 6.6 dwelling units per gross acre that exceeds that outlined in the Housing Element. The City has committed to this density until 2035, and then the density factor increases to 7.6 dwelling units per gross acre from 2036 through 2050. This planning unit includes the Urban Residential and Urban Medium Density Residential General Land Use Plan designations. To ensure the minimum number of units is met per that designation, the applicant proposes SFR-4, SFR-6, SFR-10, and MFR-15 zones. Within each of the

zoning districts proposed, the applicant has listed a target residential density of 1,030, which meets the minimum 6.6 dwelling units per acre required by the Regional Plan.

The City has an adopted Housing Element (2010) that describes the housing needs of the City through 2029. The future multi-family zoning for the Urban Medium Density General Land Use area within the planning unit allows a mix of housing types including duplexes, townhomes, and apartments, which are all needed housing types.

Land use changes made as part of the Urban Growth Boundary Phase I (Internal Study Areas 2014) project increased the supply of medium and high density residential designations within the City limits and reallocated lower density residential into the expansion areas. The Urbanization Planning (2018) process was established in part to assess compliance with the Regional Plan targets and to track housing production within each planning unit as land is entitled and developed. This process helps ensure land within the Urban Growth Boundary is being used efficiently to provide needed housing of all types. This criterion is satisfied.

Criterion 5.2 Transportation Planning: A neighborhood circulation plan map showing:

5.2.1 Locations of higher-order streets. Locations and alignments of higher order streets should be planned in appropriate locations.

The plan will depict how local streets, alleys and paths could be arranged to comply with the City's applicable street connectivity requirements. Typically, a well-connected street grid is desirable both for efficient utilization of urban land and to serve the transportation needs of all modes.

The urbanization plan may seek approval for local street arrangements with less connectivity (fewer intersections, longer block lengths, more dead-ends, greater potential out-of-direction travel) that is otherwise allowed by the code. Such arrangements may be justified on the basis of topographical and other environmental or development constraints, access management requirements, and/or the particular needs of adjacent land uses and those of the surrounding vicinity.

Proposed networks with lower vehicular connectivity may also include mitigation measures including enhanced pedestrian and other active transportation facilities. An example of an active transportation facility may include off-road multi-use paths.

Maps depicting street functional classifications shall utilize a system that is the same as or readily convertible to the City's adopted Transportation System Plan.

Findings

The City's Transportation System Plan shows the extension of higher order streets within this Planning Unit. The submitted plan shows the extensions of East Barnett Road. The east-west portion of East Barnett Road is classified as a Minor Arterial road while the portion to extend north to Cherry Lane is classified as a Major Collector. The Plan also shows Cherry Lane extending into the planning unit to connect with the future north portion of East Barnett Road. Cherry Lane is classified as a Major Collector. Finally, an unnamed north-south oriented street on the western side of the planning unit is a Minor Collector.

The Urbanization Plan also shows a network of lower order streets throughout the unit. The Applicant's Findings explain that due to steeper slopes and creek constraints, there are design difficulties in creating a lower order street pattern that will meet the design standards required by the Code. Specifically, the applicant requests relief to allow for less connectivity, shorter distances between intersections, longer cul-de-sacs, and longer block lengths. While these constraints are acknowledged, these requests should be reviewed at the time of future development. The Applicant's Findings state the lower order streets shown on the plan are conceptual and subject to change at the time of development when further analysis will be performed. Also, the Public Works Department report requires any exceptions to the street design standards be addressed with future development when more detailed information is available.

Conclusions

Satisfied. There are three higher order streets planned within this planning unit: Cherry Lane, East Barnett Road, and an unnamed north-south street. Future lower order streets have been shown conceptually on the Urbanization Plan are laid out to provide connectivity where feasible due to site constraints. This criterion is satisfied.

***Criterion 5.3** Compliance with the open space allocation for an urban reserve area. Units that contain only Industrial GLUP designations are exempt from this requirement. The following classifications count as open space for purposes of fulfilling the RPE requirements:*

***5.3.1** Parks, both public and private shall be counted as open space. Schools may be counted as open space. Where land acquisition is not complete or where specific open space dedications were not offered and accepted as part of the UGB process, park and school sites may be identified as opportunity areas on maps and the acreage planned may be described in text form that explains how the planning unit can satisfy the open space requirement. Areas where specific open space dedications were*

offered and accepted as part of the UGB review process shall be depicted and the acreage counted toward open space percentages.

5.3.2 Agricultural buffers. Proposed agricultural buffers within the UGB shall be counted as open space. Interim agricultural buffers shall not be counted toward open space percentages unless an additional legal or planning mechanism is imposed to render such areas as open space even after a future UGB amendment in the applicable MD area.

5.3.3 Riparian corridors shall be counted.

5.3.4 Areas under an "open space" deed restriction shall be counted.

5.3.5 Locally significant wetlands and any associated regulatory buffer shall be counted.

5.3.6 Slopes greater than 25 percent

Findings

The Regional Plan allocated open space requirements within each of the planning units. For the planning units within MD-5, 19 percent of the land is to be designated open space. Based on 211 acres in MD-5b, a 19 percent allocation would provide 40 acres of open space within the planning unit. The area proposed as open space as shown on the urbanization plan is dispersed throughout the Planning Unit to comply with the 19 percent requirement (**Exhibit A**).

The proposed open space includes a creek (North Fork of Larson Creek) and steep slopes. Other areas designated as open space include a potential location of a school (4 acres) and park (3 acres), which are proposed near the southwest section of the planning unit. There is also a strip of open space proposed on the northern side of East Barnett Road to provide a buffer from the EFU lands located to the south. The Applicant's Findings also describe open space proposed throughout the plan that coincide with the anticipated location of common area required for cottage cluster housing.

The planning unit contains wetlands, some of which are shown as open space, south of the creek (**Exhibit M**). There are no riparian corridors or areas under an "open space" deed restriction.

Conclusions

Satisfied. The property owners are subject to a 19 percent open space requirement that equates to 40 acres. The proposed plan designates 40 acres as open space within the planning unit, thereby meeting the requirement. This criterion is satisfied.

Criterion 5.4 Compliance with the requirements of Regional Plan Element, Section 4.1.6, for mixed-use/pedestrian-friendly development and any specific land use performance obligation. Planning units containing only an Industrial GLUP Map designation are exempt from the mixed-use pedestrian friendly development evaluation.

Findings

Section 4.1.6 of the Regional Plan Element points to the 2020 benchmark targets identified in the most recent Regional Transportation Plan (RTP-2017) for number of dwelling units and new employment in mixed-use and pedestrian friendly developments or activity centers. Activity centers are defined in the RTP as:

- Areas of development that contribute to achieving mixed-use, pedestrian friendly development;
- Neighborhood commercial and employment centers, parks, and schools;
- Downtown areas;
- Transit Oriented Developments; and
- Development that is vertically or horizontally mixed-use

The 2020 target for new dwelling units in the RTP is identified as 49 percent, and for new employment in activity centers it is 44 percent. Data from 2001 indicated that Medford was already exceeding these targets at 61 percent and 48 percent, respectively. The City is required to continue meeting or exceeding these targets as required by the Regional Plan.

The intent of the mix of land uses distributed throughout each of the planning units within the Urban Growth Boundary Expansion areas is to continue this trend of providing housing, employment, and open space in close proximity to one another. The subject planning unit includes residential and commercial land uses to achieve a mix of uses that are accessible and will serve those living or working in the planning unit or the surrounding neighborhoods. The distribution of residential and commercial designations aligns with that adopted through the Urban Growth

Boundary process. The planning unit includes areas for a future school as well as general open space. The Applicant's Findings describe a mix of proposed housing types for the planning unit including single family homes, attached duplexes, cottage clusters, and multi-family attached units.

The urbanization plan submitted includes a connected street pattern as well as a shared-use pathway that extends the full length of the planning unit beginning on the western side of the project and continuing southeast along the creek to the eastern boundary. The proposed street network and multi-use path will provide multi-modal access to internal and external developments.

Conclusions

Satisfied. MD-5b has the appropriate combination of residential, commercial, and open space land uses and connectivity to meet the Regional Plan requirements related to housing and employment in activity centers. This criterion is satisfied.

***Criterion 5.5** Preliminary coordination and discussions with public utility providers, including water, sewer, transportation, and irrigation districts.*

***5.5.1** Coordination may include identifying any existing infrastructure on or adjacent to the site and determining whether it can be maintained or needs to be moved.*

Findings

Comments were provided during the pre-application process and through this formal application. The guidance from utility providers at this stage is informational only and serves to guide the applicants with their future development plans. No utilities are being extended to serve the property during the urbanization planning process.

The subject plans were routed to utility providers prior to a Land Development Committee meeting on September 30, 2020. Written comments were received from Medford Public Works Department (**Exhibit E**), Jackson County Roads (**Exhibit F**), Medford Parks and Recreation (**Exhibit G**), and Medford Water Commission (**Exhibit H**). Medford Building Department (**Exhibit J**), Medford Fire Department (**Exhibit K**), and Talent Irrigation District (**Exhibit L**), also provided standard comments with no specific conditions that must be addressed at this time. The installation of off-site and on-site utilities will be coordinated with future development plans.

Transportation

The Public Works Department report described all of the higher order streets within the planning unit. Cherry Lane is classified as a Major Collector street and is currently

maintained by Jackson County. This will continue until after an annexation and jurisdictional transfer is complete. The section of East Barnett Road is classified as a Minor Arterial street and is currently maintained by the local property owners as a local access road. The City will accept the road after it is improved to city standards. The future higher order streets include the extension of East Barnett Road north to Cherry Lane as well as a future connection of an unnamed Minor Collector street in a north-south direction. These future streets will be maintained by the City.

Jackson County Roads provided comments related to the urbanization plan. They request that at the time of annexation, the boundary include Cherry Lane and East Barnett Road so that after annexation, a jurisdictional transfer can be completed between the County and the City per the Urban Reserve Management Agreement. Conditions were included to address the unlikely event wherein a jurisdictional transfer of Cherry Lane and East Barnett Road is not completed.

Sanitary Sewer / Storm Drainage

In regards to sanitary sewer and storm drainage, the Public Works report states there are some capacity constraints that will need to be addressed prior to zone changes on the subject properties.

Parks

Medford Parks and Recreation Department commented there are no specific plans to acquire and develop a park within the subject area as it is in close proximity to Chrissy Park. The plan shows a potential school site with related open space. This will require future coordination with the Medford School District. A shared-use pathway is shown on the plan in accordance with the City's Leisure Services Plan. Another shared-use pathway will be required to connect the Village Center Park to this greenway along the Shamrock Street alignment to the west. According to the Parks and Recreation memo, this can be achieved through a greenway dedication or other means as approved by the Parks Department.

Water

The memo from the Medford Water Commission states the properties can be served by water once annexed. On-site water facility construction will be conditioned formally at the time of future development of the site.

Conclusions

Satisfied. Utility providers have reviewed the urbanization plan and have provided preliminary comments that the applicant can use and apply to the next stage of development for the property. This criterion is satisfied.

Criterion 5.6 Location or extensions of riparian corridors, wetlands, historic buildings or resources, and habitat protections and the proposed status of these elements.

Findings

The planning unit does not contain any riparian corridors, historic buildings or resources, or habitat protections. The City's adopted 2017 Local Wetland Inventory identifies wetlands throughout the planning unit (**Exhibit M**). The larger wetlands are shown as open space, just south of the creek. Two of the wetlands within the planning unit are designated as locally significant (W14 and W15). A wetland delineation will be required prior to development to comply with all regulations.

Conclusions

Satisfied. A future delineation will be required prior to future development to comply with State regulations. This criterion is satisfied.

Criterion 5.7 Compliance with applicable provisions of the Urban Growth Management Agreement.

Findings

The property is currently within the Urban Growth Boundary and is subject to the provisions in the Urban Growth Management Agreement (UGMA) as included in the Urbanization Element.

Applicable policies in the UGMA include the protection of agricultural land zoned Exclusive Farm Use (EFU) outside of the Urban Growth Boundary. There is EFU zoned land outside of the UGB along the south of the planning unit, south of East Barnett Road. The Applicant's Findings describe an agricultural buffer along the south perimeter of the planning unit and the Urbanization Plan shows this area as open space. The buffer will also be required along the southeast portion of the planning unit where the property has been divided between the portion inside and the portion outside of the UGB.

Conclusions

Satisfied. The south and southeast perimeter of the planning unit is subject to agricultural buffering. It is described in the Applicant's Findings. This criterion is satisfied.

Criterion 5.8 Compliance with the terms of special agreements between the landowners and other public entities that were part of the basis for including an area in the urban growth boundary, as detailed in the Urban Growth Management Agreement.

Findings

The annexation policies as outlined in the Comprehensive Plan includes a special agreement for this planning unit. There is a requirement that MD-5 properties provide a donation of land for trails per the approved master plan. A shared-use path is proposed from the west side of the planning unit that continues along the creek to the east side of the project as per the City's Parks and Leisure Services Plan.

Conclusions

Satisfied. The submitted Urbanization Plan shows a pathway that will be constructed throughout this planning unit in compliance with the special agreement within the annexation policies of the Comprehensive Plan. This criterion is satisfied.

Criterion 5.9 Coordination with the Parks and Recreation Department for adherence to the Leisure Service Plan related to open space acquisition and proposed trail and path locations.

Findings

The Leisure Services Plan shows a shared-use pathway that begins at the western edge of the planning unit and runs along the creek to the eastern boundary of the project. The Urbanization Plan submitted shows this pathway. Another shared-use pathway will be required to connect the Village Center Park to this greenway along the Shamrock Street alignment to the west. According to the Parks and Recreation memo, this can be achieved through a greenway dedication or other means as approved by the Parks Department.

The Urbanization Plan also shows land designated as open space. The Parks and Recreation Department can help the property owners coordinate with the Medford School district on any potential school site and related school park or open space.

The Leisure Services Plan does not show the planning unit area as a specific target for parkland acquisition due to its close proximity to Chrissy Park.

Conclusions

Satisfied. The plan shows a multi-use path in accordance with the Leisure Service Plan. The Parks and Recreation Department encourages coordination with the Medford School District in order to site a school and related park or open space within the planning unit. The Leisure Services Plan does not show this area as a specific target for parkland due to its close proximity to Chrissy Park. This criterion is satisfied.

Criterion 5.10 Vicinity map including adjacent planning units and their General Land Use Plan designations.

Findings

The applicants provided a map that identifies the General Land Use Plan designations for the adjacent Planning Unit MD-5a to the north and MD-P to the east (**Exhibit C**).

Conclusions

Satisfied. The applicants have provided a map showing the subject property in relationship to the adjacent and adjoining properties, including their General Land Use Plan designations. This criterion is satisfied.

Criterion 5.11 Property lines for the subject planning unit and adjacent properties, particularly where new streets are proposed.

Findings

The Urbanization Plan depicts the property lines of the lands within and adjacent to the planning unit. The plan allows for the extension of future streets to serve land outside of the planning unit.

Conclusions

Satisfied. The required information has been provided by the applicant. This criterion is satisfied.

Criterion 5.12 Existing easements of record, irrigation canals, and structures.

Findings

A map of existing easements, irrigation canals, and structures was submitted with the application (**Exhibit D**). The plan shows irrigation canals and easements, waterline easements, ditches, as well as other utilities and easements. A single family home and associated outbuildings are also shown on Tax Lot 103.

Conclusions

Satisfied. The applicant has provided documentation of existing easements and shown the location of existing irrigation canals and structures within the planning unit. This criterion is satisfied.

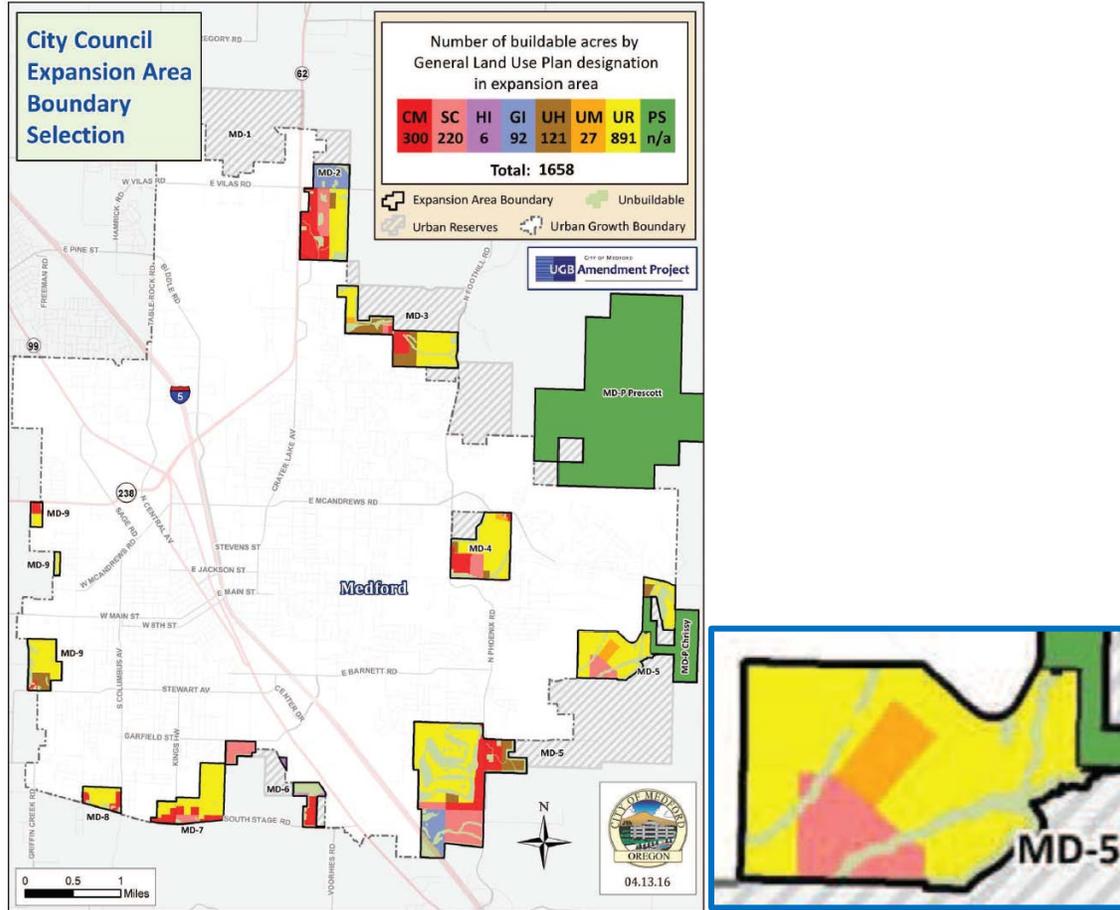
Criterion 5.13 Areas designated as unbuildable per the Urban Growth Boundary City Council Report dated August 18, 2016 (Map A-1), and the status of those areas, including agricultural buffers.

Findings

The figure below is Map A-1 which is part of the Urban Growth Boundary Amendment project report adopted by City Council on August 18, 2016. The subject planning unit is enlarged and outlined in blue. The map outlines the unbuildable areas with a green color.

The areas identified as unbuildable for this planning unit include the North Fork of Larson Creek and drainage ditches.

MAP A-1



Conclusions

Satisfied. The map shows the creek and a drainage area as unbuildable. Wetland delineation will be required prior to development, which will determine whether or not those areas will become unbuildable as well. This criterion is satisfied.

Criterion 5.14 Contour lines and topography.

Findings

The applicants have submitted a topographical and slope map (**Exhibit D**) that was prepared by a licensed surveyor. None of those areas exceed 35 percent slope.

Conclusions

Satisfied. The applicants have provided a contour map showing the grade changes for the property, and there are no developable areas in the planning unit that are 35 percent slopes or greater. This criterion is satisfied.

Criterion 5.15 *In the interest of maintaining clarity and flexibility for both the City of Medford and for landowners, no urbanization plan may be submitted with or contain the following items, which are only appropriate at the time of development:*

5.15.1 *Deviations from Municipal Code provisions, including exceptions to Chapter 10. This prohibition does not function to limit specific neighborhood circulation plan requirements hereinabove.*

5.15.2 *Limitations on development due to facility capacity shortfalls.*

5.15.3 *Architectural details.*

5.15.4 *Specifics about building types and building placement.*

5.15.5 *Access and internal circulation on prospective lots or development sites.*

Findings

The submittal does contain any of the aforementioned information.

Conclusions

Satisfied. The proposed urbanization plan does not contain any of the above listed information that is inappropriate at this level of planning. This criterion is satisfied.

Section 6 - GLUP AMENDMENTS

Criteria

6.1.1 *Minor Spatial Adjustments: If GLUP map amendments are proposed within the planning unit but the total acreage for each GLUP Map designation is not significantly changed, the urbanization plan can be the basis for GLUP amendments without the need for complex land supply analysis.*

6.1.2 *Moderate Spatial Adjustments: If land supply GLUP map amendments are proposed that change the spatial arrangement of GLUP designations beyond the boundary of a particular planning unit but maintain the total acreage for each GLUP Map designation within the applicable MD area that is now inside the UGB, then the urbanization plan shall be accompanied by a mapping analysis that explains how the total land use allocations are maintained by GLUP. Spatial exchanges of land use designations such as this shall be coordinated with other planning units in the MD and an analysis urban land use value equity shall be provided.*

6.1.3 Complex Spatial Adjustments: More complex GLUP Map amendments that have the potential to alter the land supplies in more fundamental ways will typically require extensive city-wide and/or regional plan land supply analyses. This analysis shall demonstrate that both the urban land needs described in the City's Housing Element and Economy Element will be served and that the resulting amendment will continue to comply with all applicable provisions of the Regional Plan for the area specifically and the City as a whole.

Findings

Planning Unit MD-5b was approved with three General Land Use Plan (GLUP) designations: Urban Residential (UR), Urban Medium Density Residential (UM), and Service Commercial (SC). The applicant proposes minor percentage changes to the adopted GLUP acreages as shown on page 3 of the Applicant's Findings. The changes include a 0.11 acreage increase in UR, a 0.31 acreage increase in UM, and a 0.68 acreage decrease in SC. There is a 0.42 acreage difference overall in General Land Use Plan map changes. There is also a 0.26 decrease in acreage due to the difference between the City's estimated acreage and the surveyed acreage.

The main change is the shift of the Urban Medium Density Residential designation location from the middle of the planning unit to the northeasterly section. This will allow for direct access from Cherry Lane for the future units. It will also align with the UM designation directly across Cherry Lane. The Urbanization Plan shows two areas for future open space within this UM designated section. This shift in location and the minor percentage changes should be considered a Minor Spatial Adjustment.

Conclusions

Satisfied. The applicant proposes to modify the location of the Urban Medium Density Residential designation. The proposal will also slightly adjust the percentages of each of the designation. These changes amount to approximately one acre of modification. The approval of the Urbanization Plan provides for this adjustment without the need for a separate General Land Use Plan Amendment process. The changes represent a Minor Spatial Adjustment that the City Council can approve with this application. This criterion is satisfied.

RECOMMENDED ACTION

Based upon the findings and conclusions that all of the applicable criteria are satisfied, forward a favorable recommendation to the City Council per the staff report dated October 15, 2020, including Exhibits A-N for approval of UP-20-211, and adopting Exhibit N into the Neighborhood Element of the Comprehensive Plan.

EXHIBITS

- A Urbanization Plan Map received July 14, 2020
- B Applicant's Findings of Fact and Conclusions of Law received July 14, 2020
- C Map of Existing General Land Use Plan designations received July 14, 2020
- D Map of Topography and Easements received July 14, 2020
- E Public Works Comments received September 30, 2020
- F Jackson County Roads Comments received September 24, 2020
- G Parks and Recreation Department Comments received October 1, 2020
- H Medford Water Commission Comments received September 22, 2020
- I Medford Water Commission Map received September 22, 2020
- J Medford Building Safety Department Comments received September 30, 2020
- K Medford Fire-Rescue Comments received September 25, 2020
- L Talent Irrigation District Comments received September 22, 2020
- M Wetland Inventory Maps
- N Neighborhood Element Amendment
Vicinity Map

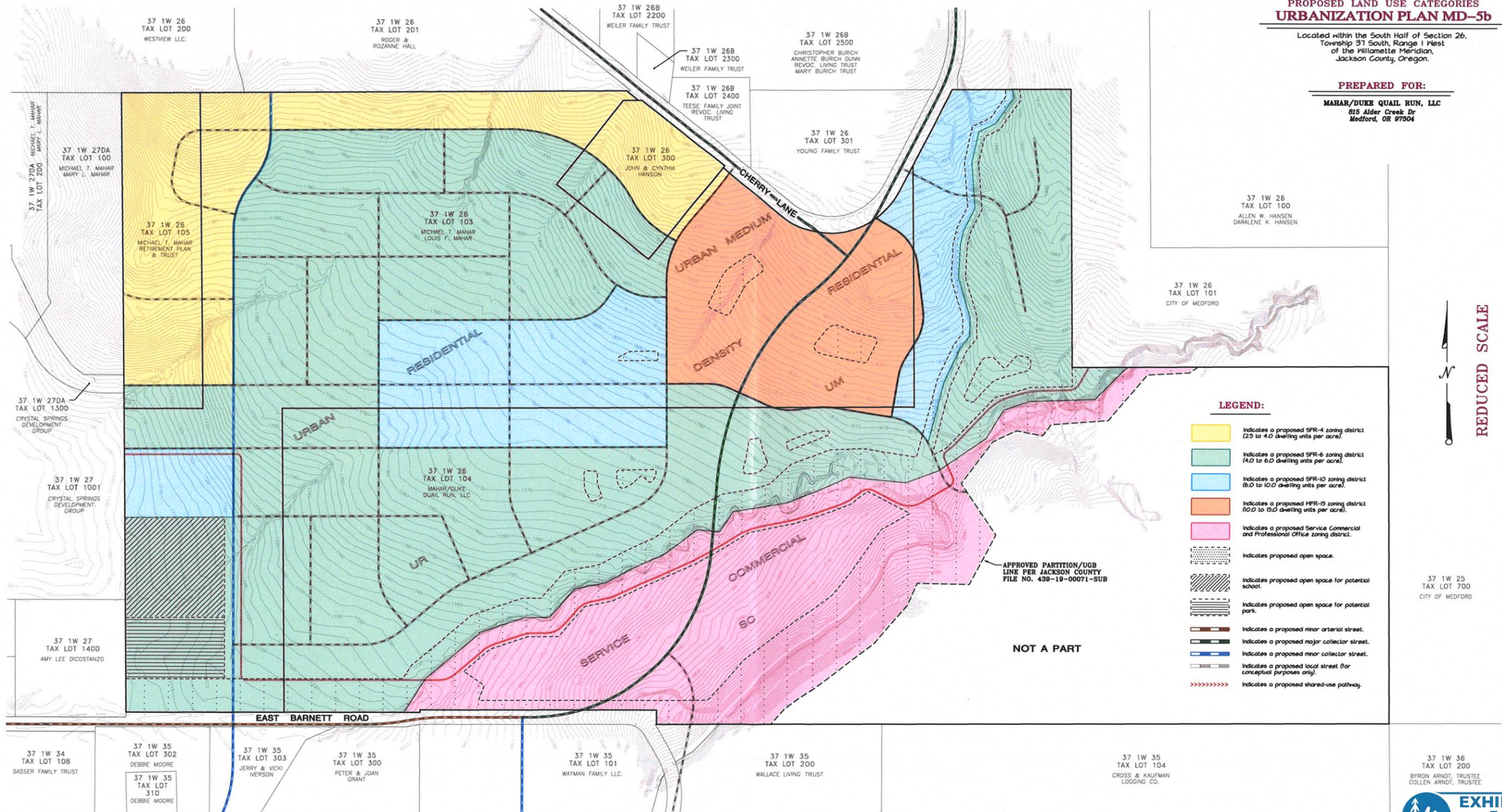
PLANNING COMMISSION AGENDA: OCTOBER 22, 2020

**PROPOSED LAND USE CATEGORIES
URBANIZATION PLAN MD-5b**

Located within the South Half of Section 26,
Township 37 South, Range 1 West
of the Willamette Meridian,
Jackson County, Oregon.

PREPARED FOR:

MAHAR/DUKE QUAIL RUN, LLC
815 Alder Creek Dr
Medford, OR 97504



LEGEND:

- Indicates a proposed SFR-4 zoning district (2.5 to 4.0 dwelling units per acre).
- Indicates a proposed SFR-6 zoning district (4.0 to 6.0 dwelling units per acre).
- Indicates a proposed SFR-10 zoning district (6.0 to 10.0 dwelling units per acre).
- Indicates a proposed MFR-15 zoning district (10.0 to 15.0 dwelling units per acre).
- Indicates a proposed Service Commercial and Professional Office zoning district.
- Indicates proposed open space.
- Indicates proposed open space for potential school.
- Indicates proposed open space for potential park.
- Indicates a proposed minor arterial street.
- Indicates a proposed major collector street.
- Indicates a proposed minor collector street.
- Indicates a proposed local street (for conceptual purposes only).
- Indicates a proposed shared-use pathway.

REDUCED SCALE

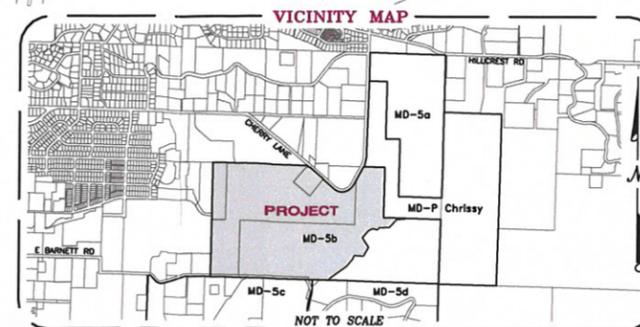
PROPOSED LAND USE CATEGORIES AND TARGET DENSITIES

GLUP DESIGNATION	PROPOSED GLUP ACREAGE	PROPOSED OPEN SPACE ACREAGE	DEVELOPABLE ACREAGE (GLUP - OPEN SPACE)	ANTICIPATED ZONING DESIGNATION	ZONING ACREAGE	DENSITY RANGE	MINIMUM PERMITTED DENSITY	MAXIMUM PERMITTED DENSITY ¹	PROPOSED TARGET DENSITY
UR	159.32 AC	20.81 AC	138.51 AC	SFR-4	24.10 AC	2.5-4.0 DU/AC	60 DU	96 DU	80 DU
				SFR-6	89.75 AC	4.0-6.0 DU/AC	359 DU	539 DU	505 DU
				SFR-10	24.66 AC	6.0-10.0 DU/AC	148 DU	247 DU	195 DU
UM	18.18 AC	1.28 AC	16.90 AC	MFR-15	16.90 AC	10.0-15.0 DU/AC	169 DU	254 DU	250 DU
SC	33.51 AC	18.01 AC	15.50 AC	C-S/P	15.50 AC	N/A	N/A	N/A	N/A
TOTALS	211.01 AC	40.10 AC	170.91 AC	N/A	170.91 AC	N/A	736 DU	1,136 DU	1,030 DU

1: THE MAXIMUM PERMITTED DENSITIES LISTED IN THE ABOVE TABLE DO NOT ACCOUNT FOR ANY DENSITY BONUS THAT COULD BE APPLIED TO THE DEVELOPMENT. AS SUCH, THE NUMBERS CONTAINED HEREIN ARE CONCEPTUAL IN NATURE AND ARE SUBJECT TO CHANGES THAT MAY OCCUR AT THE TIME OF DEVELOPMENT.

Jackson County Assessor's Map No: 37 1W 26, Tax Lots 103, 104, 105 & 300

Drawing N:\51 Projects\Mahar, et al, Medford USB-MD-5b\1019 Medford USB-MD-5b\1019 TH_LCRS.pro



REGISTERED PROFESSIONAL LAND SURVEYOR
Robert V. Neathamer
OREGON
JULY 19, 1994
ROBERT V. NEATHAMER
2675
Renewal Date 12/31/20



REFER TO SHEET 2 FOR EXISTING TOPOGRAPHY AND EASEMENTS

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

PLOT DATE: July 10, 2020 **PROJECT NUMBER:** 18019
Sheet 1 of 2 © NR

FINDINGS OF FACT AND CONCLUSIONS OF LAW

BEFORE THE CITY OF MEDFORD PLANNING COMMISSION

IN THE MATTER OF AN APPLICATION FOR THE URBANIZATION PLAN APPROVAL FOR THE MD- 5b PLANNING UNIT.

APPLICANT: Michael T. Mahar
815 Alder Creek Drive
Medford, OR 97504

AGENT: Neathamer Surveying, Inc.
P.O. Box 1584
Medford, OR 97501

A. BACKGROUND INFORMATION

The MD-5b planning unit is comprised of Tax Lots 103, 104, 105 and 300 per Jackson County Assessor's Map Number 37 1W 26, being situated southerly of Cherry Lane and northerly of East Barnett Road. Except for a portion of Tax Lot 104, the properties are located within the City of Medford's Urban Growth Boundary (UGB) and are currently zoned as Exclusive Farm Use (EFU).

A land division application is being processed through Jackson County's Development Services department under File No. 439-19-00071-SUB which partitions Tax Lot 104 along the UGB in order to create a legal tract of land which is to be annexed into the City of Medford. The portion of Tax Lot 104 lying outside the UGB is to remain in the jurisdiction of Jackson County and is not a part of the proposed Urbanization Plan. Said land division application was approved with conditions on June 16, 2020.

Surrounding the site to the west is the conditionally approved subdivision known as Summerfield at South East Park, Phases 23-29 (File No. LDS-19-069) consisting of single-family residential dwelling units. To the north lies Cherry Lane and larger tract lands within the Single Family Residential – 1 Unit per Acre (SFR-00) zoning district, some which contain single-family residences, while the majority are vacant lands. Abutting the easterly portion of the property are lands that have been included within the UGB and have a Park and Schools (PS) GLUP designation. Abutting to the south is East Barnett Road and EFU lands outside of the UGB that are either vacant or being used for single-family residential purposes.

A pre-application conference was held for the Urbanization Plan and Annexation of MD-5b on July 24, 2019 under File No. PA-19-056. A neighborhood meeting for the Urbanization



Plan was conducted on December 18, 2019. A copy of the notice letter and sign-in sheet for the neighborhood meeting have been submitted for reference.

B. SCOPE AND PURPOSE OF THE APPLICATION

The purpose of this application is for the approval of the Urbanization Plan for the MD-5b planning unit. It should be noted that an annexation application is not being submitted concurrently with this application as it is intended to be submitted at a later date.

C. PLANNING UNIT DESCRIPTION

GLUP Amendments and Open Space Requirements

According to the General Land Use Plan Map (GLUP), the properties are designated as Urban Residential (UR), Urban Medium Density Residential (UM) and Service Commercial (SC). Section 6.1.1 of the Neighborhood Element states the following:

Minor Spatial Adjustments: If GLUP map amendments are proposed within the planning unit but the total acreage for each GLUP Map designation is not significantly changed, the urbanization plan can be the basis for GLUP amendments without the need for complex land supply analysis.

The applicant is proposing minor reconfigurations to the GLUP designations as shown on the submitted Urbanization Plan. Said reconfigurations are wholly contained within the MD-5b planning unit and do not significantly change the total acreage for each GLUP designation. As a result, the proposed reconfirmation is considered a minor spatial adjustment and can amend the GLUP through the urbanization plan process without the need for complex land supply analysis.

Pursuant to Table 9-1 of the Open Space Requirements contained in the Neighborhood Element, MD-5b shall have 19% of area allocated to open space. The following calculation was used to determine the number of acres to be allocated as open space:

$$\begin{array}{rcccl} \textit{Total Acreage} & & \textit{Open Space Ratio} & & \textit{Open Space Acreage} \\ 211.01 \textit{ ac} & \times & \frac{19}{100} & = & \mathbf{40.09 \textit{ ac}} \end{array}$$

The following table demonstrates the existing GLUP designations compared to the proposed GLUP designations along with the proposed allocation of open space and the remaining developable acreage within each designation.

Table 1.0 – GLUP Acreages and Proposed Open Space Allocation

GLUP Designation	Existing GLUP Acreage and Ratio	Proposed GLUP Acreage and Ratio	Difference Acreage and Ratio	Proposed Open Space Acreage	Developable Acreage (GLUP – open space)
UR	159.21 ac 75.36%	159.32 ac 75.50%	+0.11 ac +0.14 %	20.81 ac	138.51 ac
UM	17.87 ac 8.46 %	18.18 ac 8.62 %	+0.31 ac +0.16 %	1.28 ac	16.90 ac
SC	34.19 ac 16.18 %	33.51 ac 15.88 %	-0.68 ac -0.30 %	18.01 ac	15.50 ac
TOTAL	211.27 ac 100 %	211.01 ac 100 %	N/A	40.10 ac	170.91 ac

Anticipated Zoning and Target Densities

Section 4.1.5 of the Regional Plan Element (RPE) states the minimum residential density within the City of Medford between the years 2010 through 2035 to be 6.6 dwelling units per acre. The following calculation was used to determine the minimum dwelling units within the MD-5b planning unit.

$$\begin{array}{rcl}
 \textit{Total Developable} & & \textit{RPE Density} & & \textit{Minimum} \\
 \textit{Residential Acreage (UR+UM)} & & \textit{Ratio} & & \textit{Dwelling Units} \\
 (138.51 \textit{ ac} + 16.90 \textit{ ac}) & \times & \frac{6.6 \textit{ du}}{1 \textit{ ac}} & = & \mathbf{1,026 \textit{ du}}
 \end{array}$$

The following table illustrates how the applicant is proposing to meet the minimum dwelling units specified above by showing the distribution of the GLUP designations into their anticipated zoning designations and target residential densities.

Table 2.0 Anticipated Zoning Designations and Proposed Target Densities

GLUP Designation	Anticipated Zoning Designation	Zoning Acreage ¹	Density Range	Minimum Permitted Density	Maximum Permitted Density ²	Proposed Target Density
UR	SFR-4	24.10 ac	2.5 – 4.0 du/ac	60 du	96 du	80 du
	SFR-6	89.75 ac	4.0 – 6.0 du/ac	359 du	539 du	505 du
	SFR-10	24.66 ac	6.0 – 10.0 du/ac	148 du	247 du	195 du
UM	MFR-15	16.90 ac	10.0 – 15.0 du/ac	169 du	254 du	250 du
SC	C-S/P	15.50 ac	N/A	N/A	N/A	N/A
TOTALS	N/A	170.91 ac	N/A	736 du	1,136 du	1,030 du

1: The zoning acreages shown in the above table do not include areas designated as open space per Table 1.0.
 2: The maximum permitted densities listed in the above table do not account for any density bonus that could be applied to the development. As such, the numbers contained herein are conceptual in nature and are subject to changes that may occur at the time of development.

D. APPROVAL CRITERIA

CITY OF MEDFORD REGIONAL PLAN ELEMENT

SECTION 4.1.8 CONCEPTUAL LAND USE PLANS

4.1.8. Conceptual Land Use Plans. A proposal for a UGB Amendment into a designated UR shall include a Conceptual Land Use Plan prepared by the City in collaboration with the Rogue Valley Metropolitan Planning Organization, applicable irrigation districts, Jackson County, and other affected agencies for the area proposed to be added to the UGB as follows:

- a. Target Residential Density. The Conceptual Land Use Plan shall provide sufficient information to demonstrate how the residential densities of Section 4.1.5 above will be met at full build-out of the area added through the UGB amendment.*
- b. Land Use Distribution. The Conceptual Land Use Plan shall indicate how the proposal is consistent with the general distribution of land uses in the Regional Plan, especially where a specific set of land uses were part of the rationale for designating land which was determined by the Resource Lands Review Committee to be commercial agricultural land as part of an urban reserve, which applies to the following URs: CP-1B, CP-1C, CP-4D, CP-6A, CP-2B, MD-4, MD-6, MD7mid, MD-7n, PH-2, TA-2, TA-4.*
- c. Transportation Infrastructure. The Conceptual Land Use Plan shall include the transportation infrastructure required in Section 4.1.7 above.*
- d. Mixed Use/Pedestrian Friendly Areas. The Conceptual Land Use Plan shall provide sufficient information to demonstrate how the commitments of Section 4.1.6 above will be met at full build-out of the area added through the UGB amendment.*

CITY OF MEDFORD NEIGHBORHOOD ELEMENT – URBANIZATION PLANNING

SECTION 5 – PLAN CONTENTS

In order to adopt an urbanization plan, the City Council shall be satisfied that the plan substantially conforms to the performance measures outlined in the Regional Plan Element and the submitted plan adequately demonstrates each of the following:

5.1 RPS Density Requirements: Compliance with the Regional Element minimum gross density performance measures. The urbanization plan shall include specific zoning designations or text that assures development under the minimum densities will meet or exceed the density expected to be achieved for the planning unit(s) in the UGB Amendment residential land supply analysis. Plan techniques that can be employed to achieve this standard include but are not limited to the following:

- 5.1.1 Specify residential zoning districts for certain areas.*
- 5.1.2 Commit to specific quantities of residential development in commercial areas.*

The findings supporting the urbanization plan submittal shall include density calculations that explain how the plan complies.

5.2 Transportation Planning: A neighborhood circulation plan map showing:

- 5.2.1 Locations of higher-order streets. Locations and alignments of higher-order streets should be planned in appropriate locations.*

The plan will depict how local streets, alleys and paths could be arranged to comply with the City's applicable street connectivity requirements. Typically, a well-connected street grid is desirable both for efficient utilization of urban land and to serve the transportation needs of all modes.

The urbanization plan may seek approval for local street arrangements with less connectivity (fewer intersections, longer block lengths, more dead-ends, greater potential out-of-direction travel) that is otherwise allowed by the code. Such arrangements may be justified on the basis of topographical and other environmental or development constraints, access management requirements, and/or the particular needs of adjacent land uses and those of the surrounding vicinity.

Proposed networks with lower vehicular connectivity may also include mitigation measures including enhanced pedestrian and other active transportation facilities. An example of an active transportation facility may include off-road multi-use paths.

Maps depicting street functional classifications shall utilize a system that is the same as or readily convertible to the City's adopted Transportation System Plan.

5.3 Compliance with the open space allocation for an urban reserve area (see land use distribution table in RPE or Table 9-1 below). Units that contain only Industrial GLUP designations are exempt from this requirement. The following classifications count as open space for purposes of fulfilling the RPE requirements:

- 5.3.1 Parks, both public and private shall be counted as open space. Schools may be counted as open space. Where land acquisition is not complete or where specific open space dedications were not offered and accepted as part of the UGB process, park and school sites may be identified as opportunity areas on maps and the acreage planned may be described in text form that explains how the planning unit can satisfy the open space requirement. Areas where specific open space dedications were offered and accepted as part of the UGB review process shall be depicted and the acreage counted toward open space percentages.*
- 5.3.2 Agricultural buffers. Proposed agricultural buffers within the UGB shall be counted as open space. Interim agricultural buffers shall not be counted toward open space percentages unless an additional legal or planning mechanism is imposed to render such areas as open space even after a future UGB amendment in the applicable MD area.*
- 5.3.3 Riparian corridors shall be counted.*
- 5.3.4 Areas under an "open space" tax assessment shall be counted.*

- 5.3.5 *Locally significant wetlands and any associated regulatory buffer shall be counted.*
- 5.3.6 *Slopes greater than 25 percent*
- 5.4 *Compliance with the requirements of Regional Plan Element, section 4.1.6, for mixed-use/pedestrian-friendly development and any specific land use performance obligation. Planning units containing only an Industrial GLUP Map designation are exempt from the mixed-use pedestrian friendly development evaluation.*
- 5.5 *Preliminary coordination and discussions with public utility providers, including water, sewer, transportation, and irrigation districts.*
 - 5.5.1 *Coordination may include identifying any existing infrastructure on or adjacent to the site and determining whether it can be maintained or needs to be moved.*
- 5.6 *Location or extensions of riparian corridors, wetlands, historic buildings or resources, and habitat protections and the proposed status of these elements.*
- 5.7 *Compliance with applicable provisions of the Urban Growth Management Agreement.*
- 5.8 *Compliance with the terms of special agreements between the landowners and other public entities that were part of the basis for including an area in the urban growth boundary, as detailed in the Urban Growth Management Agreement.*
- 5.9 *Coordination with the Parks and Recreation Department for adherence to the Leisure Service Plan related to open space acquisition and proposed trail and path locations.*
- 5.10 *Vicinity map including adjacent planning units and their General Land Use Plan designations.*
- 5.11 *Property lines for the subject planning unit and adjacent properties, particularly where new streets are proposed.*
- 5.12 *Existing easements of record, irrigation canals, and structures.*
- 5.13 *Areas designated as unbuildable per the Urban Growth Boundary City Council Report dated August 18, 2016 (Map A-1), and the status of those areas, including agricultural buffers.*
- 5.14 *Contour lines and topography.*
- 5.15 *In the interest of maintaining clarity and flexibility for both the City of Medford and for landowners, **no urbanization plan may be submitted with or contain the following items**, which are only appropriate at the time of development:*
 - 5.15.1 *Deviations from Municipal Code provisions, including exceptions to Chapter 10. This prohibition does not function to limit specific neighborhood circulation plan requirements hereinabove.*
 - 5.15.2 *Limitations on development due to facility capacity shortfalls.*
 - 5.15.3 *Architectural details.*
 - 5.15.4 *Specifics about building types and building placement.*

5.15.5 Access and internal circulation on prospective lots or development sites.

E. FINDINGS OF FACT

CRITERION NO. 4.1.8

4.1.8. *Conceptual Land Use Plans.* A proposal for a UGB Amendment into a designated UR shall include a Conceptual Land Use Plan prepared by the City in collaboration with the Rogue Valley Metropolitan Planning Organization, applicable irrigation districts, Jackson County, and other affected agencies for the area proposed to be added to the UGB as follows:

- a. *Target Residential Density.* The Conceptual Land Use Plan shall provide sufficient information to demonstrate how the residential densities of Section 4.1.5 above will be met at full build-out of the area added through the UGB amendment.
- b. *Land Use Distribution.* The Conceptual Land Use Plan shall indicate how the proposal is consistent with the general distribution of land uses in the Regional Plan, especially where a specific set of land uses were part of the rationale for designating land which was determined by the Resource Lands Review Committee to be commercial agricultural land as part of an urban reserve, which applies to the following URs: CP-1B, CP-1C, CP-4D, CP-6A, CP-2B, MD-4, MD-6, MD7mid, MD-7n, PH-2, TA-2, TA-4.
- c. *Transportation Infrastructure.* The Conceptual Land Use Plan shall include the transportation infrastructure required in Section 4.1.7 above.
- d. *Mixed Use/Pedestrian Friendly Areas.* The Conceptual Land Use Plan shall provide sufficient information to demonstrate how the commitments of Section 4.1.6 above will be met at full build-out of the area added through the UGB amendment.

FINDINGS OF FACT

- a. Pursuant to the calculation shown in Section C hereinabove, the minimum residential density per Section 4.1.5 of the RPE when applied to the developable area within the MD-5b planning unit is 1,026 dwelling units. The applicant is proposing a total target residential density of 1,030 dwelling units, as demonstrated by Table 2.0 hereabove, meeting the minimum required density.
- b. The proposed Urbanization Plan shows the anticipated zoning districts and the proposed underlying GLUP areas. The anticipated zones were chose based on the allowable zones that correspondence to the associated GLUP designations.
- c. The proposed Urbanization Plan includes those streets shown on the City's adopted Transportation System Plan.
- d. The proposed Urbanization Plan includes a mixture of uses including single-family, multi-family, service commercial and open space. A pathway is proposed along the creek and provides a means of connectivity between the residential and commercial uses.

CRITERION NO. 5.1

5.1 *RPS Density Requirements: Compliance with the Regional Element minimum gross density performance measures. The urbanization plan shall include specific zoning designations or text that assures development under the minimum densities will meet or exceed the density expected to be achieved for the planning unit(s) in the UGB Amendment residential land supply analysis. Plan techniques that can be employed to achieve this standard include but are not limited to the following:*

5.1.1 *Specify residential zoning districts for certain areas.*

5.1.2 *Commit to specific quantities of residential development in commercial areas.*

The findings supporting the urbanization plan submittal shall include density calculations that explain how the plan complies.

FINDINGS OF FACT

Table 2.0 in Section C of this report demonstrates compliance with the minimum required density per the RPE along with the anticipated zoning districts and target densities within each GLUP designation.

CRITERION NO. 5.2

5.2 *Transportation Planning: A neighborhood circulation plan map showing:*

5.2.1 *Locations of higher-order streets. Locations and alignments of higher-order streets should be planned in appropriate locations.*

The plan will depict how local streets, alleys and paths could be arranged to comply with the City's applicable street connectivity requirements. Typically, a well-connected street grid is desirable both for efficient utilization of urban land and to serve the transportation needs of all modes.

The urbanization plan may seek approval for local street arrangements with less connectivity (fewer intersections, longer block lengths, more dead-ends, greater potential out-of-direction travel) that is otherwise allowed by the code. Such arrangements may be justified on the basis of topographical and other environmental or development constraints, access management requirements, and/or the particular needs of adjacent land uses and those of the surrounding vicinity.

Proposed networks with lower vehicular connectivity may also include mitigation measures including enhanced pedestrian and other active transportation facilities. An example of an active transportation facility may include off-road multi-use paths.

Maps depicting street functional classifications shall utilize a system that is the same as or readily convertible to the City's adopted Transportation System Plan.

FINDINGS OF FACT

Pursuant to the City of Medford's Transportation System Plan (TSP) there are three higher-order streets to be located within the project area which includes Cherry Lane and East Barnett Road. The locations of higher-order streets have been included on the submitted Urbanization Plan and are substantially consistent with those shown on said TSP. It should be noted that the streets located southerly of Barnett Road are outside the scope of this project and are intended to be shown for conceptual purposes only.

Based on preliminary engineering analysis, it was determined there are several areas that present design difficulties due to the steeper slopes that exist on the property in conjunction with the existing streets and creek. The local streets have been designed in such a way to balance the ability to meet the density per the RPE while considering the topographic constraints of the land and adhering the current design standards of the MLDC. However, it was clear early in the analysis that there are certain areas that will not be able to meet all the design criteria specified in the MLDC. As a result, the applicant is requesting relief to allow for less connectivity in those areas, particularly to allow for shorter distances between street intersections, longer cul-de-sac lengths and longer block lengths that are otherwise allowed in the code.

It should be noted that the while a preliminary analysis has been conducted, the local streets shown on the Urbanization Plan are conceptual in nature and are shown as a demonstration of the how the streets *could be* arranged. The actual street layout is subject to change at the time of development when further analysis will be performed.

CRITERION NO. 5.3

5.3 Compliance with the open space allocation for an urban reserve area (see land use distribution table in RPE or Table 9-1 below). Units that contain only Industrial GLUP designations are exempt from this requirement. The following classifications count as open space for purposes of fulfilling the RPE requirements:

5.3.1 Parks, both public and private shall be counted as open space. Schools may be counted as open space. Where land acquisition is not complete or where specific open space dedications were not offered and accepted as part of the UGB process, park and school sites may be identified as opportunity areas on maps and the acreage planned may be described in text form that explains how the planning unit can satisfy the open space requirement. Areas where specific open space dedications were offered and accepted as part of the UGB review process shall be depicted and the acreage counted toward open space percentages.

5.3.2 Agricultural buffers. Proposed agricultural buffers within the UGB shall be counted as open space. Interim agricultural buffers shall not be counted toward open space percentages unless an additional legal or planning mechanism is imposed to render such areas as open space even after a future UGB amendment in the applicable MD area.

5.3.3 Riparian corridors shall be counted.

5.3.4 *Areas under an “open space” tax assessment shall be counted.*

5.3.5 *Locally significant wetlands and any associated regulatory buffer shall be counted.*

5.3.6 *Slopes greater than 25 percent*

FINDINGS OF FACT

Pursuant to the RPE, the MD-5b planning unit requires 19% of open space, being a total of 40 acres (see Section D hereinabove for calculation). As demonstrated by Table 2.0, the applicant is proposing 40 acres of open space, meeting the requirement per the RPE. There are many natural topographic features within the planning unit that are well suited for open space purposes including a creek, steep slopes and other natural drainages. Much of the required open space area has been distributed to those natural features.

Other areas designated as open space include the potential locations of a school and park which are proposed to be located near the southwest corner of the project. The school contains four acres while the park is approximately three acres. Also, a strip of open space is being proposed on the northerly side of Barnett Road to provide a buffer from the EFU lands located southerly of Barnett Road.

Lastly, there are areas within the UR GLUP designation that are expected to be used for cottage cluster housing. Section 10.818A(D)(11) requires the inclusion of common open space within each cottage cluster. As a result, there are several smaller areas being designated as open space on the Urbanization Plan that coincide with the anticipated locations of those cottage-cluster developments.

CRITERION NO. 5.4

5.4 Compliance with the requirements of Regional Plan Element, section 4.1.6, for mixed-use/pedestrian-friendly development and any specific land use performance obligation. Planning units containing only an Industrial GLUP Map designation are exempt from the mixed-use pedestrian friendly development evaluation.

FINDINGS OF FACT

In addition to traditional single-family residences, the applicant is planning to include attached duplex housing split by a property line and cottage cluster housing types within the UR designated area. Multi-family dwellings are to be located within the UM designated area, although the type of units have not been determined at this time. Many of the higher density housing types (i.e. multi-family, duplex and cottage cluster housing) are proposed to be located near the access to the proposed pathway along the creek and close to the area designated for service commercial uses. This layout was designed in such a way as to encourage pedestrian traffic and limit the amount of vehicular traffic across the development.

CRITERION NO. 5.5

5.5 Preliminary coordination and discussions with public utility providers, including water, sewer, transportation, and irrigation districts.

5.5.1 Coordination may include identifying any existing infrastructure on or adjacent to the site and determining whether it can be maintained or needs to be moved.

FINDINGS OF FACT

A pre-application conference was held for the Urbanization Plan and Annexation of MD-5b on July 24, 2019 which initiated preliminary discussions with the public utility providers. Services including water and sewer are anticipated to be extended through the future development of Summerfield at South East Park, Phases 23-29 which abuts the westerly side of the project area.

It is the understanding of this office that the design team continues discussions with the irrigation districts the future development of the property and potential impacts to existing infrastructure. The applicant has also been in contact with Medford Water Commission regarding the water system for this area.

There are existing dwelling units located on two of the properties. The residence on Tax Lot 103 (5100 Cherry Lane) and associated improvements are planned to be removed during the time of development. The residence on Tax Lot 104 (5124 Cherry Lane) is located outside of the scope of the Urbanization Plan area and will continue to be serviced by the existing well and septic system. Access currently serves the residence via a graveled road from Cherry Lane. A private access easement will be created by the completion of the partition plat per said application that is being processed with the county. Once public access has been developed, said easement will be extinguished.

CRITERION NO. 5.6

5.6 Location or extensions of riparian corridors, wetlands, historic buildings or resources, and habitat protections and the proposed status of these elements.

FINDINGS OF FACT

A prominent feature of this project is the existence of the North Fork of Larson Creek which meanders in a southwesterly direction across Tax Lot 104. Pursuant to the Urban Growth Boundary Map A-1 from City Council Report dated August 18, 2016, this area has been designated as unbuildable lands. The proposed Urbanization Plan is consistent with the plan and designates this area as open space, encompassing a minimum distance of 50 feet from the high bank and over 75 feet in many areas which provides an additional buffer from development.

There is also a drainage that connects to the creek in the in a southerly direction from the northern end of Tax Lot 104. This area is shown on said A-1 map and has also been

designated as open space.

CRITERION NO. 5.7

5.7 Compliance with applicable provisions of the Urban Growth Management Agreement.

FINDINGS OF FACT

The proposed Urbanization Plan is substantially consistent with the applicable provisions of the Urban Growth Management Agreement as demonstrated through this report and the supporting documentation submitted with the application.

CRITERION NO. 5.8

5.8 Compliance with the terms of special agreements between the landowners and other public entities that were part of the basis for including an area in the urban growth boundary, as detailed in the Urban Growth Management Agreement.

FINDINGS OF FACT

There are not any special agreements detailed in the Urban Growth Management Agreement that are known to this office which apply to the proposed development of the subject properties.

CRITERION NO. 5.9

5.9 Coordination with the Parks and Recreation Department for adherence to the Leisure Service Plan related to open space acquisition and proposed trail and path locations.

FINDINGS OF FACT

Pursuant to Map 11: Proposed Path & Trail Network of the Leisure Service Plan, there are two proposed shared use paths that are located within the MD-5b planning unit. The applicant is proposing a single shared-use path which will connect Chrissy Park to the shared use path located on the southerly side of Rosefield Street per Summerfield at South East Park Phases 23-29 (File No. LDS-19-069). The proposed path is shown on the submitted Urbanization Plan and is substantially consistent with that shown on said Leisure Service Plan map.

CRITERION NO. 5.10

5.10 Vicinity map including adjacent planning units and their General Land Use Plan designations.

FINDINGS OF FACT

A vicinity map that shows the adjacent planning units and their General Land Use Plan designations has been included as part of the submittal package.

CRITERION NO. 5.11

5.11 Property lines for the subject planning unit and adjacent properties, particularly where new streets are proposed.

FINDINGS OF FACT

All existing property lines are shown on the submitted Urbanization Plan.

CRITERION NO. 5.12

5.12 Existing easements of record, irrigation canals, and structures.

FINDINGS OF FACT

All existing irrigation canals and structures that were found during the course of the topographic survey are shown on the submitted Urbanization Plan.

All easements of record pursuant to a Public Records Report prepared by First American Title Insurance Company are shown on the submitted Urbanization Plan.

CRITERION NO. 5.13

5.13 Areas designated as unbuildable per the Urban Growth Boundary City Council Report dated August 18, 2016 (Map A-1), and the status of those areas, including agricultural buffers.

FINDINGS OF FACT

There are several areas designated as unbuildable lands on the Urban Growth Boundary Map A-1 from the City Council Report dated August 18, 2016. A majority of these areas are associated with natural drainages (e.g. North Fork of Larson Creek) or steep slopes and have been designated as open space.

However, there is what appears to be a drainage located near the westerly portion of the property that is shown on said map. A continuous, naturally occurring water feature was not found to be present in the subject area. Furthermore, this area generally appears to be an extension of the greenway shown in Area 11 on the Southeast Plan Map adopted March 7, 2013. During the planning phase of Summerfield at South East Park, Phases 23-29 (File No. LDS-19-069), and through discussions with City staff, it was determined that the greenway was not necessary due to the lack of a naturally occurring water feature. Therefore, the applicant is requesting that the subject area is approved for development and be removed from the unbuildable land designation shown on said map.

CRITERION NO. 5.14

5.14 Contour lines and topography.

FINDINGS OF FACT

Contour lines and topographic features are shown on the submitted Urbanization Plan.

CRITERION NO. 5.15

5.15 In the interest of maintaining clarity and flexibility for both the City of Medford and for landowners, no urbanization plan may be submitted with or contain the following items, which are only appropriate at the time of development:

- 5.15.1 Deviations from Municipal Code provisions, including exceptions to Chapter 10. This prohibition does not function to limit specific neighborhood circulation plan requirements hereinabove.*
- 5.15.2 Limitations on development due to facility capacity shortfalls.*
- 5.15.3 Architectural details.*
- 5.15.4 Specifics about building types and building placement.*
- 5.15.5 Access and internal circulation on prospective lots or development sites.*

FINDINGS OF FACT

The submitted Urbanization Plan does not contain the items listed above pursuant to Sections 5.15.1 through 5.15.5.

F. CONCLUSION OF LAW

Based upon the submitted application materials and the above Findings of Facts, the City of Medford’s Planning Commission concludes that the subject application is consistent with the relevant approval criteria per the Regional Plan Element and the Urbanization Planning Chapter of the Neighborhood Element and can therefore be approved.

Respectfully Submitted,

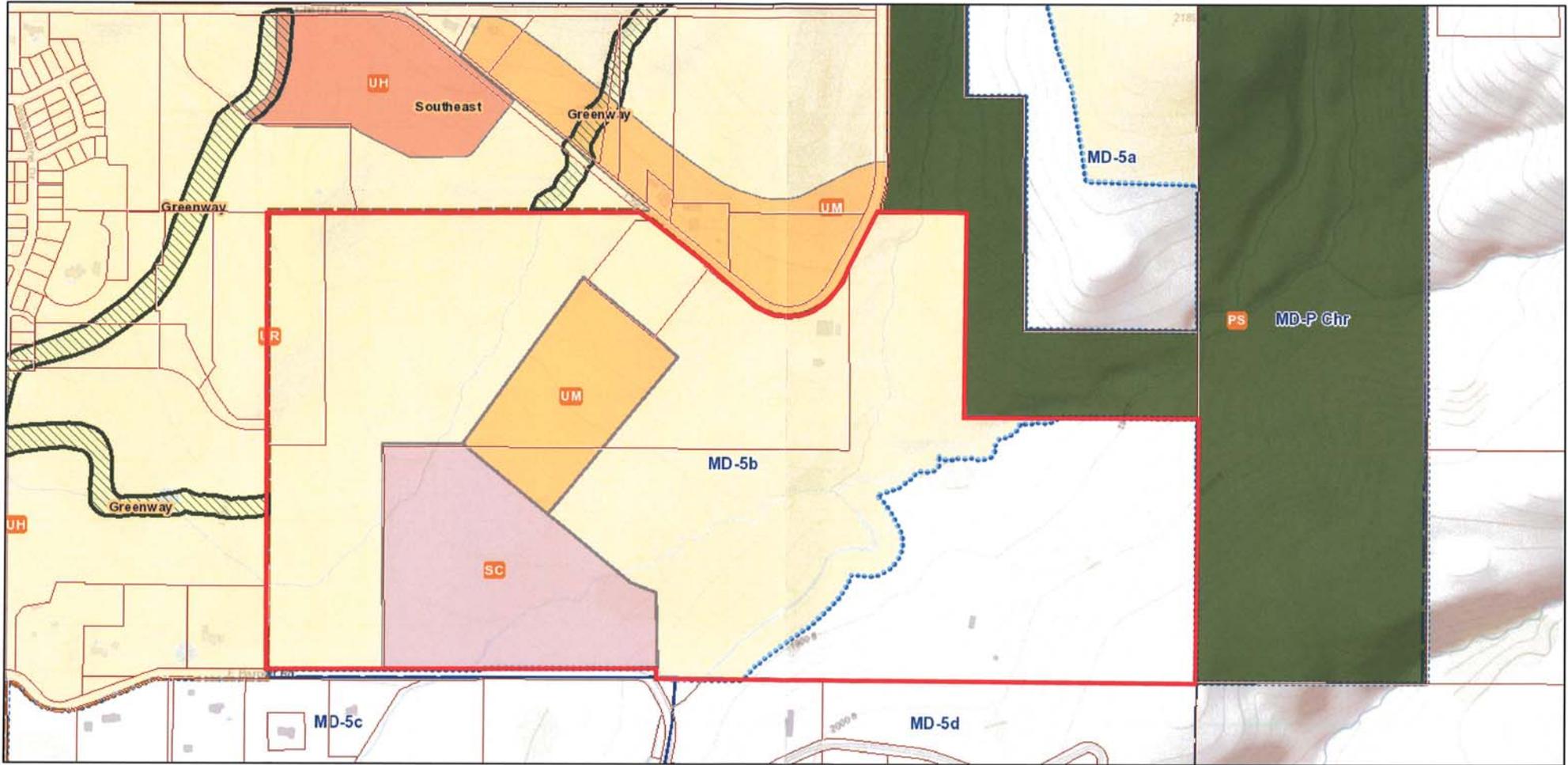
Neathamer Surveying, Inc.



 Nathan Ruf, CFM

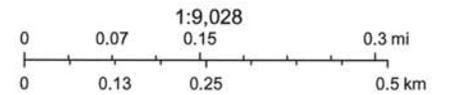
Date: July 13, 2020

MD-5b Urbanization Plan Application - Existing GLUP Designations



7/13/2020, 9:24:55 AM

- | | | | |
|-----------------------|---------------------------|-------------------------------------|-----------------------------------|
| Owner Labels | General Land Use - Shaded | HI-HEAVY INDUSTRIAL | UH-URBAN HIGH DENSITY RESIDENTIAL |
| Occupant Labels | A- AIRPORT | LS-LIMITED SERVICE AREA | General Land Use Overlays |
| Taxlots | CC-CITY CENTER | PS-PARKS & SCHOOLS | Greenways |
| Urban Growth Boundary | CM-COMMERCIAL | UR-URBAN RESIDENTIAL | Limited Service Area Overlay |
| Planning Units | SC-SERVICE COMMERCIAL | UM-URBAN MEDIUM DENSITY RESIDENTIAL | SoutheastPlan Area |
| | GI-GENERAL INDUSTRIAL | | |



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, City of

Medford Land Information system
 County of Jackson, OR, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, METI/NASA, EPA, USDA | City of Medford | Google and Jackson County | City of Medford, Jackson County | Jackson County GIS |



PUBLIC WORKS DEPARTMENT STAFF REPORT

Mahar Urbanization Plan for MD-5b Cherry Lane (TLs 103, 104, 105 & 300)

Project: A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 211 acres of property located north of Barnett Road and south of Cherry Lane within a portion of Planning Unit MD-5b (371W26 TL 103, 104, 105, and 300).

Applicant: Michael Mahar; Agent: Neathamer Surveying Inc.

Planner: Sarah Sousa, Planner IV – Long Range Division

An Urbanization Plan is approved by the City Council and is adopted as part of the Neighborhood Element of the Comprehensive Plan. It is a high level master plan that ensures compliance with the Regional Plan and meets the applicable standards in the Comprehensive Plan.

A. STREETS

Cherry Lane is classified as a Major Collector street and is maintained by Jackson County. Cherry Lane is paved without curb and gutter, sidewalks or street lights. Cherry Lane will continue to be maintained by Jackson County unless a jurisdictional transfer is completed.

East Barnett Road is classified as a Minor Arterial street and is currently maintained by the local property owners as a Local Access road and will continued to be maintained as such until it is improved and jurisdiction is taken over by the City.

Future connection from East Barnett Road to Cherry Lane is classified as a Minor Collector street and will be maintained by the City of Medford.

Future Shamrock Drive is a Standard Residential street and will be maintained by the City of Medford.



All other potential future High-Order Streets, Commercial and/or Minor/Standard Residential internal connection streets shall be public and will be maintained by the City of Medford.

B. SANITARY SEWERS

There are capacity constraints in the sanitary sewer system that will need to be addressed prior to acceptance of a zone change on any of the properties.

C. STORM DRAINAGE

There are capacity constraints in the storm drainage system that will need to be addressed prior to acceptance of a zone change on any of the properties.

Development on this parcel will require stormwater detention and stormwater quality facilities, which shall comply with Medford Land Development Code (MLDC) Sections 10.486 and 10.729 and the Rogue Valley Stormwater Quality Design Manual.

D. TRANSPORTATION SYSTEM

Additional local streets may be required at the time of development in accordance with MLDC 10.426. Any exceptions to those requirements should be addressed by future development when more detailed information is available.

E. SYSTEM DEVELOPMENT CHARGES

Future development/buildings within this parcel will be subject to System Development Charges (SDC). These SDC fees shall be assessed at the time individual building permits are reviewed.

This development is also subject to Storm Drain System Development Charges. A portion of the storm drain system development charge shall be collected at the time of the approval of a final plat, as applicable.

F. UTILITY FEES

Upon annexation, this parcel will be subject to City of Medford monthly utility fees as applicable.

Prepared by: Jodi K Cope

Reviewed by: Doug Burroughs



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 22, 2020

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

RE: A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan within a portion of Planning Unit MD-5b north of Cherry Lane - a County maintained road at this location
And East Barnett Road - a Local Access road at this location
Planning File: UP-20-211

Dear Sarah:

Thank you for the opportunity to comment on the request for a legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 211 acres of property located north of East Barnett Road and south of Cherry Lane within a portion of Planning Unit MD-5b. The properties are described as: 37-1W-26 Tax Lots 103, 104, 105, & 300. Jackson County Roads have the following comments:

1. As provided in the Urban Reserve Management Agreement (URMA) between City and County, please expand the annexation to include Cherry Lane and East Barnett Road right-of-way. Then, following annexation, City is required to request jurisdiction of this portion of Cherry Lane and East Barnett Road. As provided in the URMA, the request for jurisdiction shall conform to ORS 373.270, except that conditions and compensation allowed by ORS 373.270(6) are not allowed.
2. As requested in Comment #1, without a jurisdictional transfer of Cherry Lane and East Barnett Road to the City of Medford, Jackson County will require the following:
 - a. Upon development, all existing road approaches from the property to Cherry Lane will be closed. New approaches to Cherry Lane will not be permitted.
 - b. As provided in the URMA, storm drain management within the annexed areas (including road right-of-way) become the responsibility of the City upon annexation.
3. Any new or improved roads inside the Urban Growth Boundary or expanded Urban Growth Boundary shall be permitted, inspected and become the sole jurisdiction of the City of Medford.
4. If county storm drain facilities are to be utilized, the applicant's registered Engineer shall provide a hydraulic report and plans for review and approval by Jackson County Roads. Storm

drainage runoff is limited to that area currently draining to the County storm drainage system. Upon completion of the project the developer's Engineer shall certify that the construction of the drainage system was constructed per the approved plan. A copy of the certification shall be sent to Chuck DeJanvier at Jackson County Roads.

5. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.
6. North Phoenix Road is a County Minor Arterial road south of East Barnett Road and is maintained by the County. The Average Daily Traffic count was 10,529 on September 5, 2018, 225' south of Coal Mine Road.
7. Cherry Lane is a County Urban Local road and is maintained by the County. The Average Daily Traffic count was 1,200 on 2016 City of Medford Traffic Map between Mary Bee Lane and Hillcrest Road.
8. According to our records East Barnett Road at the section butting the subject property is a non-County maintained local access road and within the Urban Reserves and the Medford Urban Growth Boundary. This facility is maintained by adjacent property owners and the road is substandard. Roads has concerns about the inadequate transportation facilities and feel that this section of East Barnett Road will not hold up to frequent heavy loads. The residents along this section of the local access road should not be asked to bear the burden of maintaining this facility with the increased trips from private development.
9. ADA curb ramps must be located wherever there are curbs or other barriers to entry from a pedestrian walkway or sidewalk, including any intersection where it is legal for a pedestrian to cross the street, whether or not there is any designated crosswalk.
10. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
11. We would like to be notified of future development proposals, as county permits may be required.

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

Sincerely,



Chuck DeJanvier
Construction Engineer

TO: Sarah Sousa – Planning Department
FROM: Haley Cox – Parks Planner
SUBJECT: MD-5B Urbanization Plan
DATE: September 30, 2020

The Parks Department has reviewed the application for urbanization of the MD-5B parcels and has the following comments:

1. As noted in the application, this urbanization area is required to have 19% open space, per the Regional Plan Element Performance Indicators. Public and private parks, schools, riparian corridors, locally significant wetlands, regulatory buffers, and areas with greater than 25% slope can be classified as open space under this metric.

The applicant's conceptual plan and narrative indicate that a 50'+ riparian setback along Larson Creek and another small drainage will be allocated towards this open space percentage. These riparian areas are a continuation of the designated Greenways in the SE Medford plan area. The City's Leisure Services Plan proposes shared-use pathways within these corridors, and as such the City would accept dedication of this land for parks purposes.

Another shared-use pathway is proposed to connect the Village Center Park area to this riparian Greenway (roughly along the Shamrock alignment), which can be achieved through a Greenway dedication or other means as approved by the Parks Department.

The applicant has also identified a school/public park opportunity area that should be negotiated further with the Medford School District and Parks, Recreation and Facilities Department. The Leisure Services Plan does not show the MD-5B area as a specific target for parkland acquisition. Chrissy Park is within close proximity, and the planned Greenway corridors connecting it to nearby neighborhoods will serve the recreational needs of this immediate area. However, the Parks Department is happy to work with the applicant on creative ways to achieve the open space metric.

2. The Parks Department can advise the applicant on irrigation design and tree species selection for higher-order residential ROW planter strips that will be maintained by the City. More information can be found on the City's website: Information for Architects, Approved Street Tree List, and City Tree Planting Detail.





Staff Memo

TO: Planning Department, City of Medford

FROM: Brian Runyen, P.E.(TX), Water Commission Staff Engineer

SUBJECT: UP-20-211
Mahar – MD-5b Urbanization Plan

PARCEL ID: 371W26 TL 103, 104, 105, and 300

PROJECT: A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 211 acres of property located north of Barnett Road and south of Cherry Lane within a portion of Planning Unit MD-5b (371W26 TL 103, 104, 105, and 300).

Related applications: PA-19-056, 439-19-00071-SUB (partition in Jackson County)

MEMO DATE: September 21, 2020 **LAND DEVELOPMENT COMMITTEE DATE:** September 30, 2020

I have reviewed the referenced application. Comments and Conditions for approval are as follows:

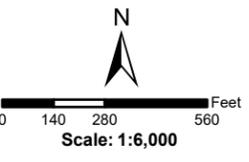
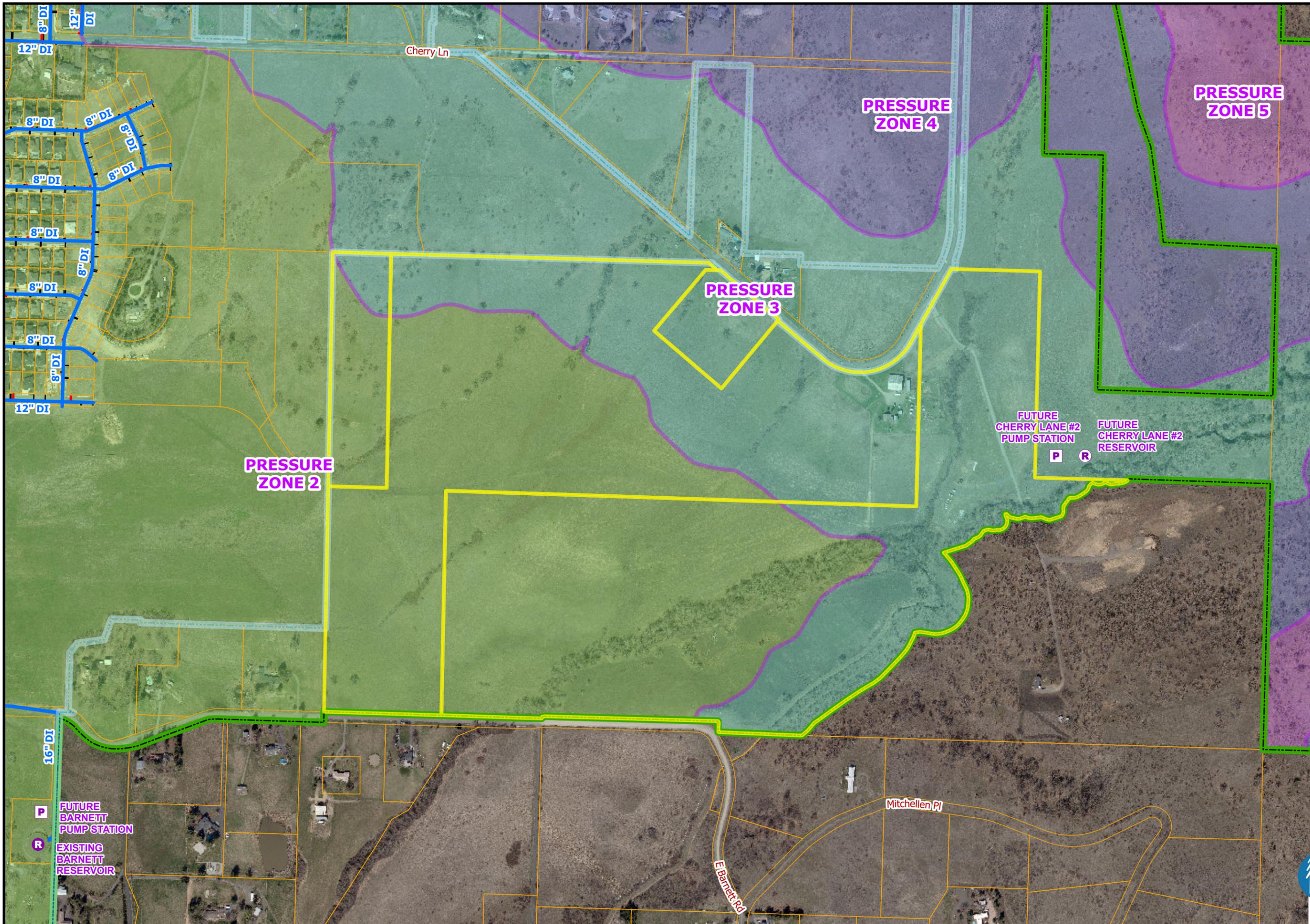
COMMENTS

1. The project will be further “Conditioned” at time of future development applications. Expect additional Comments and Conditions once plans are available for review.
2. MWC can serve the property with water once annexed. The land will be within MWC’s Zone “2” and Zone “3” Pressure Zones. See attached water facility map.

CONDITIONS

1. Water facility planning / design / construction process will be done in accordance with the current Medford Water Commission (MWC) “Regulations Governing Water Service” and “Standards For Water Facilities / Fire Protection Systems / Backflow Prevention Assemblies”
2. The applicant’s Civil Engineer shall coordinate with MWC Engineering staff for development of an approved Water Facility Master Plan.
 - a. A water line (likely 12” diameter) will be required within the proposed street network to connect a future proposed pump station at the existing MWC Barnett reservoir site on parcel 371W34TL203 eastward thru this proposed UP area to the proposed future MWC Cherry Lane #2 reservoir at the southwest corner of parcel 371W26TL101.
3. Applicant’s Civil Engineer shall coordinate with MWC Engineering, along with our Hydraulic Modeling Consultant (Jacobs Engineering Group) to have this proposed development modeled within our existing hydraulic model. This modeling effort will confirm adequate pressure and water quality and will ensure that adequate looping of water lines is provided.





Water Facility Map
City of Medford
Planning Application:
UP-20-211
Sep 21, 2020

Legend

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



This map is based on a digital database compiled by Medford Water Commission from a variety of sources. Medford Water Commission cannot accept responsibility for errors, omissions, or outdated accuracy. There are no warranties, expressed or implied.



MEMORANDUM

To: Sarah Sousa, Planning Department
From: Mary Montague, Building Department
CC: Michael Mahar, Applicant; Neathamer Surveying Inc., Agent
Date: September 30, 2020
Re: September 30, 2020, LDC Agenda Item #1; UP-20-211_Mahar - MD-5b_Urbanization of four properties S. of Cherry Lane

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.

Residential Portions:

Applicable Building Codes are 2017 ORSC; 2017 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us 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.

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.

1. Building department has no comments on the Urbanization, however, the following general items need to be considered for construction purposes.
2. Site Excavation permit required to develop, install utilities.
3. Demo Permit is required for any buildings being demolished.
4. A site specific soils geotech report is required for each lot by a Geotech Engineer prior to foundation inspections. The report must contain information per Section R403.1.9 and R403.1.10 and on how you will prepare the lot for building and a report confirming the lot was prepared per their recommendations.
5. This area is in the Wildfire High Risk area and should reference Section R327.
6. This area is in the Hillside Ordinance area. Must follow guidelines as set forth in the Municipal code Section 10.929 – 10.933.



Commercial Portions:

General Comments:

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.

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.

1. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.
2. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

Comments:

1. ADA parking spaces shall be required in accordance with code section 1106 of the Oregon Structural Specialty Code.
2. The building and building appurtenances shall be designed by an Oregon licensed design professional in accordance with 107.1 and 107.3.4 OSSC.
3. A code analysis providing occupant load, means of egress plan, type of construction, occupancy classification, occupant load, fire protection systems per chapter 9 OSSC, etc... will be required.
4. A geotechnical engineer shall provide a design for soils at building locations pursuant to 1803 of the Oregon Structural Specialty Code.
5. Special inspections may be required per chapter 17 of the 2014 Oregon Structural Specialty Code.
6. Oregon Building Codes Division provides 2 options for meeting energy code requirements for new construction. There are several forms and detailing requirements needed to show compliance depending on which code path you choose. Please visit the Oregon BCD website for details/requirements.
7. Proposed construction in proximity to fire separation distance line shall comply with Table 602 and code section 705 of the OSSC. See Table R705.8 for maximum area of exterior wall openings.
8. Provide Fire Protection Systems per Chapter 9 of the OSSC and the 2014 Oregon Fire Code.
9. Provide Accessible Route per Section 1104.4 Multilevel buildings and facilities. ADA accessibility for the site and the building shall be addressed in detail to show compliance with Chapter 11 OSSC and 2009 ANSI A117.1.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Fairrington, Tanner

Review Date: 9/16/2020

Meeting Date: 9/30/2020

LD File #: UP20211

Associated File #1: PA-19-00056

Associated File #2: 439-19-00071-SUB

Planner: Sarah Sousa

Applicant: Neathamer Surveying Inc.

Site Name: Urbanization Plan for MD-5b

Project Location: North of Barnett Road and south of Cherry Lane.

Project Description: A legislative amendment to adopt an Urbanization Plan into the Neighborhood Element of the Comprehensive Plan for approximately 211 acres of property located north of Barnett Road and south of Cherry Lane within a portion of Planning Unit MD-5b (371W26 TL 103, 104, 105, and 300).

Additional Project Consideration

Notes: Based on the limited information provided, this project is approved as submitted with no additional conditions or requirements at this time. As the site is developed, additional comments and conditions will likely apply.

Construction General Information/Requirements

Development shall comply with access and water supply requirements in accordance with the Oregon Fire Code in effect 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



TALENT IRRIGATION DISTRICT LAND USE AGENCY RESPONSE FORM

104 W. Valley View Rd.
P.O. Box 467
Talent, OR 97540

Phone: 541-535-1529
Fax: 541-535-4108
Email: tid@talentid.org

NAME OF ENTITY REQUESTING RESPONSE: City of Medford

ENTITY REFERENCE NUMBER: UP-20-211

MEETING REVIEW DATE: September 30, 2020

MAP DESCRIPTION: 37-1W-26 Tax Lot 103, 104, 105 & 300 (No Water Rights).

PROPERTY ADDRESS: North of Barnett Rd. and South of Cherry Ln., Medford OR 97504.

NO COMMENT ON LAND USE ISSUE (IF NOT MARKED, CONTINUE BELOW)

NO COMMENT IF CHECKED COMMENTS ARE APPLICABLE

A. WATER RIGHT ISSUES

- 1. Water rights need to be sold to someone or transferred back to Talent Irrigation District from any newly created impervious surfaces within water right locations. Number of irrigated acres:
Comments: TID water rights are for irrigation purposes only. No other uses are allowed including use for a processing facility.

AND/OR

- 2. Must have District approval for water rights to remain in place on subject property. Number of irrigated acres:
Comments: If the existing water rights are to be sold or relocated to another area, the applicant must go through the transfer process with the District, Bureau of Reclamation and the Water Resources Department. Water rights must be removed from any impervious surfaces.

B. EASEMENTS

DISTRICT EASEMENTS

- 1. Easement needs to remain clear. No permanent structures or deep-rooted plants will be allowed within the easement limits.
Comments: Be advised that the District's East Main Canal runs through Tax Lot 104. The easement for the Canal is 50' in width; 15' on the upper side, measured from the center of the canal, and 35' on the lower side. Also, the District's Barnett Pressurized Lateral runs along the South border of both Tax Lots 103 and 104 in a variable easement width between 15' to 25'. Crossing agreements with the District and Bureau of Reclamation are required for all crossings of the easement.



- 2. If facility is to be relocated or modified, specifications must meet the District's standards and be agreeable to the District. A new written and recorded easement must be conveyed to the District.
Comments:

- 3. If a written and recorded easement does not exist for an existing facility, then one must be provided in favor of the District.
Comments: _____

PRIVATE EASEMENTS

- 1. Property may have private facilities (ditch or pipeline) that the District does not manage. Arrangements may need to be made to provide continued service through the subject property for downstream water users.
Comments:

PRIVATE EASEMENT PROVISIONS FOR MINOR PARTITIONS AND/OR LOT LINE ADJUSTMENTS

- 1. If the property currently has water rights and it is being partitioned or a lot line adjustment is being made, easements must be written and recorded which allow access for all of the pieces of property with water rights to continue to have access to the water.
Comments: _____

WATER METER REQUIREMENT ON TRANSFERRED WATER RIGHTS

- 1. If the water right on this property is a transferred water right that currently has a water meter requirement, then each of the properties split off of the original parcel all need to have water meters installed prior to the use of irrigation water on the newly formed parcels.
Comments: _____

C. FACILITIES (including but not limited to pipelines, ditches, canals, control checks or boxes)

- 1. Upgrades to District facilities may be required to support any land use changes or developments, such as pipe installations or encasing existing pipe under roads or concrete.
Comments: **The developer should place the East Main Canal in water tight pipe capable of a 30 c.f.s design capacity.**

D. DRAINAGE / STORM WATER

- The District relies on the Bureau of Reclamation's Storm Water Policy. No urban storm water or point source flows will be allowed into the District's facilities without going through the Bureau of Reclamation process. (Developments in historically agricultural areas need to be aware of agricultural run-off water and take appropriate action to protect the development from upslope water.)
Comments:

GENERAL COMMENTS:

1. No interruptions to irrigation water deliveries will be allowed.
2. T.I.D. is a Federal Project and some facilities and/or easement issues may need Bureau of Reclamation approval.
3. The developer/sub-divider will take all appropriate actions to ensure the reliability and protection of the original function of the District's facilities.

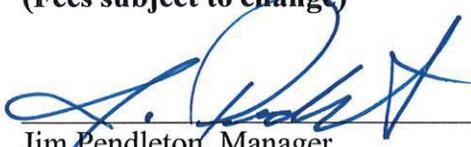
As required by 2017 ORS 92.090(6) which states as follows: "Subject to any standards and procedures adopted pursuant to ORS 92.044 (Adoption of standards and procedures governing approval of plats and plans), no plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company shall be approved by a city or county unless the city or county has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company."

Talent Irrigation District's fee associated with this planning action is checked below.

Letter of No Concern: \$25.00

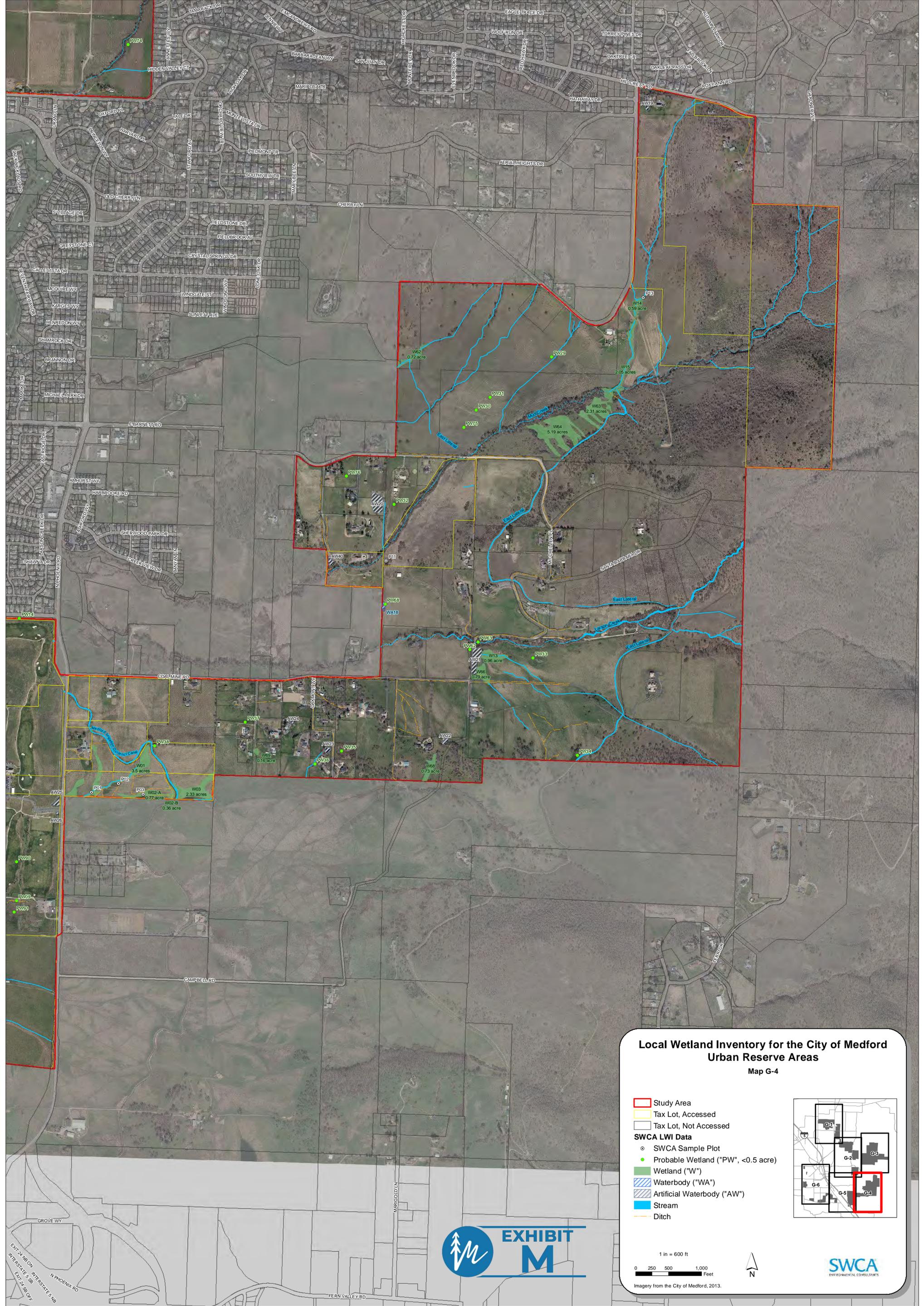
Letter With Concern: \$110.00

(Fees subject to change)



Jim Pendleton, Manager
Talent Irrigation District

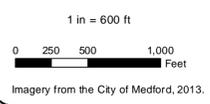
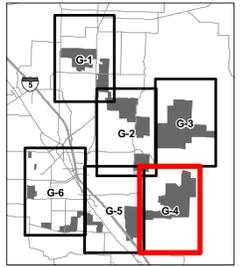
Date Signed: September 22, 2020



**Local Wetland Inventory for the City of Medford
Urban Reserve Areas**

Map G-4

- Study Area
- Tax Lot, Accessed
- Tax Lot, Not Accessed
- SWCA LWI Data**
- SWCA Sample Plot
- Probable Wetland ("PW", <0.5 acre)
- Wetland ("W")
- Waterbody ("WA")
- Artificial Waterbody ("AW")
- Stream
- Ditch



Medford Comprehensive Plan

Chapter 10

Neighborhood Element

Introduction

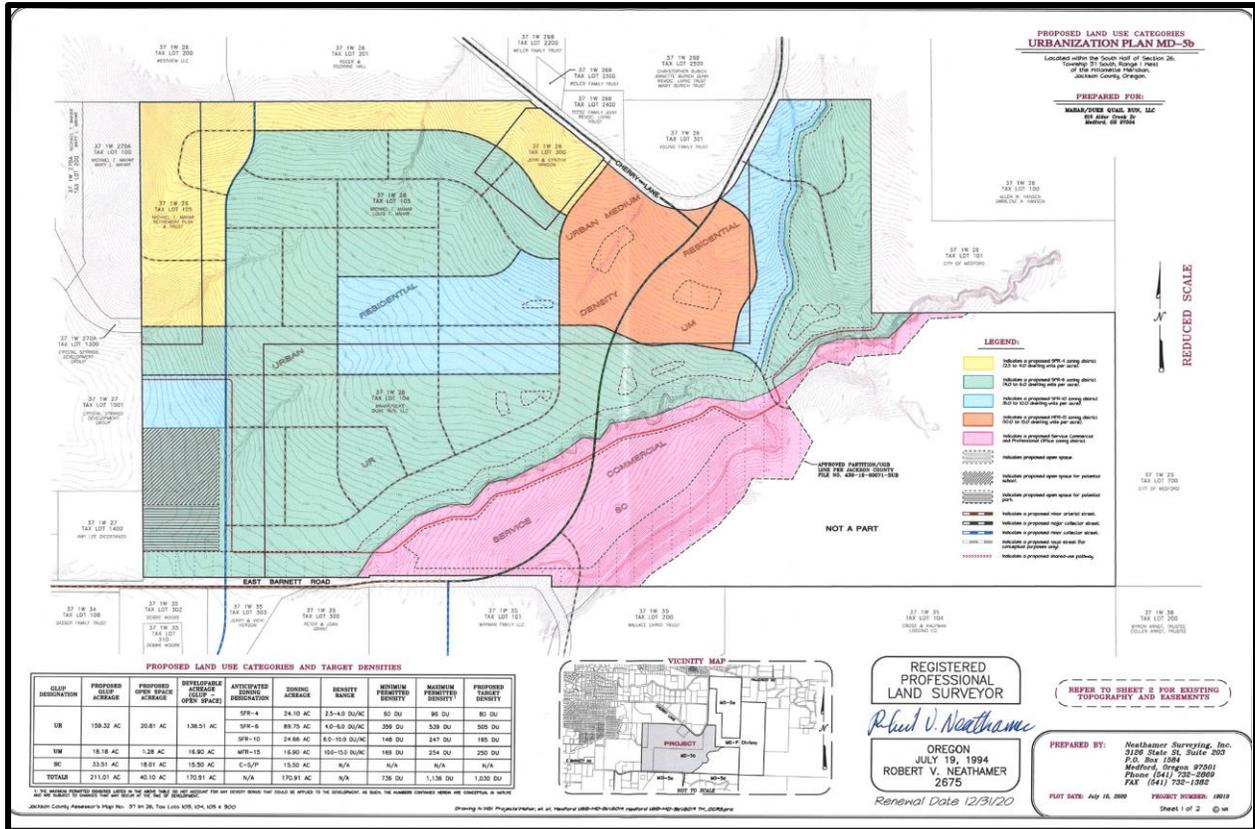
The divisions of this chapter are special area plans that have been adopted by the Council. Two plans are incorporated by reference; three others are incorporated into this document.

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10.6 Adopted Urbanization Plans	
1. Planning Unit MD-7c (NW corner of South Stage Road and Kings Highway)	
2. Planning Unit MD-5f (South of Juanipero Way and West of North Phoenix Road)	
3. Planning Unit MD-3a (South of Coker Butte Road, North of Owen Drive, and East of Springbrook Road)	
4. Planning Unit MD-5e (South of Coal Mine Road, East of North Phoenix Road)	
5. Planning Unit MD-4 (East of Foothill Road, north of Hillcrest Road, and South of McAndrews Road) PENDING	
6. Planning Unit MD-5b (North of East Barnett Road and South of Cherry Lane) UNDER REVIEW	

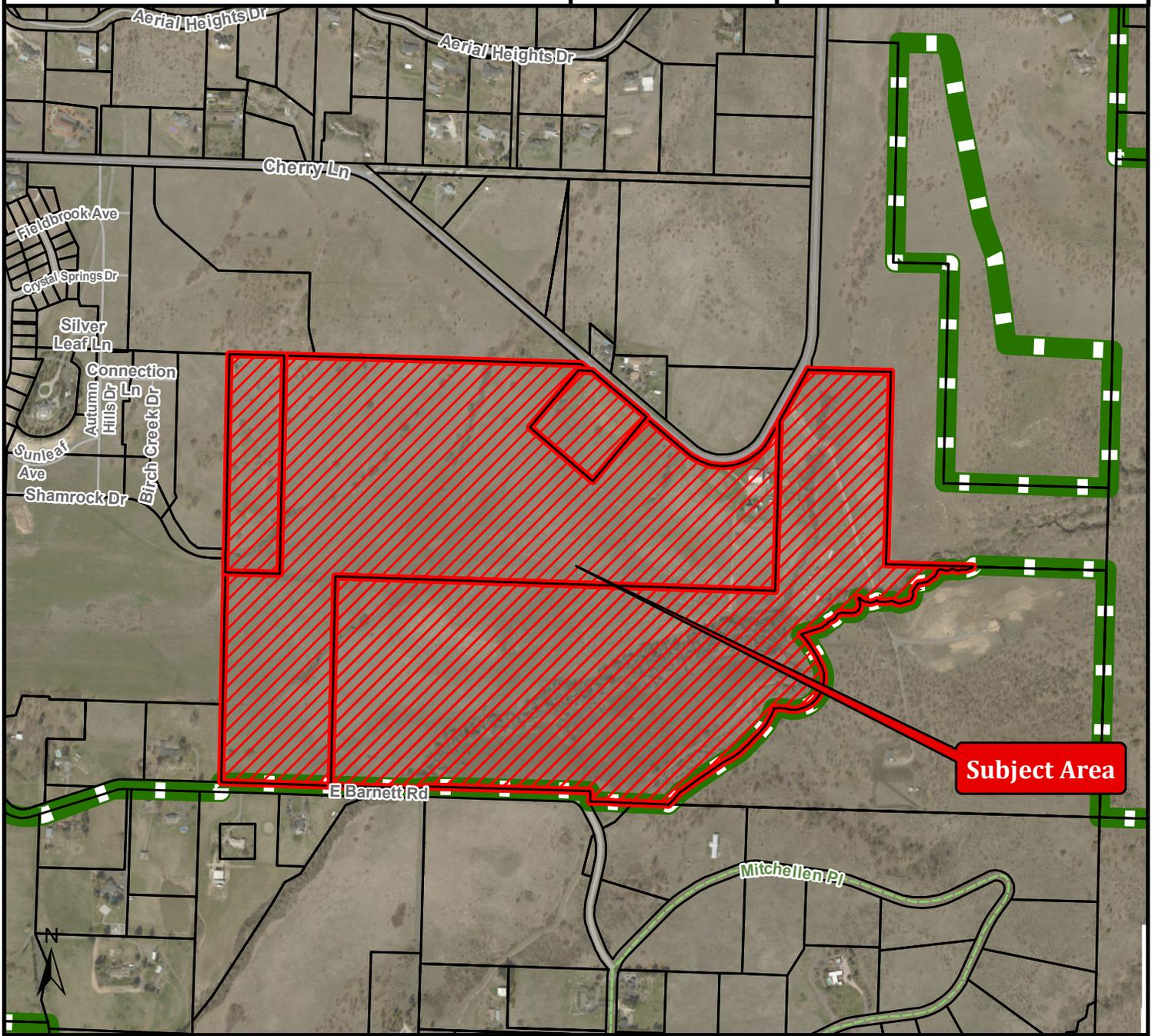
URBANIZATION PLAN FOR MD-5b

Adopted by the Medford City Council on November 19, 2020; Ordinance no. 2020-XX



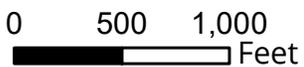
Project Details – MD-5b

The planning unit is approximately 211 acres in size and is located north of East Barnett Road and south of Cherry Lane. The property has the following General Land Use Plan Designations: Urban Residential, Urban Medium Density Residential, and Service Commercial. The applicant proposes 40 acres of open space, which meets the minimum amount of open space required for the planning unit. The applicant proposes a minimum of 1,030 dwelling units to be constructed within the residential General Land Use Plan designations in the planning unit. Higher order street extensions include East Barnett Road, Cherry Lane, and an unnamed north-south minor collector street on the west side of the planning unit.



Project Name:
Mahar - MD-5b Urbanization Plan

Map/Taxlot:
371W26 TL 103, 104, 105 & 300



Legend

-  Subject Area
-  Tax Lots

Date: 8/10/2020

