

PLANNING COMMISSION AGENDA OCTOBER 25, 2018



Commission Members

David Culbertson

Joe Foley

Bill Mansfield

David McFadden

Mark McKechnie

E. J. McManus

Patrick Miranda

Alex Poythress

Jared Pulver

Regular Planning Commission meetings

are held on the second and fourth

Thursdays of every month

Meetings begin at 5:30 PM

City of Medford

City Council Chambers

411 W. Eighth Street, Third Floor

Medford, OR 97501

541-774-2380



Planning Commission

Agenda

Public Hearing

October 25, 2018

5:30 PM

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

10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

20.1 **ZC-18-110** Final Order of a request for a zone change of a 0.54-acre parcel located at 616 Cherry Street from SFR-00 (Single-Family Residential, one dwelling unit per gross acre) to SFR-10 (Single-Family Residential, ten dwelling units per gross acre) (372W26DD400); Applicant, Esteban Gonzalez Duran; Agent, Richard Steven & Associates, Inc.; Planner, Dustin Severs.

20.2 **LDP-18-088 / E-18-127** Final Order of a request for tentative plat approval of a proposed two-lot partition on a 1.28 acre parcel located approximately 550 feet southeast of the intersection of Canyon Avenue and Roberts Road within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district (371W17DD 700) including Exception requests to the minimum lot density and the maximum lot size. Applicant & Agent, CA Galpin; Planner, Steffen Roennfeldt.

30. Minutes

30.1 Consideration for approval of minutes from the October 11, 2018, hearing.

40. Oral and Written Requests and Communications

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

50. Public Hearings

Comments are limited to a total of 10 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. **PLEASE SIGN IN.**

Old Business

50.1 **CP-16-075 / DCA-18-120** The proposal is a legislative amendment to develop a procedure for preparing and adopting urbanization plans for areas recently brought into the urban growth boundary. The proposed language will amend the Neighborhood Element of the Comprehensive Plan and will outline the

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.

process land owners must follow to adopt plans that show land uses, densities, and transportation networks in the new expansion areas. This project is filed in conjunction with DCA-18-120, a development code amendment to revise Chapter 10 of the Municipal Code to incorporate procedural requirements associated with urbanization plans. Applicant: City of Medford; Planner: Carla Paladino, Principal Planner.

New Business

- 50.2 **DCA-18-118** A development code amendment to Chapter 10 of the Medford Municipal Code to make housekeeping corrections and minor changes related to housing and density. Applicant: City of Medford; Planner: Sarah Sousa
- 50.3 **LDP-18 100 / ZC-18-099** Consideration of a request for tentative plat approval of a proposed three-lot partition, along with a request for a change of zone from SFR-00 (Single Family Residential, one dwelling unit per lot) to SFR-6 (Single Family Residential, six dwelling units per gross acre) on a 1.2-acre parcel located at 2158 Kings HWY within the SFR-00 zoning district (382W01AA3800); Applicant, Christian Nelson; Planner, Dustin Severs.

60. Reports

- 60.1 Site Plan and Architectural Commission
- 60.2 Planning Department

70. Messages and Papers from the Chair

80. Remarks from the City Attorney

90. Propositions and Remarks from the Commission

100. Adjournment

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

IN THE MATTER OF PLANNING COMMISSION FILE ZC-18-110 APPLICATION)
FOR A ZONE CHANGE SUBMITTED BY ESTEBAN GONZALEZ DURAN) **ORDER**

ORDER granting approval of a request for a zone change for *Esteban Gonzalez Duran*, described as follows:

A zone change of a 0.54-acre parcel located at 616 Cherry Street from SFR-00 (Single-Family Residential, one dwelling unit per gross acre) to SFR-10 (Single-Family Residential, ten dwelling units per gross acre).

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

WHEREAS, the City Planning Commission has given notice of, and held, a public hearing, and after considering all the evidence presented, finds that the zone change is supported by, and hereby adopts the Planning Commission Report dated October 11, 2018, and the Findings contained therein – Exhibit “A,” and Legal Description – Exhibit “B” attached hereto and hereby incorporated by reference; now, therefore,

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

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

37 2W 26DD Tax Lot 400

is hereby changed as described above.

Accepted and approved this 25th day of October, 2018.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

PLANNING COMMISSION REPORT

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

Project 616 Cherry Street - Zone Change
Applicant: Esteban Gonzalez Duran
Agent: Richard Stevens & Associates

File no. ZC-18-110

Date October 11, 2018

BACKGROUND

Proposal

Consideration of a request for a zone change of a 0.54-acre parcel located at 616 Cherry Street from SFR-00 (Single-Family Residential, one dwelling unit per gross acre) to SFR-10 (Single-Family Residential, ten dwelling units per gross acre) (372W26DD400).



Subject Site Characteristics

Zoning: SFR-00
GLUP: Urban Residential (UR)
Overlay(s): None
Use: Two single-family homes

Surrounding Site Characteristics

North Zone: SFR-00
Use(s): Single-family residential
South Zone: SFR-10
Use(s): Single-family residential
East Zone: SFR-10
Use(s): Single-family residential
West Zone: SFR-6 (Single-Family Residential, six dwelling units per gross acre)
Use(s): Residential (Meadows West Subdivision)

Related Projects

A-02-204 Annexation

Applicable Criteria

Inapplicable criteria have been omitted from this report. Omitted sections are identified by ***.

Medford Land Development Code §10.204, Zone Change Criteria

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

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

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist:

- (i) At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or*
- (ii) The area to be re-zoned is five acres or larger; or*

(iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five acres.

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

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

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

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

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

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

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

(b) when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The “estimated cost” shall be 125% of a professional engineer’s estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this

paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

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

ISSUES AND ANALYSIS

Background

The subject site consists of a single 0.54-acre parcel currently containing two single-family homes (permitted through Jackson County). The property is fronted by Erin Way, a minor residential street, to the south; and Cherry Street, a standard residential street, to the east, from which the property takes vehicular access.

Criteria Compliance

GLUP/TSP Consistency

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

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

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

Locational Criteria

The subject zone change proposal requires an assessment of the locational criteria for the SFR-10 zoning district. The locational criteria for the SFR-10 zone as outlined in MLDC 10.204(b), reads as follows:

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist:

- (i) At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or*
- (ii) The area to be re-zoned is five acres or larger; or*
- (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five acres.*

The subject property abuts the SFR-10 zoning district to the east, divided by Cherry Street, and to the south, divided by Erin Way.

It can be found that the proposed zone change meets all the applicable locational criteria for the SFR-10 zone as outlined in MLDC 10.204(b).

Facility Adequacy

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

The agency comments included in Exhibits E-H, including the Rogue Valley Sewer Services (RVSS), demonstrate that Category A facilities are adequate.

Other Agency Comments

Rogue Valley Sewer Services (RVSS) (Exhibit I):

The RVSS report states that there are 8-inch sewer mains running along Erin Way to the south and Cherry Street to the west, with a 4-inch service extended to the subject property from Cherry Street, providing adequate system capacity for the proposed zone change. No conditions were requested in the report.

Committee Comments

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

DECISION

At the public hearing held on October 11, 2018, the Commission voted unanimously to approve the request while adding one exhibit into the record: a neighbor letter submitted by Michael H. Young. Mr. Young also spoke at the public hearing, expressing his concern of the subject property potentially being developed as multi-family in the future.

FINDINGS AND CONCLUSIONS

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

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UR General Land Use Plan Map designation and the Transportation System Plan. The Commission can find that this criterion is met.
- With regard to Criterion 2, there is adequate evidence in the record to demonstrate that the proposal meets the locational criteria for the SFR-10 zoning district. The Commission can find that this criterion is met.
- With regard to Criterion 3, the agency comments included as Exhibits F-I, including the Rogue Valley Sewer Service (RVSS), demonstrate that there are adequate Category A facilities available to serve the subject site. The Commission can find that this criterion is met.

ACTION TAKEN

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of ZC-18-110 per the Planning Commission report dated October 11, 2018, including Exhibits A through I.

EXHIBITS

- A Applicant's Findings of Fact and Conclusions of Law, received August 10, 2018.
- B Jackson County Assessor's Map, received August 10, 2018.
- C Current Zoning Map, received August 10, 2018.
- D Current GLUP Map, received August 10, 2018.
- E Public Works Staff Report dated September 12, 2018.

- F Medford Water Commission Staff Memo and Map dated September 12, 2018.
- G Medford Fire Department Land Development Report dated September 4, 2018.
- H Rogue Valley Sewer Services (RVSS) report, received August 31, 2018.
- I **Neighbor letter from Michael H. Young, presented October 11, 2018.**
Vicinity Map

Planning Commission Agenda:

October 11, 2018
October 25, 2018

MEDFORD PLANNING COMMISSION

Patrick Miranda, Chair

50.1

Michael H. Young
P.O. Box 276
Jacksonville, OR 97530
Phone: (541) 899-4012

October 8, 2018

City of Medford
Planning Department
411 W. 8th Street
Medford, OR 97501-3188

ATTENTION: Dustin Severs

RE: File No.: ZC-18-110

Dear Mr. Severs,

I am writing in response to to a notice I received from the City, dated September 20, 2018, regarding the request for a zone change of a 0.54 parcel located at 616 Cherry Street from SFR-00 to SFR-10. My wife and I are the owners of property located at 609 Allison Way which directly abuts the property requesting the zone change. We would like to express our concerns about the proposed change.

Our property is part of a subdivision of approximately a dozen homes that were built around 2001, all of which have single story homes thereon. The immediate surrounding area also consists of mainly single story family homes. There are not any apartments, town homes or condos in the area. We would therefore oppose a zone change to SFR-10 on the Cherry Street property that could allow for the property to be more densely populated than what is present in the neighborhood now.

I have spoken with the owners of the properties on either side of mine on Allison Way and they also share my concerns. We would be very unhappy to have multiple dwelling units directly behind our rather small back yards. According to the map that we received in your letter, our property is zoned SFR-6 and we feel that it would be in the best interest of all of us that the property requesting the zone change not be granted for anything more than the same SFR-6. I'm concerned that anything more would negatively impact the value of my property. We would like to see continuity maintained with the continuation of individual family homes. When people purchased their homes in this area they did so with the awareness of the existing properties the way they are, consisting of single family houses not multiple dwelling units.

Thank you for your consideration.

Sincerely,


Michael H. Young

CITY OF MEDFORD
EXHIBIT # I
FILE # ZC-18-110

Exhibit I



Exhibit "B"

Jackson County Official Records	2017-007188
R-WD	
Stn=0 HELMANCD	03/03/2017 12:46:04 PM
\$11.00 \$10.00 \$20.00 \$10.00 \$8.00	\$59.00
I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Christine Walker - County Clerk	RECEIVED

THIS

AUG 10 2018

PLANNING DEPT.

After recording return to:
Esteban Gonzalez Duran
5315 McLoughlin Dr.
Central Point, OR 97502

Until a change is requested all tax statements shall be sent to the following address:
Esteban Gonzalez Duran
5315 McLoughlin Dr.
Central Point, OR 97502
 File No. 154000AM

STATUTORY WARRANTY DEED

Jerrie S. Saewert,

Grantor(s), hereby convcy and warrant to

Esteban Gonzalez Duran ,

Grantee(s), the following described real property in the County of Jackson and State of Oregon free of encumbrances except as specifically set forth herein:

Beginning at the Southeast corner of Lot 1 in Block 4 of NICKELL ADDITION to the City of Medford, Jackson County, Oregon, according to the official plat thereof, now of record; thence Westerly 138.0 feet; thence Northerly 121.0 feet, more or less, to the South line of the Railroad right-of-way, as described in Book 112, Page 590 of the Deed Records of Jackson County, Oregon; thence Easterly along said right-of-way line 138.0 feet to the East line of said Lot 1; thence Southerly along said line 121.0 feet, more or less, to the point of beginning.

ALSO, beginning at the Southeast corner of Lot 1 in Block 4 of NICKELL ADDITION to the City of Medford, Jackson County, Oregon, according to the official plat thereof, now of record; thence Southerly along the Easterly line of Lot 2 in said Block 4, a distance of 46.0 feet; thence Westerly 138.0 feet; thence Northerly 46.0 feet to the South line of Lot 1 in said Block 4; thence Easterly along said South line 138.0 feet to the point of beginning.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

372W26DD 400

The true and actual consideration for this conveyance is \$146,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

CITY OF MEDFORD
EXHIBIT # _____
FILE # ZC-18-110

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 28 day of February, 2017

Jeffie S. Saewert
Jeffie S. Saewert

State of } ss Oregon
County of } Jackson
28th day of February, 2017

* Gena Whipple Jeffie S. Saewert

On this day of , before me, a Notary Public in and for said state, personally appeared, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Gena Whipple
Notary Public for the State of Oregon
Residing at: 1000 1st St
Commission Expires: 10-22-2017



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

IN THE MATTER OF TENTATIVE PLAT APPROVAL FOR)
)
ELYSIUM ACRE [LDP-18-088]) **ORDER**

ORDER granting approval of a request for tentative plat approval of File No. LDP-18-088, as follows:

Tentative plat approval of a proposed two-lot partition on a 1.28 acre parcel located approximately 550 feet southeast of the intersection of Canyon Avenue and Roberts Road within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district (371W17DD 700) including Exception requests to the minimum lot density and the maximum lot size.

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.170; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval described above, with a public hearing a matter of record of the Planning Commission on October 11, 2018; and
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat approval and directed staff to prepare the final order with all conditions and findings set forth for the granting of the tentative plat approval.

THEREFORE LET IT BE HEREBY ORDERED that the tentative plat for Elysium Acre, stands approved per the Staff Report dated October 3, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for tentative plat approval is hereafter supported by the findings referenced in the Staff Report dated October 3, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.170 Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 25th day of October, 2018.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative

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

IN THE MATTER OF APPROVAL OF AN EXCEPTION FOR)
)
ELYSIUM ACRE [E-18-127]) **ORDER**

ORDER granting approval for a request of an exception for *Elysium Acre*, as described below:

Exception requests to the minimum lot density and the maximum lot size of a proposed two-lot partition on a 1.28 acre parcel located approximately 550 feet southeast of the intersection of Canyon Avenue and Roberts Road within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district (371W17DD 700)

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.186(B); and
2. The Medford Planning Commission has duly held a public hearing on the exception for *Elysium Acre*, as described above, with the public hearing a matter of record of the Planning Commission on October 11, 2018.
3. At the public hearing on said exception, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted exception approval and directed staff to prepare a final order with all conditions and findings set forth for the granting of the exception approval.

THEREFORE LET IT BE HEREBY ORDERED that the exception for *Elysium Acre*, as described above, stands approved per the Planning Commission Staff Report dated October 3, 2018, and subject to compliance with all conditions contained therein.

AND LET IT FURTHER BE OF RECORD, that the action of the Planning Commission in approving this request for exception approval is hereafter supported by the findings referenced in the Planning Commission Staff Report dated October 3, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the exception is in conformity with the provisions of law and Section 10.186(B) criteria for an exception of the Land Development Code of the City of Medford.

Accepted and approved this 25th day of October, 2018.

CITY OF MEDFORD PLANNING COMMISSION

Planning Commission Chair

ATTEST:

Planning Department Representative



Planning Commission

Minutes

From Public Hearing on **October 11, 2018**

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

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie (left at 7:00 p.m.)
E.J. McManus (arrived at 5:33 p.m.)
Alex Poythress (left at 6:29 p.m.)
Jared Pulver

Staff Present

Matt Brinkley, Planning Director
Kelly Evans, Assistant Planning Director
Eric Mitton, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Carla Paladino, Principal Planner
Terri Richards, Recording Secretary
Dustin Severs, Planner III
Steffen Roennfeldt, Planner III

10. Roll Call

20. Consent Calendar/Written Communications.

20.1 ZC-18-097 Final Order of a request for a change of zone of a 3-acre parcel located at 503 Airport Road from Light Industrial (I-L) to Regional Commercial (C-R) (372W12A502). Applicant: Columbia Care, Inc.; Agent: Richard Stevens & Associates; Planner: Dustin Severs.

20.2 ZC-18-101 Final Order of a zone change from SFR-00 (Single Family Residential – one dwelling unit per existing lot) to SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) on a 0.87 acre lot located at 1919 Orchard Home Drive (372W35DD2000). Applicant: Sterling Homes, LLC.; Agent: Valente Sosa; Planner: Steffen Roennfeldt.

20.3 LDS-18-109 Final Order of a tentative plat for a 17-lot subdivision on approximately 2.85 acres within the SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) zoning district, located northwest of the Merriman Road and Mace Road intersection (372W13BB 500). Applicant: F.B. Owen, Inc.; Agent: Richard Stevens & Associates, Inc.; Planner: Steffen Roennfeldt.

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

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Voice Vote: Motion passed, 8-0.

30. Minutes

30.1. The minutes for September 27, 2018, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

Commissioner McManus arrived at 5:33 p.m.

50. Public Hearings – New Business

50.1 ZC-18-110 Consideration of a request for a zone change of a 0.54-acre parcel located at 616 Cherry Street from SFR-00 (Single-Family Residential, one dwelling unit per gross acre) to SFR-10 (Single-Family Residential, ten dwelling units per gross acre) (372W26DD400); Applicant, Esteban Gonzalez Duran; Agent, Richard Stevens & Associates, Inc.; Planner, Dustin Severs.

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

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

Dustin Severs stated staff received a letter from a neighbor after the agenda packet was published. A copy of the letter was placed at the Planning Commissioner's places. The letter will be entered into the record at Exhibit I. The neighbors are present this evening and wish to testify their concerns. The Zone Change approval criteria can be found in the Medford Land Development Code Section 10.204. The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Severs gave a staff report.

Commissioner McKechnie asked, what is the minimum density that would be required on this particular site? Mr. Severs did not do a density calculation. He assumes the applicant will subdivide but he has not made clear what his intentions are.

Commissioner McKechnie stated that it would have to be platted and it is too small for a Planned Unit Development. It would have to be divided into separate lots. Mr. Severs responded that is correct. It is less than an acre so the applicant could not do a Planned Unit Development.

Commissioner McKechnie asked, is the site immediately across the street to the south also zoned SFR-10? Mr. Severs responded that it is SFR-10 to the south and east. They

can do single family homes. They can always do an Accessory Dwelling Unit in addition to the single family home. They can also do duplexes if it met the density.

Commissioner McKechnie asked, what is the minimum density for SFR-10? Mr. Severs replied that it is 6.

Commissioner McKechnie asked, for a subdivision is it up to 3 lots is an administrative decision? Mr. Severs stated yes and that an ordinance was recently passed that partitions are an administrative decision as long as there are no exceptions or special relief.

The public hearing was opened.

a. Clark Stevens, Richard Stevens and Associates, Inc., P. O. Box 4368, Medford, Oregon 97501. Mr. Stevens reported that the application meets the locational criteria with both the eastern and southern boundaries zoned SFR-10. Public facilities are adequate to serve the site with the development.

In regards to Mr. Young's letter, Commissioner McKechnie is correct that the applicant does not have a plat or any kind of land division proposed at this time. It will not be a multiple family project. It will be a single family project; either single family homes and maybe a duplex. It will require a minimum of four dwelling units to make the density.

Commissioner McKechnie asked, what was the decision to make it SFR-10 versus SFR-6? Mr. Stevens replied that was the applicant's request. They were trying to maximize as many dwelling units as possible. The goal of the City and State is to increase density to the greatest extent. The applicant had an idea of a duplex on the corner and maybe two single family units. They have not designed anything at this point.

Commissioner McKechnie commented that it looks like it is going to end up with streets on three sides which negatively impacts the density. Mr. Stevens replied they have not calculated that because it is not currently right-of-way. He does not believe that would be counted into their density. It is a future street for Meadows to go across.

Mr. Stevens reserved rebuttal time.

b. Michael H. Young, P. O. Box 276, Jacksonville, Oregon 97530. Mr. Young owns the property at 609 Alison Way that abuts the property to the west. He and both his neighbors have concerns not knowing what is going to be done with the property. Mr. Stevens cleared most of his concerns with his report.

Vice Chair McFadden asked, on the administrative partition review will the neighbors get notified and have time for input? Mr. Severs replied yes.

Mr. Stevens addressed Vice Chair McFadden's question that whatever the applicant proposes it will be noticed.

Vice Chair McFadden stated that some people do not know the difference between land divisions versus a partition. In this particular property the outlook of what both those would look like would almost be the same. Is that correct? Mr. Stevens stated that is correct. It is just the process that is different.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directed staff to prepare the Final Order for approval of ZC-18-110 per the staff report dated October 4, 2018, including Exhibits A through H and adding Exhibit I into the record.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed: 9-0.

50.2 LDP-18-088 / E-18-127 Consideration of a request for tentative plat approval of a proposed two-lot partition on a 1.28 acre parcel located approximately 550 feet southeast of the intersection of Canyon Avenue and Roberts Road within the SFR-4 (Single Family Residential – 2.5 to 4 dwelling units per gross acre) zoning district (371W17DD 700) including Exception requests to the minimum lot density and the maximum lot size. Applicant & Agent, CA Galpin; Planner, Steffen Roennfeldt.

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Commissioner Poythress disclosed that the property was up the street from his neighborhood. He has no personal interest in this case. It should not be an issue.

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

Steffen Roennfeldt stated that the Partition Tentative Plat approval criteria can be found in the Medford Land Development Code Section 10.170(D). The Exception approval criteria can be found in the Medford Land Development Code Section 10.186(B). The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Mr. Roennfeldt gave a staff report.

The public hearing was opened.

a. Jim Zundel, 4460 Hamrick Road, Central Point, Oregon 97502. Mr. Zundel reported that this is the first time they have tried to get less lots. The main reason is the water easement. When discussing the property to the people at the time did not realize that the City does not take the easement out of the gross buildable area. They have to build one house at the top of the lot, use the easement for a lawn and build a house at the side. By the time they get to the bottom of the lot they could not find a way to get a third house in.

Mr. Zundel reserved rebuttal time.

b. Carol Fiddler, 2875 Lone Pine Road, Medford, Oregon 97504-5685. Ms. Fiddler was curious as to the plans of the property. She wanted to make sure homes were not crowded on the parcels.

The public hearing was closed.

Motion: The Planning Commission adopts the findings as recommended by staff and directed staff to prepare the Final Orders for approval of LDP-18-088 and E-18-127 per the staff report dated October 3, 2018, including Exhibits A through U.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Vice Chair McFadden reported that this may be one of the hardest properties that he has seen to develop. It is a good effort.

Commissioner McKechnie noted that in this particular case he believes the exception process works well. He does not believe strict adherence to the criteria of a subdivision would make this a better project.

Roll Call Vote: Motion passed: 9-0.

50.3 CP-16-075 / DCA-18-120 The proposal is a legislative amendment to develop a procedure for preparing and adopting urbanization plans for areas recently brought into the urban growth boundary. The proposed language will amend the Neighborhood Element of the Comprehensive Plan and will outline the process land owners must follow to adopt plans that show land uses, densities, and transportation networks in the new expansion areas. This project is filed in conjunction with DCA-18-120, a development code amendment to revise Chapter 10 of the Municipal Code to incorporate procedural requirements associated with urbanization plans. Applicant: City of Medford; Planner: Carla Paladino, Principal Planner.

Carla Paladino stated that the Major Type IV Amendment approval criteria can be found in the Medford Land Development Code Section 10.220. The Land Development Code

Amendment approval criteria can be found in the Medford Land Development Code Section 10.218. The applicable criteria were addressed in the staff report, property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report. Staff received several new exhibits this week. One was a letter from the Oregon Department of Transportation in support of Urbanization Plans with comments. It will be entered into the record as Exhibit L. Staff also received an email from Mike Savage, CSA Planning Ltd., proposing Urbanization language changes. Staff has briefly reviewed those and would like to have time to review them before forwarding to the City Council. They also submitted a memo that was incorporated into the Urban Growth Boundary record originally from Chris Olivier, GIS Coordinator regarding density. This will be entered into the record as Exhibit M. These exhibits were emailed to the Planning Commission earlier in the week.

Commissioner Foley did not understand the changes proposed from Mike Savage, CSA Planning Ltd. It was not redlined when emailed to the Planning Commission. Ms. Paladino apologized for not sending the track changes to the Planning Commission.

The public hearing was opened.

- a. Mike Montero, 4497 Brownridge Terrace, Medford, Oregon 97504. Mr. Montero is in support of the Urbanization Plan. He offered one suggested modification that has to do with Section #9, Open Space. In the open space calculation the intent was not only to come up with some number as a percentage of the entire urban reserve area but was also to make certain that the open space would not be counterproductive to the goal which is to provide the ultimate number of urbanized dwelling units. It appears in the Urbanization Plan that areas that were excluded from the urban growth boundary would not be considered in that calculation. That would have unintended adverse consequences. Their recommendation is when calculating open space percentages to apply it not only to areas that were brought into the urban growth boundary but to the entire urban reserve area as a whole.
- b. Jay Harland, 4497 Brownridge Terrace, Medford, Oregon 97504. Mr. Harland stated that a lot of their recommended changes were adding headings. There are a lot of complicated issues in the Urbanization Plan. Some of the mathematical implications of a few of the requirements were not making sense to them. Mr. Harland submitted information on the open space.
- c. Mike Burton, 1783 East Vilas Road, Central Point, Oregon 97502. Mr. Burton's concern is that Crater Lake Avenue goes through the middle of his house. He has a problem with that. He was hoping someone could explain the road going through the middle of his home. A traffic signal will be put in front of his house. He has questions. Can anything be moved? Ms. Paladino reported that she believes Mr. Burton's property is a part of MD-2. That portion of MD-2 is not going to require this process. It would just be an

annexation process. Ms. Paladino would be happy to meet separately with Mr. Burton for further discussion.

Vice Chair McFadden stated that nothing is happening quickly on this. There is plenty of time for Mr. Burton to review and see how it will affect him. Plans are flexible at this time. The City will have other opportunities for comments through the entire process.

d. Mike Savage, 4497 Brownridge Terrace, Medford, Oregon, 97504. Mr. Savage volunteered to answer any questions the Commission may have.

Commissioner Foley asked, are there any big changes that the Planning Commission should be aware of that Mr. Savage would like to address? Mr. Savage reported that they provided two copies, one with track changes accepted and another that was full track changes. If they did not get that in color they would not understand the changes.

The primary focus regarding density was to fully understand what the Regional Problem Solving Plan commitment was. It related to specific special areas and a specific process. It stated that the lands coming in with consideration of the efficiency measures taken have to overall achieve 6.6 units per acre. Not each individual area specifically has to achieve 6.6 units per acre. Chris Olivier's memo summarizes that in fairly succinct terms.

Commissioner Poythress left the meeting at 6:29 p.m.

e. Clark Stevens, Richard Stevens and Associates, Inc., P. O. Box 4368, Medford, Oregon 97501. Mr. Stevens echoed their concerns also with the open space calculations. It should be throughout the entire urban growth boundary expansion area. These numbers should be allocated accordingly. Not everything is going to fit in each subsection or planning area to meet everybody's goals. Also, the 6.6 units per acre in its entirety for the urban growth lands not each planning section. He is in agreement and would like it to move forward.

Ms. Paladino reported that there is new information that staff would like to review. If the Planning Commission decides to make a recommendation this evening with the understanding that staff review the information and provide those options to the City Council, or if it is something the Planning Commission wants to see modified and brought back. She needs clarification.

Commissioner Foley recommended to bring it back to the Planning Commission.

Ms. Paladino stated that it could be brought back to the Planning Commission on Thursday, October 25, 2018. It is not scheduled to go to the City Council until Thursday, November 15, 2018.

Commissioner Mansfield asked, would staff like the Planning Commission to postpone this matter until the next Planning Commission meeting?

Matt Brinkley, Planning Director deferred the question back to the Planning Commission if they desired. However, he believes the language that staff has drafted is sufficiently broad and flexible to allow Urbanization Plans to come in and address the issues that have been brought before the Planning Commission this evening. This is not the last time they will talk about Urbanization Plans. Staff recognizes the need to have mechanisms that provide the flexibility that the individuals that have testified this evening have raised. The Regional Plan is not perfect and definitive. There are a lot of questions of how it will be implemented. Implementation is something staff is working on as long as they work on Urbanization Plans. They are open to review the language that was provided this week and one ten minutes ago. Staff would like the opportunity to review that and come to some sort of conclusion. Staff does feel there is some urgency to move it forward. Staff can bring it back to the Planning Commission on Thursday, October 25, 2018, if that is the Planning Commission's preference.

Commissioner Foley how will staff make this happen the right way? Mr. Brinkley stated that what staff has now is broad and general direction on how that would happen through Urbanization Plans as they are brought in. Individual Urbanization Plans would have to make findings about moving different allocations of different kinds of land uses around within the portion of the urban reserve area that is in the urban growth boundary. It can be done on a case by case basis as an Urbanization Plan comes before the Planning Commission for recommendation then City Council for approval.

Vice Chair McFadden stated that he is hearing something that goes far beyond just looking at one area and making plans which he thinks is where the plan is now. What mechanism is there to make it fair that one person's plan does not "tomp" on another person? Mr. Brinkley reported that also applies to open space. The problem Vice Chair McFadden just described is one of equity and fairness. Transferring residential density is another story. Within part of the urban reserve area that is in the urban growth boundary it can probably be move around in a case by case basis as Urbanization Plans are brought in. They can describe how it is going to be a little dense in an area because of environmental constraints, hillsides, riparian, etc. and move it somewhere else.

The public hearing was closed.

Ms. Paladino requested since the item is going to be continued that the Chair please reopen the public hearing.

The public hearing was reopened.

Motion: The Planning Commission continued CP-16-075 and DCA-18-120 to the Thursday, October 25, 2018 Planning Commission meeting.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed: 7-1, with Chair Miranda voting no.

50.4 CP-16-036 A legislative amendment to adopt a revised Transportation System Plan and amend applicable portions of the Comprehensive Plan including the Transportation element and Goals, Policies, and Implementation element. Applicant: City of Medford; Planner: Carla Paladino, Principal Planner.

Carla Paladino stated that the Comprehensive Plan Amendment approval criteria can be found in the Medford Land Development Code Sections 10.214 and 10.220. The applicable criteria were addressed in the staff report and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report.

Commissioner McKechnie left the meeting at 7:00 p.m.

Commissioner Mansfield stated that Siskiyou Velo is not in favor of the amendment. What is her response to serious criticism by the Siskiyou Velo organization? Ms. Paladino reported that staff does not have a written detailed response, point by point, to their findings. Staff will include those if necessary. Staff feels they have addressed the Goal 12 requirements for the Transportation Planning rule relating to bicycle facilities. That there is of differing opinion. At this point staff does not agree with Siskiyou Velo.

Commissioner Foley asked for clarification of providing findings or direct staff to provide the City Council with supplemental findings related to any new testimony. Ms. Paladino reported this is in response to Siskiyou Velo testimony and other things that have been stated. Making sure that staff addresses those concerns and provides a memo that addresses those based on staff's findings.

Commissioner Culbertson stated that on the bicycle plan there are notations that show shared use paths. It seems as though part of those paths in the east Medford area are utilizing irrigation ditches. Unless the City of Medford has a joint easement with those property owners the City does not have a right to use those as paths. Ms. Paladino stated that the City does not have detailed easements yet. These are part of the Leisure Services Plan process. Those would need to be refined at some point. As development occurs staff would be looking for path connections. Maybe they are adjacent to the canal and maybe they are not.

Commissioner Culbertson stated that one of them cuts directly through two holes at Rogue Valley Country Club. Ms. Paladino commented that if the Country Club is not redeveloped staff would not be seeking an easement.

Commissioner Culbertson reported that it also identifies the road that will be the future connection of Murphy Road to Pierce Road which also goes directly through the Country Club. Since those are on the plan if the City is not able to get full connection to walking paths or the roadway what happens to them if they are on the plan as proposed? What right does the landowner have if they are not willing for the City to build? Does the City have eminent domain to build the road? Ms. Paladino stated that the reason they are in the plan is that if the land redevelops it is easier to have the street connection documented in the plan now rather than having to come back and change the plan and work with the property owners later.

Commissioner Culbertson is fine with the roadway but he is opposed to utilizing any paths on irrigation ditches.

Mr. Mitton agreed with the point that any easement for irrigation water purposes does not inherently carry the right to put a path there. Whether there be discussion with the property owners to site a path next to the irrigation ditch is a separate issue than what is in the TSP.

The public hearing was opened.

a. Harlan Bittner, 4102 Southview Terrace, Medford, Oregon 97504. Mr. Bittner is the President of the Siskiyou Velo Club. The TSP update lacks sufficient details to ensure the bicycle facilities will be implemented in a way that meets the requirements of the Oregon Transportation Planning Rule. Mr. Bittner submitted a brochure that provides a brief summary of some of the design approaches the Club advocates.

b. Ben Karetnick, 3485 Hollywood Avenue, Medford, Oregon, 97501. Mr. Karetnick is in agreement with what has been shared. He strongly encouraged moving this amendment forward.

c. Gary Shaff, 516 Herbert Street, Ashland, Oregon 97520. Mr. Shaff requested that the Planning Commission reject the current TSP draft and insist that it establishes a goal for bicycle mode share somewhere above 10% of travel in 2038. Provide for the modification and reconstruction of the existing TSP to make it safe and convenient for all modes so that everyone can on their preferred mode travel to everywhere.

d. Evan MacKenzie, 2434 County Club Drive, Medford, Oregon 97504-7712. Mr. MacKenzie wanted to make sure that the Planning Commission understands that bicycles

are transportation. They are not alternative transportation. Mr. MacKenzie submitted his testimony into the record.

e. Michelle Manion, 2434 County Club Drive, Medford, Oregon 97504-7712. Ms. Manion talked about bike safety from a different view point. The City of Medford could use a more walkable and bike-able neighborhoods for health and safety.

f. Ann Smith, 3182 Forest Hills Drive, Medford, Oregon 97504. Ms. Smith moved to Medford for the express purpose of using her bike as primary means of transportation. In Medford the lack of connected and safe facilities she experiences discourages all but the doggedly determined using a bike as a mode of travel. Several times a week for the last six years she has biked to work on Highway 62 between Delta Waters and Northgate Market Place near the intersection of Highway 99. The bike lane is narrow with an unprotected buffer in places that gives the illusion of protection. She strongly urged the City of Medford to work with the County and State to ensure that its residents are provided with safe and convenient functional facilities that meet the standards of safety and accessibility for all ages and abilities and that this Transportation System Plan strives to implement.

Vice Chair McFadden commented that the Planning Commission agrees with her but her desired route is not within the confines of Medford. It is all done by the engineers of the Oregon Department of Transportation. She has been riding in the middle of a construction project for the last three years.

Ms. Smith did not ride during the construction. She understands her route is State built. After all the construction her journey did not get any safer. Her alternative routes do not have bike facilities.

g. Mike Montero, 4497 Brownridge Terrace, Medford, Oregon 97504. Mr. Montero is in support of the Transportation System Plan.

h. Robert Shand, 406 Beatty Street, Medford, Oregon 97501. He is present tonight regarding bicycle and pedestrian safety. Medford's culture needs to change to include bicycles. Think of the future.

i. Randy Jones, 815 Alder Creek Drive, Medford, Oregon 97504. Mr. Jones is in favor of scenario #5 and encouraged the Planning Commission to forward this to the City Council.

Ms. Paladino reported that staff recognizes there are concerns regarding multi-modal facilities and trying to upgrade the bicycle facilities. Staff recognizes the City has a built environment that needs to be retrofitted. Staff is making efforts within the TSP draft to get better systems to get the bike and pedestrian facilities in place.

In regards to the Foothills project, that was a Transportation Facility project earlier this year that the City Council approved. It does include an offsite multi-modal path between Hillcrest and McAndrews. It is an approved project moving through Engineering.

One of the action items within the goals and objectives is that staff would be looking, hopefully in the near future, at a specific bike/pedestrian plan to address some of the issues more deeply. This Transportation Plan is addressing all transportation modes in a generalized plan. Staff recognizes a bicycle facility plan would be a better way to review that.

Alex Georgevitch, City Engineer stated that he heard a lot of testimony this evening about bikes and the facilities in the plan. He does not disagree with most of the testimony this evening. The Transportation System Plan is a planning level document, not a detailed engineering design guideline. When it gets to the City Council through Transportation Facility hearings they get into those details and built environment. The Transportation System Plan has considered the built environment as part of the major changes that are going on in this document. It is not as simple as providing guidelines and being able to follow them. They have proactively made changes with Foothill being a perfect example facility that is planning the first buffered bike lanes including multiuse paths.

There were statements made that he believes are inaccurate, especially about when someone extrapolates that sharrows should be put on a facility that an eight year old should be able to ride on at eight miles an hour. He does not know where that was extrapolated from. The Engineering Department follows AASHTO guidelines on placement of sharrows on all of the facilities they put in town.

Mr. Mitton stated that a lot of the discussion this evening has been on policy issues. It is not his job to weigh in on policy issues. Whether the City should put more resources or less towards bicycling is outside of his job description. However, a concern was raised by a couple testifiers about whether the draft TSP complies with State law, specifically Oregon Administrative Rules Division 660-012 and ORS Chapter 659 and 659A dealing with unlawful discrimination. He appreciates the concerns. He spent a good amount of time today going back through and he must respectfully but vigorously disagree that the draft TSP is legally insufficient. He believes that what is being presented right now is compliant with the State TSP Rules and OAR Division 660-012. He emphatically feels that nothing in this draft TSP would constitute unlawful discrimination under ORS 659A.

The public hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the applicable criteria are satisfied, forwards a favorable recommendation for approval of CP-16-036 to the City Council per the staff report dated October 4, 2018, including Exhibits A through I and including funding Scenario 5 in the TSP.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Commissioner Pulver stated that he is sympathetic with a lot of the testimony from the biking community he can say without reservation that the biking community was well represented in the TSP meetings and their concerns were heard loud and clear. If they draw nothing else from the draft TSP they should draw that there is a significant funding shortage for all the transportation needs of this community. In the testimony he heard this evening there was not discussion on how to solve that. He will be voting in favor of the amendment and encouraged his fellow Commissioners to do the same.

Mr. Mitton wanted to make sure they addressed the last bullet point. There was one Commissioner that addressed their feelings on that. It would be helpful for feedback if people wanted to weigh in to specifically provide findings or direct staff to provide the City Council supplemental findings related to the new testimony. The staff report was written before a lot of the testimony was made today. If the Planning Commission feels the comments made this evening or that the staff report adequately addressed it preemptively that is fine. If there are either findings that this Commission wants to make or if this Commission wants staff to provide additional findings on those issues for the City Council, some direction would be helpful.

Chair Miranda's perspective is that although some of the testimony this evening has been from citizens that the Commission may or may not have previously heard from, the resounding opinion is still the same in this meeting as well as in the JTS forum. Many of the perspectives have been represented over the timelines. He believes the TSP is the City's best foot forward.

Commissioner Foley thanked the people that came to testify. It is important to have citizen involvement. He has a lot of sympathy for those folks. He does not ride his bike as much anymore because of the reasons Mr. Montero mentioned. He likes what he sees in the newer developments. There is flexibility in the Plan to deal with those issues. This Plan is a good start. He is going to vote for it.

Roll Call Vote: Motion passed: 6-1, with Commissioner Mansfield voting no.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission met Friday, October 5, 2018. They approved the consent calendar and left in a flat five minutes.

60.2 Planning Department

Kelly Evans, Assistant Planning Director reported that the Planning Commission will have a study session on Monday, October 22, 2018. Discussion will be on local Wetland Inventory and Wetland Regulations.

There is business scheduled for the Planning Commission on Thursday, October 25, 2018 and Thursday, November 8, 2018. There was discussion at the Planning Commission study session on Monday, October 8, 2018 regarding the possibility of having a special Planning Commission meeting on Thursday, November 29, 2018. There will be no business on Thursday, November 22, 2018 because that day is Thanksgiving. There was some consensus at the study session.

Chair Miranda and Commissioner Foley is able to make the meeting on Thursday, November 29, 2018. Staff will keep the Planning Commission informed if there will be a quorum.

Last week the City Council initiated an annexation at Table Rock and Biddle. It is scheduled for City Council hearing on Thursday, November 1, 2018.

At the next City Council meeting there is no Planning business.

The City Council has made changes to the City's Boards and Commissions structure. One of the changes is that the Planning Commission Chair and Vice Chair will be responsible for conducting interviews for Site Plan and Architectural Commission and Landmarks and Historic Preservation Commission. There are applicants and people that have reapplied. Staff will be scheduling interviews in November and December. City Council has requested recommendations by January 1, 2019 so they can make their appointments in order to be seated for their first meetings in February.

70. Messages and Papers from the Chair.

70.1 Chair Miranda called out all of staff's efforts that they have put into the TSP. It has been a long and hard road. Everybody has come together and done a fantastic job in pulling it all together. Making sure everybody who needs the information has the information. He thanked staff for everything they have done on it.

80. Remarks from the City Attorney. None**90. Propositions and Remarks from the Commission.**

90.1 Commissioner Foley likes the Urbanization Plan. The one they struggle with today is still concerning to him. He thinks it will work but does not know the answer on how to do it. He is sure staff does. The work staff did was very good. He enjoyed reading through the document.

Commissioner Pulver requested the Planning Commission receive the changed documents on the open space and density.

100. Adjournment

The meeting was adjourned at 8:06 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: October 25, 2018



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a Type IV legislative decision: Major Comprehensive Plan Amendment & Development Code Amendment

Project Urbanization Planning
Applicant City of Medford
File no. CP-16-075 & DCA-18-120
To Planning Commission *for 10/25/2018 hearing – continued from 10/11*
From Carla Angeli Paladino, Principal Planner, Long-Range Planning
Reviewer Matt Brinkley, Planning Director
Date October 18, 2018

BACKGROUND

Proposal

A legislative amendment to a procedure for preparing and adopting urbanization plans for areas recently brought into the Urban Growth Boundary. The proposed language will amend the Neighborhood Element of the Comprehensive Plan and will outline the process land owners will follow to adopt plans that demonstrate compliance with Regional Plan performance measures such as land uses, densities, and transportation networks **(See Exhibit A – for original language presented at the October 11th hearing) (See Exhibit A2 for revised language based on public input) Staff recommends Exhibit A2 be forwarded to the City Council for consideration.** Also, the proposal includes minor changes to the Review and Amendment section of the Comprehensive Plan *(See Exhibit B)*. (CP-16-075)

This project is filed in conjunction with a Development Code Amendment to revise Chapter 10 of the Municipal Code to incorporate procedural requirements associated with urbanization plans into Articles I and II *(See Exhibit C)*. (DCA-18-120)

Authority

The amendments will be reviewed as a Type IV Legislative Major Comprehensive Plan Amendment and Development Code Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Comprehensive Plan and Municipal Code under Medford Municipal Code §§10.214, 10.218, and 10.220.

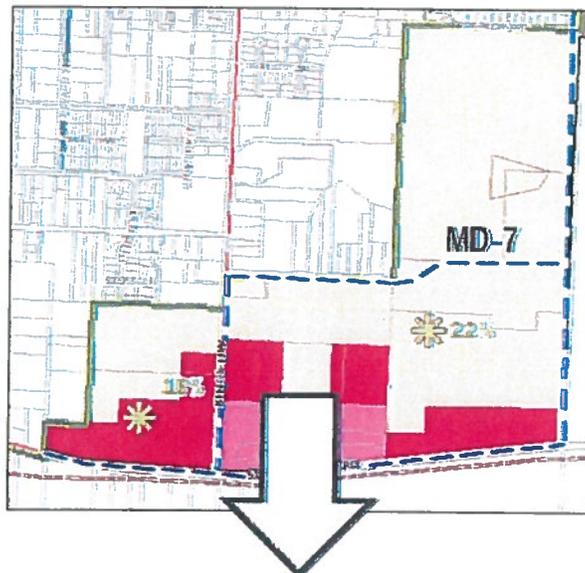
History and Analysis

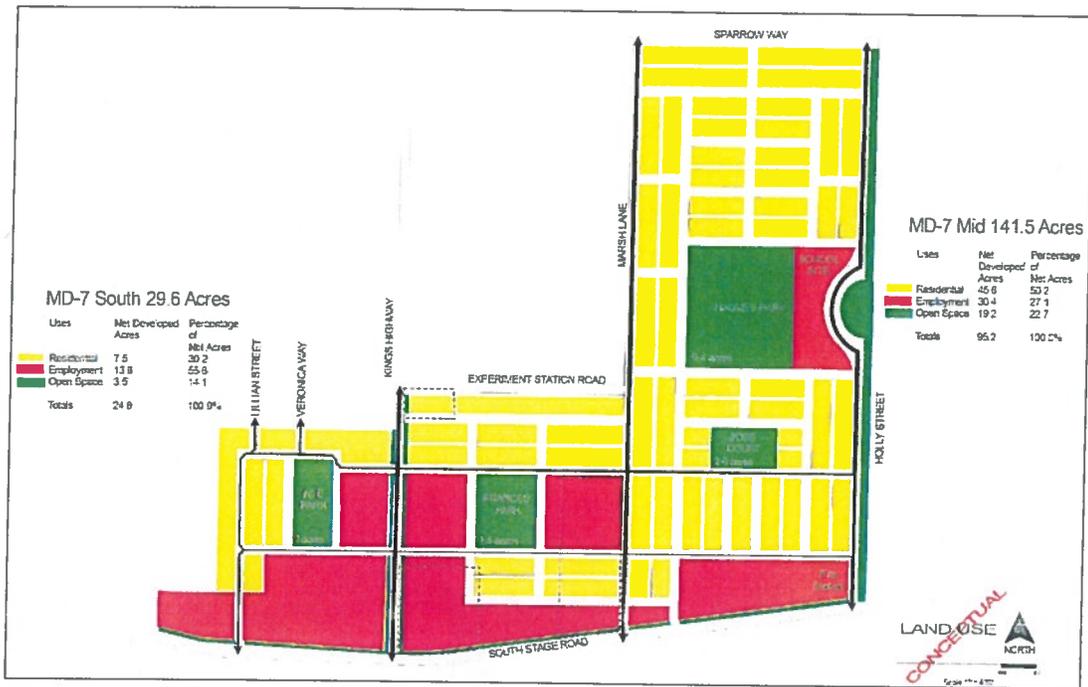
On June 8, 2018, the City's proposal to expand its Urban Growth Boundary (UGB) by 4,046 acres was acknowledged by the Department of Land Conservation and Development on the behalf of the Land Conservation and Development Commission. The UGB was expanded into lands designated as "Urban Reserve Areas" through the Regional Problem Solving process. This culminated in the City's adoption of the Regional Plan Element (RPE) into its Comprehensive Plan in 2012. The Regional Plan Element, which was also adopted by Jackson County and the other cities that participated in RPS, established specific requirements for the annexation of these lands into Medford's political boundary.

The amended Neighborhood Element, as currently proposed, would establish a process for demonstrating compliance with RPE requirements. This would be accomplished through the adoption of Urbanization Plans for each Urban Reserve planning area and inclusion of these plans into the Neighborhood Element. (That element currently includes "neighborhood" or "sub-area" plans such as the Southeast Plan and the Bear Creek Master Plan.)

Neighborhood or "sub-area" plans will be substantially consistent with "Conceptual Land Use" and "Conceptual Transportation Plans" that were created for each of the Urban Reserve Areas during the Urban Growth Boundary Amendment process and in partial fulfillment of the City's obligations found in Volume I, Sections 2.7 and 2.8 of the Regional Plan Element (RPE). The conceptual plans were included in the City's official record for the Urban Growth Boundary Amendment which was submitted to and approved by Jackson County and subsequently acknowledged by the Department of Land Conservation and Development (DLCDC). In fact, the General Land Use Map designations (comprehensive plan future land use designations) that were adopted by City Council through the UGB amendment process were derived from these conceptual plans.

Conceptual plans, like the one below, were included in the City's UGB amendment project. Urbanization Plans would be further refined versions of these preliminary plans. Below is the example of MD-7.





Urbanization Plans for each of the Urban Growth Boundary planning areas would be submitted prior to or concurrently with requests for annexation. Although they would convey more detailed information than was previously included with conceptual plans, they are not expected to provide the level of detail found in applications for land divisions, Planned Unit Developments, etc. Urbanization Plans would take concept plans a step further than conceptual plans to identify how these new neighborhoods will meet the additional requirements of the Regional Plan (RPE). Such requirements include meeting the minimum density requirement of 6.6 dwelling units per acre; planning for mixed-use, pedestrian friendly areas; identifying open space and agricultural buffers; and laying out transportation systems in more detail than what was approved through the UGB amendment process.

Review and adoption of Urbanization Plans would be handled as major comprehensive plan amendments—a Type IV land use action—with each plan being incorporated into the Neighborhood Element as its own “neighborhood plan” or “special-area plan”. The proposed ordinance outlines the submittal requirements, the applicable criteria for Planning Commission and Council review, and includes a map that separates each of the expansion areas into planning units (see Exhibit A2). Each planning unit will require an Urbanization Plan unless it is noted as exempt. A unit is exempt if it is entirely within an industrial or open space designation.

The initial draft of this amendment was created in 2016 and presented to the Planning Commission. The proposal has since been revised based on comments received from staff, other referral agencies, property owners, and land use consultants who represent

property owners in expansion areas. Earlier this year, staff conducted a test run of the proposed regulations with one of the property owners, who had been preparing for annexation and subsequent development for several years. The test run provided an opportunity for property owners, their representatives, and staff to put the language into action and make modifications as necessary to ensure that proposed regulations are clearly written and able to achieve developer and City goals as expressed in the Regional Plan Element and elsewhere in long range planning documents. The track change version of the Urbanization Plan document shows the changes made since the test run was conducted.

In addition, Chapter 10 of the municipal code has been amended to incorporate this new land use procedure, as well as minor changes to the Review and Amendment section of the comprehensive plan.

Related Planning Commission & City Council Review & Actions

The Planning Commission reviewed the proposed language at several recent study sessions on the following dates:

- Monday, September 10, 2018
- Monday September 24, 2018 combined City Council/Planning Commission study session on

City Council conducted its own study session on September 13, 2018 in addition to the combined Planning Commission/City Council study session on September 24.

The most significant issues raised at the combined meeting are summarized in the following:

- Balancing the need for fairness among individual property owners with the need for a process that enables property owners to pursue development according to their own goals and schedule. This issue lies at the center of the discussion regarding the level of consent required among property owners in order to initiate the urbanization planning process with the City. The current proposal requires that 50% of property owners representing at least 50% of the land area to be planned must consent to participate in the Urbanization Plan. The consensus opinion among Councilors and Commissioners at the September 24 combined study session was that this approach would be relatively balanced. It was further acknowledged that this particular standard, like any other in the ordinance, could be adjusted if, based on actual experience, deficiencies were identified during the annexation and urbanization planning process.
- Concern about additional, unnecessary processes and review. Urbanization Plans are not required of land annexed from unincorporated portions of Medford's Urban Growth Boundary that are not located in Urban Reserve Areas that were established through the Regional Problem Solving process. However, land annexed into the City

from portions of the newly expanded UGB that are located within Urban Reserve Areas as established by the Regional Plan Element must meet certain "Performance Indicators" contained within Chapter 5 of that document. Parties interested in annexing property into the City would be required to make findings related to these performance indicators, whether or not they were required to prepare an Urbanization Plan in order to demonstrate compliance with those performance indicators.

Beginning early in the UGB amendment process, Urbanization Plans were conceived as the most efficient and direct means of demonstrating compliance with these performance indicators. Many of the property owners who are likely to pursue annexation as soon as it is available to them were heavily involved in Regional Problem Solving and the Urban Growth Boundary Amendment process. In many cases, they have already produced conceptual plans that were submitted into the official UGB Amendment record. Urbanization Plans represent an incremental step forward in the development process from concept planning toward site plan review and/or land division, not a separate, additional or unrelated task. In fact, staff worked with one (1) property owner/developer to test the proposed ordinance with an Urbanization Plan that had been prepared using the draft language.

- Concern that Conceptual Plans and Urbanization Plans will reduce flexibility needed to accommodate innovative site design. Pursuant to RPE Performance Indicators 2.5, 2.6, 2.7, and 2.8, Conceptual Plans for each Urban Reserve Area were included in the Urban Growth Boundary Amendment proposal adopted by the City of Medford, Jackson County, and acknowledged by the State of Oregon. These conceptual plans were not reviewed and adopted through separate land use actions (for example as Planned Unit Developments, Subdivisions, or other land division process provided by the Medford Land Development Code). They were, nevertheless, relied upon by members of the public as well as both local legislative bodies in reviewing and subsequently adopting an expanded Urban Growth Boundary. It is staff's opinion, based on discussions with stakeholders including representatives from DLCD and other RPS signatory jurisdictions, that the application of Conceptual Plans to Urban Reserve planning areas should allow flexibility while ensuring substantial, as opposed to strict, adherence to the performance indicators and overall goals of the RPE. Conceptual Plans will require adjustment as property owners and developers acquire a more detailed understanding of development constraints and opportunities posed by the unique characteristics of individual properties, market conditions, and other factors that will influence their decisions.

Planning Commission Hearing 10/11/2018

The Planning Commission held a hearing on October 11, 2018, to discuss the proposal. Three new exhibits were received after the publication of the staff report dated October 4th. The exhibits include:

Exhibit L – A letter received from John McDonald at the Oregon Department of Transportation. The ODOT letter indicates they support the project and include some additional comments for the City to consider.

Exhibit M – This is a three part exhibit. An e-mail from Mike Savage of CSA Planning Ltd. and an attachment that includes proposed language changes to the Urbanization Planning document. The submittal also includes a copy of a memorandum from Chris Olivier, the City’s GIS Coordinator dated June 20, 2017 regarding committed residential density.

Exhibit N – This exhibit was submitted by Jay Harland of CSA Planning Ltd. and is proposed language related to Section 5.3 in the Urbanization Planning document related to open space.

Planning staff has reviewed the new exhibits. The draft Urbanization language has been revised to include a majority of the suggested changes. The table below identifies the sections that have been modified. Exhibit A is the original language provided during the October 11th hearing and Exhibit A2 is the revised language based on public input received to date.

Section number(s)	Exhibit A Language	Exhibit A2 Revised Language
Section 4 Procedure	Prior to or concurrently with annexation, urbanization plans must be submitted for each cohesive planning unit added to the UGB from the urban reserve. An urbanization plan shall be submitted for, and include all of the properties in, the added portions only of the planning units within the expansion area. Contiguous units may plan in conjunction and submit their plans together for consideration.	Prior to or concurrently with annexation, urbanization plans must be submitted for each planning unit added to the UGB from the urban reserve. An urbanization plan shall be submitted for the identified planning units. The individual identified planning units are the smallest geography the City will evaluate for urbanization planning. The City may review multiple planning units concurrently.
Section 4.2.2 Procedure	An urbanization plan application must contain the written consent of at least 50 percent of the property owners representing at least 50 percent of the total property area for each planning unit, and at least 50	A property owner initiated urbanization plan application must contain the written consent of at least 50 percent of the property owners representing at least 50 percent of the total property area for each planning

	<p>percent of the assessed land value for the unit.</p>	<p>unit. Urbanization plans that demonstrate coordination and consensus with all the property owners within a planning unit may be prioritized for review.</p>
<p>Section 4.3</p>	<p>The plans will contain sufficient detail to demonstrate compliance with the applicable portions of the Regional Plan. The adopted plans will also be limited to maps, plan policies, and standards needed to demonstrate compliance with applicable portions of the Regional Plan Element. Changes to the General Land Use Plan map, as allowed by the Annexation Policies of the Urbanization Element, and changes to the Functional Classification Map in the Transportation System Plan shall be considered under the same application when the urbanization plans are submitted.</p>	<p>Land Supply Categories: There are alternative approaches to land supply for urbanization planning described generally below. Urbanization plans should identify which approach to land supply is being pursued:</p> <p>No Spatial Changes: No significant GLUP map changes are proposed from those established for the planning unit at the time the planning unit was included in the UGB.</p> <p>Minor Spatial Adjustments: GLUP map amendments are proposed within the planning unit but the total acreage for each GLUP Map designation is not significantly changed.</p> <p>Moderate Spatial Adjustments: Some GLUP map amendments are proposed but the total acreage for each GLUP Map designation within the applicable MD area and inside the UGB has not changed. Spatial exchanges of land use designations proposed under 4.3.3 shall be coordinated with other planning units in the MD; it is recommended that urbanization plans proposed under 4.3.3 be reviewed in a coordinated manner.</p> <p>Complex Spatial Adjustments: More complex land supply changes are proposed in the urbanization plan such as spatial exchanges of GLUP designations outside the applicable MD elsewhere within the UGB or concept plan refinements</p>

		for lands not yet included in the UGB within a specific MD. Urbanization plans of this type would typically require extensive city-wide and/or regional plan land supply analyses.
Section 5.1 Plan Contents	Compliance with the minimum gross density requirement by identifying proposed zoning districts that correspond to the General Land Use Plan designations. For example, if an area contains only low density urban residential (UR), the zoning districts must be allocated in such a way that if each area built out to the minimum allowed gross density of each district the requirement will be met. For the purposes of calculation, gross density comprises only the land for buildable lots and for public rights of way.	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 ¹ . Plan techniques that can be employed to achieve this standard include but are not limited to the following: Specify residential zoning districts for certain areas. 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.
Section 5.2.1 and 5.2.2	5.2.1 Locations of higher-order streets. Locations and alignments of higher-order streets should be represented as accurately as possible. If alignments and/or connections have to be moved or eliminated prior to construction, resulting connectivity must be demonstrably as good or better as determined by the approving authority for that development action.	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.

	<p>5.2.2 A highly connected pattern of residential or private streets, alleyways, and paths depicted with enough detail to ascertain level of connectivity. A greater concentration of intersections within a development area is generally desirable both for efficient utilization of land in the urban re-serve and to serve the transportation needs of all modes.</p> <p>At minimum, connections from non-classified roads to higher-order streets (collector and above) shall be depicted. Configurations with less connectivity (fewer intersections, longer block lengths, more dead-ends, greater potential out-of-direction travel) may be justified on the basis of topographical and other environmental or development constraints, and/or the particular needs of adjacent land uses and those of the surrounding vicinity.</p> <p>Proposed networks with lower vehicular connectivity may also include mitigation measures including enhanced pedestrian and other active transportation facilities. Off-road multi-use paths shall be considered as components of the transportation system; trails (i.e., designed only for recreation) shall not.</p> <p>Different types of streets shall be differentiated graphically.</p>	<p>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.</p> <p>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.</p> <p>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.</p>
<p>Section 5.3</p>	<p>Compliance with the open space allocation for an urban reserve area (see land use distribution table in RPE or Table 9-1 below). The allocation shall be proportioned to the size of the cohesive "planning unit" with respect to the whole area¹. Units that contain only Industrial GLUP designations are exempt from this requirement. The following classifications count as</p>	<p>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:</p>

	<p>open space for purposes of fulfilling the RPE requirements: 5.3.1 Parks, both public and private 5.3.2 Agricultural buffers 5.3.3 Riparian corridors 5.3.4 Areas under an "open space" tax assessment 5.3.5 Locally significant wetlands 5.3.6 Slopes greater than 25 percent</p>	<p>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.</p> <p>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.</p> <p>5.3.3 Riparian corridors shall be counted.</p> <p>5.3.4 Areas under an "open space" tax assessment shall be counted.</p> <p>5.3.5 Locally significant wetlands and any associated regulatory buffer shall be counted.</p> <p>5.3.6 Slopes greater than 25 percent shall be counted. The property owner shall provide a recorded legal document that specifies the use of the land for open space purposes and</p>
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		restricts other development from occurring.
Section 6 Allowances/GLUP Amendments	<p>The Regional Plan Element (RPE) allocates land use categories — residential, employment, open space — in specific proportions to each area of the urban reserve. RPE land use allocations were based on a variety of factors including technical studies that broadly assessed the City’s need for residential and employment land over a 50-year period. Allocations for each land use category are expressed as a proportion of the total land mass of each individual Urban Reserve Area. Given the limitations of these technical studies and the changing nature of demand for urban lands, landowners and developers should be provided with a means of reconciling current land needs with these prescribed allocations. The following deviations may be considered by the Council when adopting an urbanization plan:</p> <p>6.1 Rearrangement of the GLUP designations within the unit in order to more effectively implement the goals of the RPE as expressed by the Performance Indicators contained within Chapter 5 and other applicable sections of the RPE and the City’s other duly adopted long range plans. This could be demonstrated through market studies and other similar documents prepared by subject area experts.</p> <p>6.2 Changes within a class of GLUP designations, but only from less intense to more intense. For example, a change from low density residential to medium density residential is permitted, but not the reverse.</p>	<p>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.</p> <p>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.</p> <p>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.</p>

FINDINGS AND CONCLUSIONS

Applicable criteria

For the applicable criteria for a Comprehensive Plan Amendment the Medford Municipal Code §10.218 redirects to the criteria in the “Review and Amendments” chapter of the Comprehensive Plan. The applicable criteria in this action are those for conclusions, goals and policies, and implementation strategies.

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

Comprehensive Plan, Review and Amendments chapter: Amendments [to Conclusions] shall be based on the following:

1. *A change or addition to the text, data, inventories, or graphics which substantially affects the nature of one or more conclusions.*

Findings

Annexation policies are identified in the Urbanization Element of the Comprehensive Plan. As part of the City’s adopted findings for the Urban Growth Boundary amendment in 2016 and 2017, the language in the Urbanization Element was amended to reflect new annexation policies. The amended annexation policies reflect new conditions of approval that must be satisfied in order for the Council to approve an annexation of land added to the urban area from the Urban Reserve. Among the conditions, is a requirement for the submittal and adoption of an Urbanization Plan that demonstrates compliance with the Regional Plan (RPE). This process was contemplated as part of the Urban Growth Boundary expansion process and was incorporated into the text.

The proposed Comprehensive Plan amendment outlines the requirements and adoption process for these Urbanization Plans in greater detail. The text within the Neighborhood Element will be amended to include this new procedure and provide a framework for why these plans are being adopted, what the plans must show, and how the plans can be amended in the future.

No conclusions are being revised either in the Urbanization Element or Neighborhood Element of the Comprehensive Plan to reflect these new changes.

Conclusions

Although the text of the Comprehensive Plan is being amended to include the procedural requirements for Urbanization Plans, the Conclusions section of the plan is not being changed. This criterion is found to be not applicable.

Comprehensive Plan, Review and Amendments chapter: Amendments [to Goals and Policies] shall be based on the following [criteria 1–6]:

1. *A significant change in one or more Conclusion.*

Findings

Please see explanation under the *Amendments to Conclusions* criterion above.

Conclusions

Based on the discussion under the *Amendments to Conclusions* criterion cited above this criterion is found to be not applicable to the proposed amendment.

2. *Information reflecting new or previously undisclosed public need.*

Findings

The requirement to review and adopt Urbanization Plans is related to the performance measures found in the Regional Plan and is a requirement prior to annexation and development of land within the expanded Urban Growth Boundary.

The City explained its need to expand its boundary during the Urban Growth Boundary amendment process which took into consideration items such as increased population, housing needs, and economic growth. No new information is being presented that was not previously disclosed as part of the UGB process.

Conclusions

There is no new information or undisclosed public need that relates to this proposal. This criterion is found to be not applicable.

3. *A significant change in community attitudes or priorities.*

Findings

The City worked on expanding its Urban Growth Boundary (UGB) for nearly two decades starting with the Regional Problem Solving process. As of 2018, the State acknowledged the City's proposal to expand its UGB which will provide new and additional opportunities for the construction of housing, retail, and employment areas. The Urbanization Planning process will help coordinate the development of these new areas and ensure the City is meeting its obligations under the Regional Plan requirements.

Conclusions

The approval to expand the City's Urban Growth Boundary provides a shift in community priorities which requires the relevant elements of the Comprehensive Plan be

updated and new procedures be established prior to development of these new areas. The adoption of the Urbanization Planning process is one of the necessary steps the City must take in order to ensure future development of these areas is consistent with the City's Comprehensive Plan. This criterion is found to be satisfied.

4. *Demonstrable inconsistency with another Plan provision.*

Findings

The proposal to create a procedure for the submittal and adoption of Urbanization Plans directly relates to information already contained within the Comprehensive Plan including the Regional Plan Element, the Urbanization Element, and other applicable elements that helped form the basis for expanding the Urban Growth Boundary.

There are no inconsistencies found among the applicable elements of the Comprehensive Plan.

Conclusions

This criterion is found to be not applicable as no inconsistencies have been identified among the elements in the Comprehensive Plan.

5. *Statutory changes affecting the Plan.*

Findings

The amendment directly relates to compliance with the Regional Plan and compliance with annexation policy for lands recently included in the City's Urban Growth Boundary. There are no statutory changes that affect the plan or this proposed process.

Conclusions

This criterion is found to be not applicable as no statutory changes affect the plan.

6. *All applicable Statewide Planning Goals.*

Goal 1—Citizen Involvement

Findings

The City has an adopted Citizen Involvement Element in compliance with Statewide Planning Goal 1. Notice of the amendment was provided to the Department of Land Conservation and Development for review and comment.

The amendment has been discussed with property owners and property owners' representatives. Proposed changes and feedback on the amendment have been provided, and a test run of the process with a willing property owner was completed to

evaluate how understandable and comprehensive the draft language is for submittal and implementation purposes.

The Urbanization Planning process was identified and discussed at the hearings for the Urban Growth Boundary expansion amendment. Furthermore, the review bodies (Planning Commission and City Council) will consider and vote on the proposed amendment during televised public hearings, providing an additional forum to discuss the proposal.

Conclusions

Based on feedback received from affected property owners, it is found that Goal 1 is satisfied.

Goal 2—Land-use Planning

Findings

The proposed amendment has been coordinated with applicable agencies and affected property owners. The changes ensure that future development within the expanded UGB will be consistent with the relevant documents and requirements outlined in the City's Comprehensive Plan.

Conclusions

The proposal is found to comply with Goal 2.

Goal 3—Agricultural Lands does not apply in this case.

Goal 4—Forest Lands does not apply in this case.

Goal 5—Natural Resources, Scenic & Historic Areas, and Open Spaces

Findings

The proposed ordinance addresses paths, trails, and greenways as well as Open Space allocations required by the Region Plan Element.

Conclusions

The proposed ordinance addresses the specific components related to natural resources and open space and the importance of maintaining and protecting existing and new segments into the future. Goal 5 is found to be satisfied.

Goal 6—Air, Water, and Land Resources Quality is not applicable in this case.

Goal 7—Areas Subject to Natural Hazards is not applicable in this case.

Goal 8—Recreation Needs

Findings

The Regional Plan requirements consider the need for open space within each of the identified planning units. The Urbanization Planning process includes coordination of these plans with the Parks and Recreation Department to assess opportunities for future park land and trail construction and extensions.

Conclusions

The recreational needs of future residents within the expansion areas is contemplated in the Regional Plan and carried forward into the implementation process for adoption of Urbanization Plans. Goal 8 is found to be satisfied.

Goal 9—Economic Development

Findings

The Urban Growth Boundary amendment detailed the need for additional economic opportunities and employment land to serve Medford and the region. The adopted General Land Use Plan (GLUP) designations particularly for commercial and employment needs are distributed throughout the expansion areas. The Urbanization Plans help ensure these allocations are provided for as development occurs.

Conclusions

The Urbanization Plans will ensure the proposed mix of commercial and employment lands throughout the UGB are identified and consistent with adopted plans. Goal 9 is found to be satisfied.

Goal 10—Housing

Findings

Similarly, the Urban Growth Boundary amendment detailed the need for additional housing to serve Medford. The distribution of General Land Use Plan (GLUP) designations related to housing needs is dispersed throughout the new UGB areas. The Urbanization Plans will help ensure the Regional Plan requirements related to residential densities are identified and ultimately developed.

Conclusions

The Urbanization Plans review the committed residential densities within the planning units to ensure compliance with the City's commitment to 6.6 dwelling units per acre within the entire unincorporated portion of the Urban Growth Boundary. Goal 10 is found to be satisfied.

Goal 11—Public Facilities and Services

Findings

The Urbanization Planning procedure begins the process of coordination and discussion between property owners and utility providers. Although the requirement to extend and provide utilities to these new UGB areas is premature at this stage of planning, it is important for the City to understand the availability, conflicts, or service limitations that exist as these new lands prepare to develop.

Conclusions

The new expansion areas will need to be served by utilities as they develop. The Urbanization Plans afford owners and utility providers an opportunity to discuss issues, possibilities, and utility constraints that may exist prior to developing these lands. Goal 11 is found to be satisfied.

Goal 12—Transportation

Findings

Transportation and connectivity of roadways to these new expansion areas is critical to adequately serve future growth. These new areas will need to be consistent with the City's proposed Transportation System Plan (TSP) update which includes identifying and ultimately constructing higher order and local streets within these expansion areas. The General Land Use Plan designations and the transportation network have been modeled to show future impacts to the system. Projects have been proposed in the TSP update to help maintain the identified Level-of-Service (LOS) standards and account for added growth.

Conclusions

The Urbanization Planning process takes into consideration the transportation network needed to accommodate new growth in these areas. Goal 12 is found to be satisfied.

Goal 13—Energy Conservation is not applicable in this case.

Goal 14—Urbanization

Findings

The City has an adopted Urban Growth Management Agreement with the County that outlines the orderly development and transition of rural lands to urban lands. The City has identified the mix of land uses and higher order street network needed within each of these new expansion areas. The Regional Plan also outlines performance measures that must be adhered to in order utilize these lands in the most efficient and effective manner possible. The Urbanization Planning process proposed will help ensure these lands are developed accordingly.

Conclusions

The City was approved by the State to expand its Urban Growth Boundary in June 2018. It is the City's responsibility to ensure the efficient and orderly development of these new areas is consistent with the City's Comprehensive Plan and Regional Plan and that there is a smooth transition from rural land uses to urban land uses. Goal 14 is found to be satisfied.

Goals 15–19 are not applicable to this part of the State.

Comprehensive Plan, Review and Amendments chapter: Amendments [to Implementation Strategies] shall be based on the following [criteria 1–6]:

1. *A significant change in one or more Goal or Policy.*

Findings

The proposed ordinance does not "significantly change" any Goals or Policies; rather, it provides a process for ensuring compliance with existing Goals and Policies, particularly those found in the Annexation, Economic, Housing, General Land Use, Transportation System Plan, Urbanization, and Regional Plan Elements.

Conclusions

The proposed ordinance is found to be consistent with the goals and policies of the Comprehensive Plan. This criterion is found to be satisfied.

2. *Availability of new and better strategies such as may result from technological or economic changes.*

Findings

The criterion is not applicable.

Conclusions

This criterion is found to be not applicable to the proposal.

3. *Demonstrable ineffectiveness of present strategy(s).*

Findings

The Regional Plan Element (RPE) has introduced new requirements for the inclusion (annexation) of lands into the City's political jurisdiction that are located in Urban Reserves Areas and that are now contained within Medford's recently expanded Urban Growth Boundary. No specific mechanism or review process currently exists within the City's Comprehensive Plan or its Land Development Code that is designed for the purpose of enabling review and determining compliance with RPE standards. Whether

Urbanization Plans are utilized to demonstrate compliance or not, parties interested in annexation and development of such lands would need to provide additional findings. Given the spatial nature of these findings, Urbanization Plans would effectively convey the information needed for a reviewer to reach an informed decision.

A review of the UGB amendment record indicates that the desire for thoughtful, orderly, "master planned" neighborhoods for URA lands has been consistent throughout the UGB amendment process. Urbanization Planning was endorsed as a way to ensure livable neighborhoods that meet the needs of residents, businesses, and visitors alike while facilitating judicious investment in the public infrastructure required to develop new parts of the City. Current "strategies" are not necessarily demonstrably "ineffective" insofar as they have not been used to process requests to annex URA lands into the City. The Urbanization Planning process, however, has been deliberately designed to address this issue and can reasonably be anticipated to perform better than current processes. Staff therefore concludes that the present "strategy" can be found to be demonstrably ineffective relative to the alternative proposed by here.

Conclusions

This criterion is found to be satisfied.

4. *Statutory changes affecting the Plan.*

Conclusions

There are no statutory changes affecting the Plan; criterion is not applicable.

5. *Demonstrable budgetary constraints in association with at least one of the above criteria.*

Conclusions

This criterion is not applicable.

6. *All applicable Statewide Planning Goals.*

Findings

The relevant Statewide Planning Goals have been addressed in detail under Criterion 6 above. The plan is found to be in compliance with the applicable goals.

Conclusions

The Statewide Planning Goals have been addressed above. This criterion is found to be satisfied.

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

§10.218. Explanation of the public benefit of the amendment.

Findings

The City was recently approved by the State to expand its Urban Growth Boundary (UGB) by over 4,000 acres. These new expansion areas will enable growth for the City over the next 20 years. As such, the future annexation and development of these lands are subject to performance measures outlined in the adopted Regional Plan Element of the Comprehensive Plan. The Regional Plan was adopted in 2012 and is applicable to several jurisdictions in the region including Medford. Certain details related to the plan are specific to Medford. For example, the City has agreed to regulate a minimum residential density requirement of 6.6 dwelling units per acre in these new areas (between the years 2010-2035) when development occurs. The dwelling units per acre increases between the years 2036-2060.

As part of the UGB process, the City adopted General Land Use Plan (GLUP) designations within each of the expansion areas. These identified land use types (residential, employment, and open space) were deemed appropriate to provide an adequate supply of these uses to serve future growth in Medford.

The proposed Urbanization Plans takes these original GLUP concept plans and provides more detail into how these lands will build out and how property owners will show compliance with the Regional Plan requirements. It is important to the City to be able to report and track the performance of these areas. The process will streamline the requirements for property owners and make the regulations uniform across all the expansion areas.

The proposed Development Code changes help identify the land use process for this new procedure, outline submittal requirements so staff and property owners are clear about needed items, and modifies how such changes to the Comprehensive Plan can be initiated.

Conclusions

Medford participated with Jackson County and surrounding jurisdictions to adopt a Regional Plan that provided each of the jurisdictions with identified Urban Reserve areas. In June 2018, the City was approved by the state to expand into these Urban Reserve areas by 4,000 acres. The Urbanization Planning process is being established to ensure these new lands are developed in accordance with the regulations agreed upon and outlined in the Regional Plan Element. The Development Code amend-

ments proposed in conjunction with the Comprehensive Plan amendments will provide an adopted process to track development requirements over time and establish a procedure that property owners can follow. This criterion is found to be satisfied.

10.218. 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 amendment relates to the goals and policies found in the Regional Plan Element specifically Goal 1 which is to: *Manage future growth for the greater public good.*

Some of the guiding policies noted are:

- The expansion of urban areas shall be consistent with the Regional Plan, as amended
- The Regional Plan will be implemented by intergovernmental agreements and amendments to the comprehensive plans and implementing ordinances of the participating jurisdictions.

The Urbanization Planning process will provide a procedure to review the development plans or urbanization plans of these new expansion areas within the Urban Growth Boundary. These plans are specific to showing compliance with the Regional Plan prior to annexation and will assist in tracking requirements as more specific land use actions such as land divisions or site plans are proposed.

Conclusions

The amendment is relevant to the Regional Plan goals and policies. This criterion is found to be satisfied.

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

Findings

The proposed development code amendment was distributed to internal and external agencies for review and comments in September 2018. Both the Fire and Building Departments provided official "no comments" for the record (*See Exhibits D and E*). A routing slip from Public Works Operations Department was also received noting no comments. The Engineering Department helped provide text changes to the draft as well.

Comments specific to the Comprehensive Plan amendment were provided to agencies both in July 2016 and September 2018. The following agencies provided information for consideration:

- Department of Land Conservation and Development, (*Exhibit F*)
- Oregon Department of Transportation e-mails (ODOT), (*Exhibits G & H*)
- Medford Water Commission, (*Exhibit I*)
- Parks and Recreation Department, (*Exhibit J*)
- Oregon Department of Transportation (ODOT) letter, (*Exhibit L*)

Conclusions

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

3. *Public comments.*

Findings

The draft language was distributed by e-mail to property owners and land use representatives for review and comments. Modifications to the document have been made based on comments received by interested parties. An e-mail was received from Raul Woerner related to the Comprehensive Plan amendment language (*See Exhibit K*).

The Planning Commission and City Council both held study sessions related to this topic providing another avenue for the public to find out more about this topic and provide feedback. In addition, staff conducted a test run of the language in May with a willing property owner to examine how the proposed language functions and if any modifications could be made to improve upon the process. The current text is reflective of this test case and the language was modified to make it clearer.

Property owners within the entire Urban Reserve were notified of this amendment in order to provide an opportunity for additional public comments. The public hearings scheduled in October and November will provide additional public input into this process.

Prior to and at the October 11th public hearing, additional exhibits were received from Mike Savage and Jay Harland from CSA Planning, *Exhibits M and N*, respectfully. These exhibits have been added to the record and used to modify the draft language found in Exhibit A2.

Conclusions

The proposal has been distributed directly to property owners and land use representatives to solicit input and feedback on the proposed process. The language was reviewed through a mock application in order to identify any flaws or needed changes. Property owners have been notified of the public hearing(s) and are afforded an opportunity to comment. This criterion is found to be satisfied.

4. *Applicable governmental agreements.*

Findings

The City and Jackson County have an adopted Urban Growth Management Agreement to ensure the efficient and orderly development of rural land uses to urban land uses within the Urban Growth Boundary. Participating jurisdictions under the Regional Plan are required to maintain a monitoring system to evaluate compliance with the plan. As a participating member, the City is obligated to report on compliance with the Regional Plan requirements every five years starting in 2017 upon initiation by Jackson County. The establishment of the Urbanization Planning process helps provide a mechanism to track the regional requirements as development occurs.

Conclusions

The City has an adopted Urban Growth Management Agreement with Jackson County that was recently updated as part of the Urban Growth Boundary amendment. In addition, the City is obligated to comply with Regional Plan requirements outlined in the adopted Regional Plan Element. The new Urbanization Planning process helps the City show compliance with these agreements and Comprehensive Plan elements. This criterion is found to be satisfied.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the applicable criteria are either satisfied or not applicable, forward a favorable recommendation for approval of CP-16-075 and DCA-18-120 to the City Council per the staff report dated October 18, 2018, including Exhibits A through N.

EXHIBITS

- A Proposed Urbanization Planning process (original language)
- A2 Proposed Urbanization Planning process (revised language)
- B Review and Amendment changes in Comprehensive Plan
- C Proposed Development Code Amendments
- D Fire Department comments
- E Building Department comments
- F Department of Land Conservation and Development

- G Oregon Department of Transportation
- H Oregon Department of Transportation
- I Medford Water Commission
- J Parks and Recreation Department
- K E-mail from Raul Woerner dated September 13, 2018
- L Oregon Department of Transportation letter dated October 8, 2018
- M E-mail, draft language and memorandum submitted from Mike Savage
- N Draft language submitted from Jay Harland

PLANNING COMMISSION AGENDA: OCTOBER 25, 2018

Exhibit A

Urbanization Planning

1. Objective.....	1
2. Legal Effect.....	1
3. History.....	2
4. Procedure.....	2
5. Plan Contents.....	3
6. Urbanization Plan—Allowances.....	6
7. Amendments.....	6
8. Planning Unit Maps.....	7
9. Open Space requirements by Planning Unit.....	9

1. OBJECTIVE

To adopt land use and circulation maps that assure that the Regional Plan Element (RPE) requirements under section 4.1.8 are being met for all areas added to the urban area from the urban reserve before the land can be annexed. Urbanization plans must show compliance with the minimum residential density standard of RPE 4.1.5, the requirement for mixed-use, pedestrian-friendly development of RPE 4.1.6, and compliance with the land use distribution requirements of RPE 4.1.8 (b).

Urbanization plans will encompass cohesive “planning units” within the expansion area. In this context “planning unit” means an area that is bounded by streets, natural features, and/or existing property lines in such a way that it is logical to plan as a unit. The cohesive units are mapped at the end of this division.

2. LEGAL EFFECT

An urbanization plan is a “Special Area Plan” as defined in the General Land Use Plan Element, a “conversion plan” as termed in the Urban Growth Management Agreement, and a neighborhood circulation plan as used in Chapter 10 of the Municipal Code. As such, an urbanization plan specifies zoning and development patterns in greater detail than the General Land Use Plan (GLUP) and Transportation System Plan maps.

Adopted urbanization plans become appendixes to this division.

3. HISTORY

The City of Medford adopted its portion of the Greater Bear Creek Valley Regional Plan as the Regional Plan Element of the Comprehensive Plan in 2012. Through this adoption the City established an urban reserve, from which land will be selected for inclusion into the UGB. The Regional Plan Element established a set of “performance indicators” (standards) that must be met as land is brought into the UGB from the urban reserve. These performance indicators played a role in determining where the UGB would be expanded to meet the City’s land need at the time of UGB expansion. However, further detail is needed in order to ensure that these areas will meet all applicable performance indicators as they are developed. The urbanization plans adopted into this division of the Neighborhood Element demonstrate that all applicable performance indicators from the Regional Plan Element will be addressed as areas develop.

4. PROCEDURE

Prior to or concurrently with annexation, urbanization plans must be submitted for each cohesive planning unit added to the UGB from the urban reserve. An urbanization plan shall be submitted for, and include all of the properties in, the added portions only of the planning units within the expansion area. Contiguous units may plan in conjunction and submit their plans together for consideration.

- 4.1 A pre-application meeting is required. The purpose of the meeting is for staff of various departments and agencies to convey objectives and warn of obstacles or concerns before applicant has begun significant work on plans. The property owners within the planning unit shall be notified of the pre-application conference date, time, and location.
- 4.2 Submittal of an urbanization plan is a Major Comprehensive Plan amendment application.
 - 4.2.1 An urbanization plan is a special area plan that refines the existing GLUP map, therefore it is not subject to the General Land Use Plan map amendment criteria in the Review & Amendments chapter. The applicable criteria are the provisions of sections 5 and 6, below.
 - 4.2.2 An urbanization plan application must contain the written consent of at least 50 percent of the property owners representing at least 50 percent of the total property area for each planning unit.
 - 4.2.3 The urbanization plans will be adopted as appendixes to the Neighborhood Element of the Comprehensive Plan.
 - 4.2.4 The submittal requirements are outlined in Chapter 10 Section 10.220(C) of the Municipal Code.
 - 4.2.5 Applicants must conduct a neighborhood meeting in accordance with Section 10.194 of the Municipal Code.

- 4.3 The plans will contain sufficient detail to demonstrate compliance with the applicable portions of the Regional Plan. The adopted plans will also be limited to maps, plan policies, and standards needed to demonstrate compliance with applicable portions of the Regional Plan Element. Changes to the General Land Use Plan map, as allowed by the Annexation Policies of the Urbanization Element, and changes to the Functional Classification Map in the Transportation System Plan shall be considered under the same application when the urbanization plans are submitted.
- 4.4 Exemptions. Areas that have only industrial or open space designations are not required to develop urbanization plans. In the 2016 expansion those areas are MD-2a, MD-5h, Md-6b, and Prescott and Chrissy parks.

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 Compliance with the minimum gross density requirement by identifying proposed zoning districts that correspond to the General Land Use Plan designations. For example, if an area contains only low-density urban residential (UR), the zoning districts must be allocated in such a way that if each area built out to the minimum allowed gross density of each district the requirement will be met. For the purposes of calculation, gross density comprises only the land for buildable lots and for public rights-of-way.
- 5.2 A neighborhood circulation plan map showing:
 - 5.2.1 Locations of higher-order streets. Locations and alignments of higher-order streets should be represented as accurately as possible. If alignments and/or connections have to be moved or eliminated prior to construction, resulting connectivity must be demonstrably as good or better as determined by the approving authority for that development action.
 - 5.2.2 A highly connected pattern of residential or private streets, alleyways, and paths depicted with enough detail to ascertain level of connectivity. A greater concentration of intersections within a development area is generally desirable both for efficient utilization of land in the urban reserve and to serve the transportation needs of all modes.

At minimum, connections from non-classified roads to higher-order streets (collector and above) shall be depicted. Configurations with less connectivity (fewer intersections, longer block lengths, more dead-ends, greater potential out-of-direction travel) may be justified on the basis of

topographical and other environmental or development constraints, 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. Off-road multi-use paths shall be considered as components of the transportation system; trails (i.e., designed only for recreation) shall not.

Different types of streets shall be differentiated graphically.

- 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). The allocation shall be proportioned to the size of the cohesive “planning unit” with respect to the whole area¹. 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
 - 5.3.2 Agricultural buffers
 - 5.3.3 Riparian corridors
 - 5.3.4 Areas under an “open space” tax assessment
 - 5.3.5 Locally significant wetlands
 - 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. Planning units containing only one type of classification are exempt from this requirement.
- 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, and determining its ability or limitations to serve the site.

¹ For example, if the planning unit “MD-1a” is 40 percent of area “MD-1,” then it has to contain no less than 40 percent of the open space allocation for the “MD-1” area.

- 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.
 - 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.

6. ALLOWANCES

The Regional Plan Element (RPE) allocates land use categories—residential, employment, open space—in specific proportions to each area of the urban reserve. RPE land use allocations were based on a variety of factors including technical studies that broadly assessed the City’s need for residential and employment land over a 50-year period. Allocations for each land use category are expressed as a proportion of the total land mass of each individual Urban Reserve Area. Given the limitations of these technical studies and the changing nature of demand for urban lands, landowners and developers should be provided with a means of reconciling current land needs with these prescribed allocations. The following deviations may be considered by the Council when adopting an urbanization plan:

- 6.1 Rearrangement of the GLUP designations within the unit in order to more effectively implement the goals of the RPE as expressed by the Performance Indicators contained within Chapter 5 and other applicable sections of the RPE and the City’s other duly adopted long range plans. This could be demonstrated through market studies and other similar documents prepared by subject area experts.
- 6.2 Changes within a class of GLUP designations, but only from less intense to more intense. For example, a change from low-density residential to medium-density residential is permitted, but not the reverse.

7. AMENDMENTS

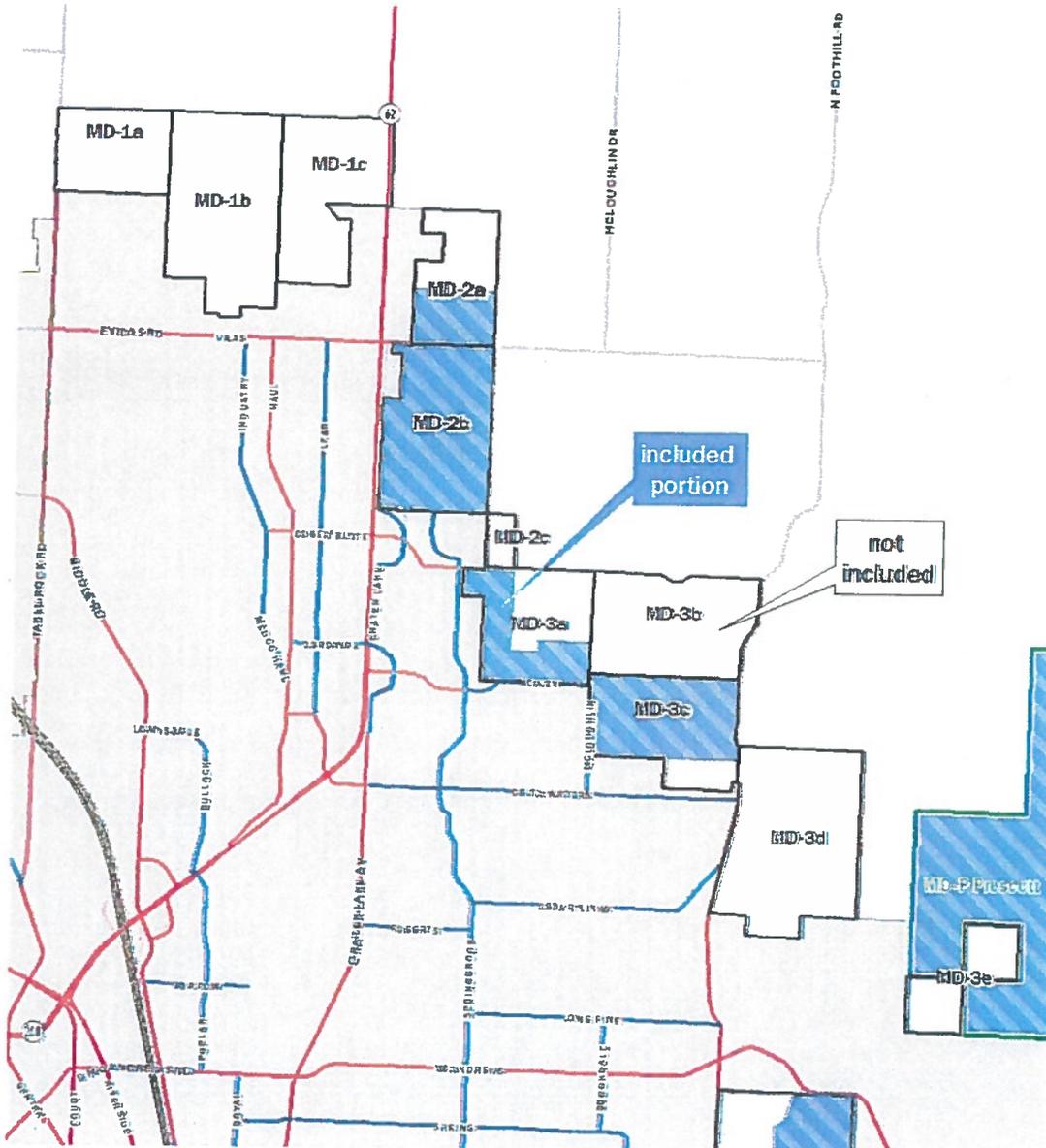
This section prescribes the process for amendments when part of a planning unit has developed, but there is a desire to change the urbanization plan for the undeveloped remainder of the planning unit.

- 7.1 Follow the procedures in Sections 4–6, except that the ownership calculation for eligible applicants (see 4.2.2.) includes only the areas of the original extent that have not been developed.
- 7.2 The amended plan will replace the previously adopted plan in this chapter.

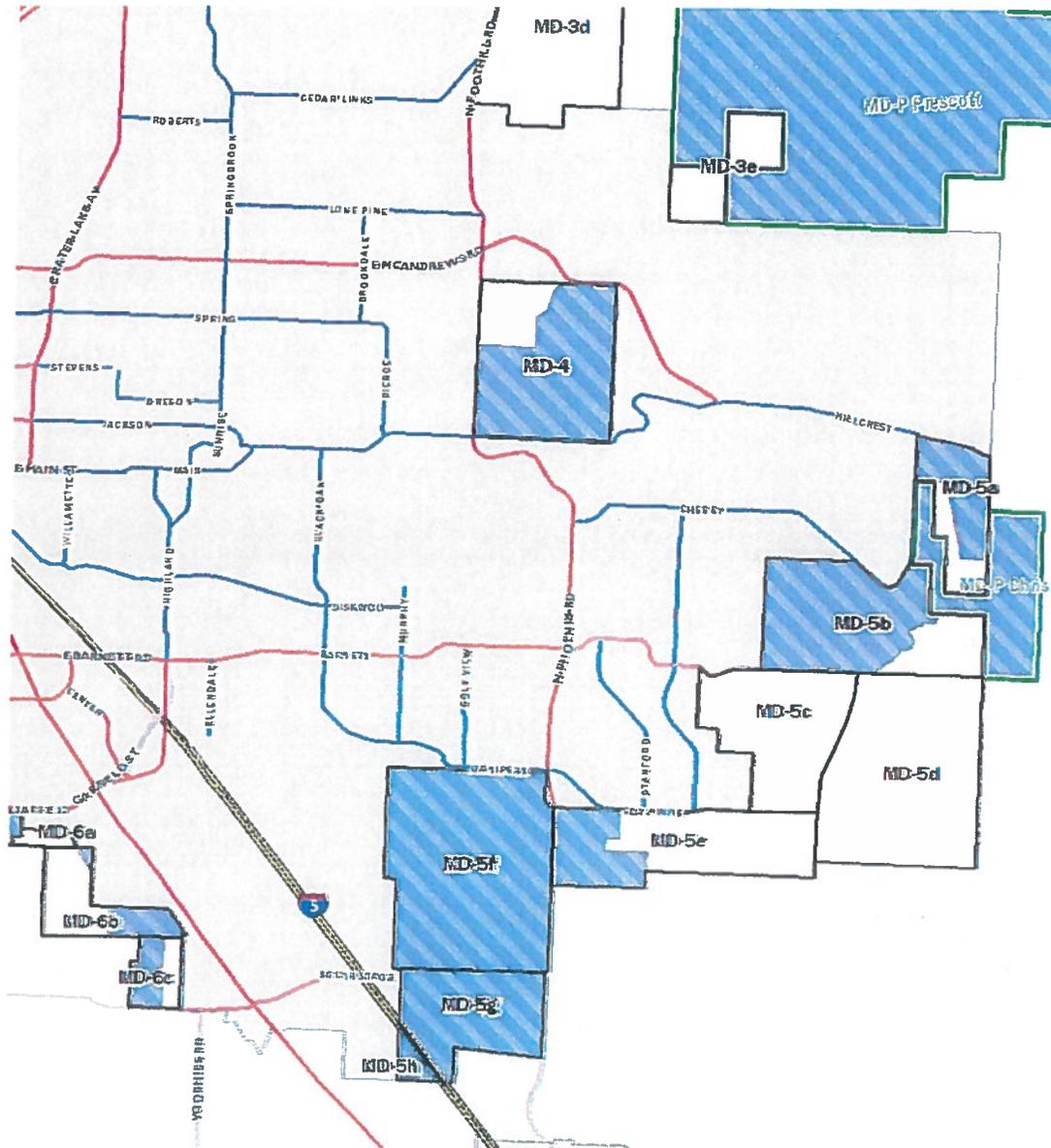
8. PLANNING UNIT MAPS

The following maps identify the cohesive planning units for the purposes of administering this chapter. The dark striped areas show the latest UGB expansion.

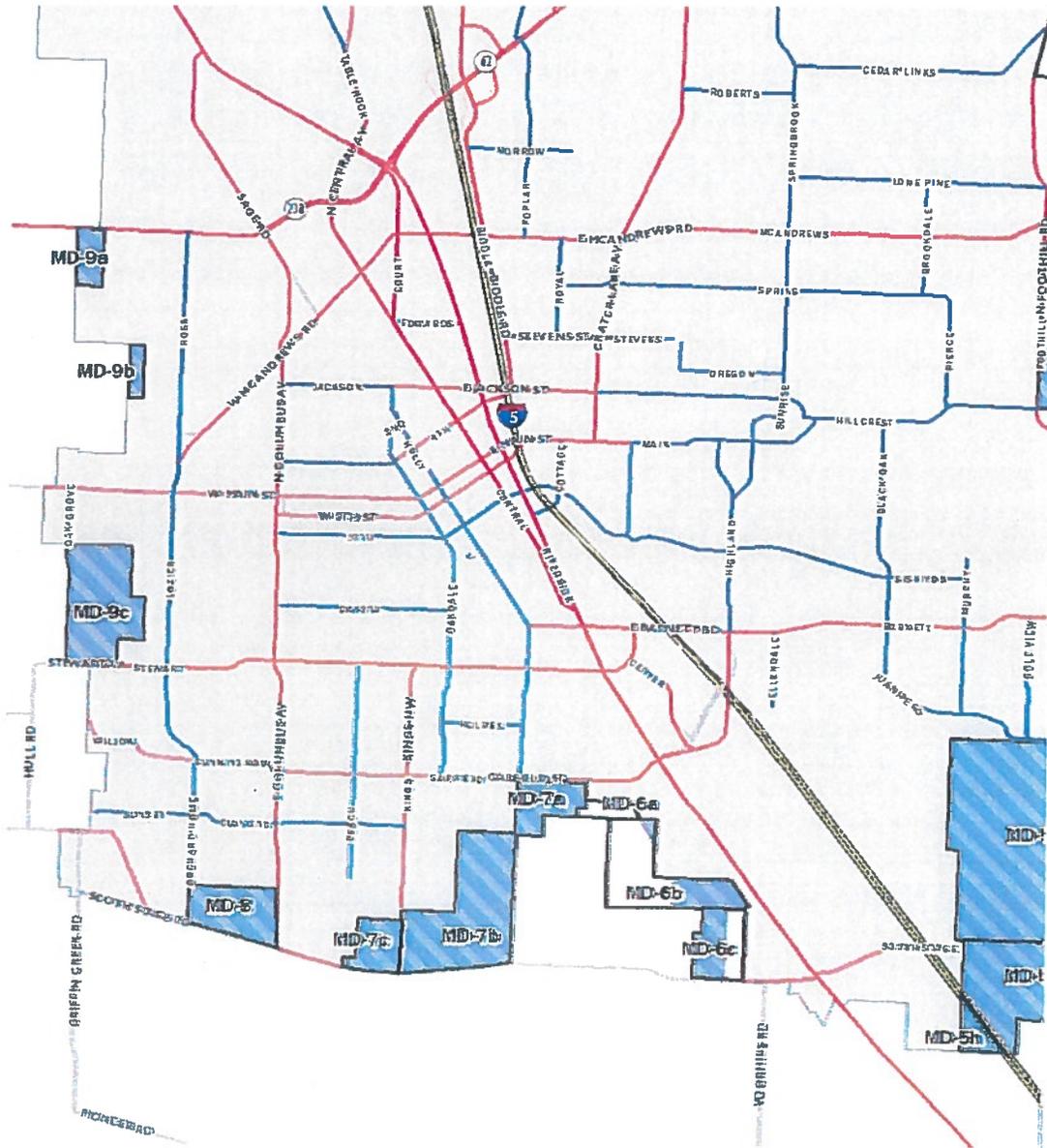
8.1 Areas MD-1 through MD-3 (north and northeast)



8.2 Areas MD-4 through MD-5 (southeast)



8.3 Areas MD-6 through MD-9 (south and southwest)



9. OPEN SPACE REQUIREMENTS BY PLANNING UNIT

The open space requirements for each of the designated MD areas is identified in the Regional Plan. The percentages have also been identified for each of the planning units below. It is understood that development constraints will prevent strict adherence to the exact number of acres required based on the percentages in Table 9-1. Therefore, the number of Open Space acres proposed by an Urbanization Plan may vary from the requirement by no more than +/- 0.25 acres.

Table 9-1

Planning Unit Number	Regional Plan Open Space Percentage
MD-1 a	6%
MD-1 b	
MD-1 c	
MD-2 a	0%
MD-2 b	11%
MD-3 a	16%
MD-3 b	
MD-3 c	
MD-3 d	
MD-4	15%
MD-5 a	

MD-5 b	19%
MD-5 c	
MD-5 d	
MD-5 e	
MD-5 f	
MD-5 g	
MD-5 h	
MD-6 a	
MD-6 b	
MD-6 c	
MD-7 a	
MD-7 b	22%
MD-7 c	13%
MD-8	29%
MD-9 a	18%
MD-9 b	

MD-9 c	
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Urbanization Planning

Exhibit A2

Revised language 10/18/2018
(clean version)

1. Objective	1
2. Legal Effect.....	1
3. History.....	2
4. Procedure.....	2
5. Plan Contents.....	3
6. Urbanization Plan—Allowances.....	7
7. Amendments.....	7
8. Planning Unit Maps.....	8
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1. OBJECTIVE

To adopt land use and circulation maps that assure that the Regional Plan Element (RPE) requirements under section 4.1.8 are being met for all areas added to the urban area from the urban reserve before the land can be annexed. Urbanization plans must show compliance with the minimum residential density standard of RPE 4.1.5, the requirement for mixed-use, pedestrian-friendly development of RPE 4.1.6, and compliance with the land use distribution requirements of RPE 4.1.8 (b).

Urbanization plans will encompass cohesive “planning units” within the expansion area. In this context “planning unit” means an area that is bounded by streets, natural features, and/or existing property lines in such a way that it is logical to plan as a unit. The cohesive units are mapped at the end of this division.

2. LEGAL EFFECT

An urbanization plan is a “Special Area Plan” as defined in the General Land Use Plan Element, a “conversion plan” as termed in the Urban Growth Management Agreement, and a neighborhood circulation plan as used in Chapter 10 of the Municipal Code. As such, an urbanization plan may specify zoning district options and future development patterns in greater detail than the General Land Use Plan (GLUP) and Transportation System Plan maps.

Adopted urbanization plans become appendixes to this division.

3. HISTORY

The City of Medford adopted its portion of the Greater Bear Creek Valley Regional Plan as the Regional Plan Element of the Comprehensive Plan in 2012. Through this adoption the City established an urban reserve, from which land will be selected for inclusion into the UGB. The Regional Plan Element established a set of “performance indicators” (standards) that must be met as land is brought into the UGB from the urban reserve. These performance indicators played a role in determining where the UGB would be expanded to meet the City’s land need at the time of UGB expansion. However, further detail is needed in order to ensure that these areas will meet all applicable performance indicators as they are developed. The urbanization plans adopted into this division of the Neighborhood Element demonstrate that all applicable performance indicators from the Regional Plan Element will be addressed as areas develop.

4. PROCEDURE

Prior to or concurrently with annexation, urbanization plans must be submitted for each planning unit added to the UGB from the urban reserve. An urbanization plan shall be submitted for the identified planning units. The individual identified planning units are the smallest geography the City will evaluate for urbanization planning. The City may review multiple planning units concurrently.

- 4.1 Pre-Applications: A pre-application meeting is required. The purpose of the meeting is for staff of various departments and agencies to convey objectives and warn of obstacles or concerns before applicant has begun significant work on plans. All property owners within the planning unit shall be notified of the pre-application conference date, time, and location.
- 4.2 Urbanization Plan Administration: Submittal of an urbanization plan is a Major Comprehensive Plan amendment application.
 - 4.2.1 An urbanization plan is a special area plan that refines the existing GLUP map, therefore it is not subject to the General Land Use Plan map amendment criteria in the Review & Amendments chapter. The applicable criteria are established within sections 5 and 6, below.
 - 4.2.2 A property owner initiated urbanization plan application must contain the written consent of at least 50 percent of the property owners representing at least 50 percent of the total property area for each planning unit. Urbanization plans that demonstrate coordination and consensus with all the property owners within a planning unit may be prioritized for review.

- 4.2.3 The urbanization plans will be adopted as appendixes to the Neighborhood Element of the Comprehensive Plan.
 - 4.2.4 The submittal requirements are outlined in Chapter 10 Section 10.220(C) of the Municipal Code.
 - 4.2.5 Applicants must conduct a neighborhood meeting in accordance with Section 10.194 of the Municipal Code.
- 4.3 Land Supply Categories: There are alternative approaches to land supply for urbanization planning described generally below. Urbanization plans should identify which approach to land supply is being pursued:
- 4.3.1 No Spatial Changes: No significant GLUP map changes are proposed from those established for the planning unit at the time the planning unit was included in the UGB.
 - 4.3.2 Minor Spatial Adjustments: GLUP map amendments are proposed within the planning unit but the total acreage for each GLUP Map designation is not significantly changed.
 - 4.3.3 Moderate Spatial Adjustments: Some GLUP map amendments are proposed but the total acreage for each GLUP Map designation within the applicable MD area and inside the UGB has not changed. Spatial exchanges of land use designations proposed under 4.3.3 shall be coordinated with other planning units in the MD; it is recommended that urbanization plans proposed under 4.3.3 be reviewed in a coordinated manner.
 - 4.3.4 Complex Spatial Adjustments: More complex land supply changes are proposed in the urbanization plan such as spatial exchanges of GLUP designations outside the applicable MD elsewhere within the UGB or concept plan refinements for lands not yet included in the UGB within a specific MD. Urbanization plans of this type would typically require extensive city-wide and/or regional plan land supply analyses.
- 4.4 Exemptions. Areas that have only industrial or open space designations are not required to develop urbanization plans. In the 2016 expansion those areas are MD-2a, MD-5h, Md-6b, and Prescott and Chrissy parks.

5. PLAN CONTENT

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 analysis¹. 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:

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

- 5.2.1 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.

¹ See Committed Residential Density Memo from Chris Olivier in the UGB record, dated June 20, 2017.

- 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 shall be counted. The property owner shall provide a recorded legal document that specifies the use of the land for open space purposes and restricts other development from occurring.
- 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, and determining its ability or limitations to serve the site.
- 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.

6. GLUP AMENDMENTS

- 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.

7. URBANIZATION PLAN AMENDMENTS

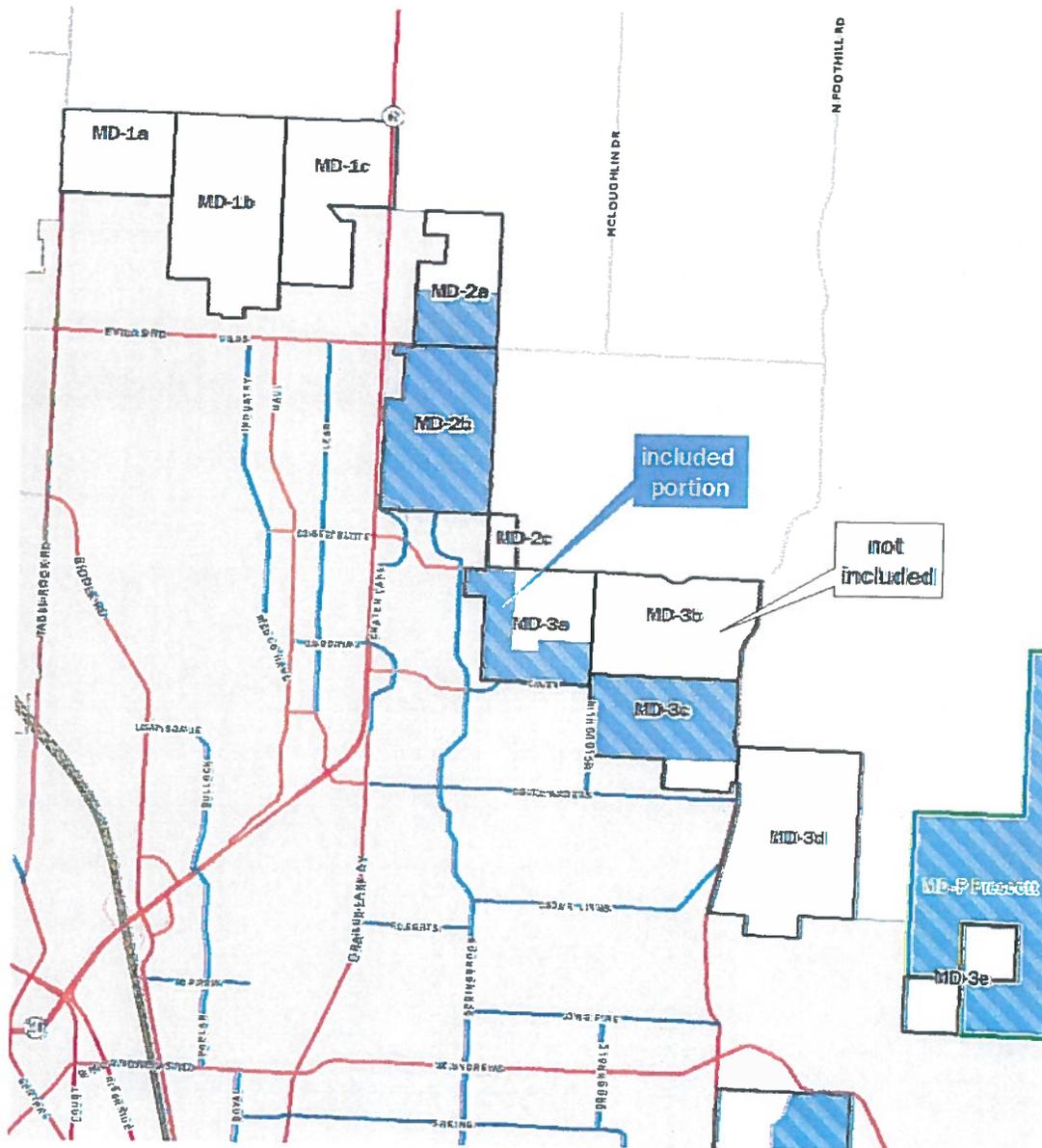
This section prescribes the process for amendments when part of a planning unit has developed, but there is a desire to change the urbanization plan for the undeveloped remainder of the planning unit.

- 7.1 Follow the procedures in Sections 4–6, except that the ownership calculation for eligible applicants (see 4.2.2.) includes only the areas of the original extent that have not been developed.
- 7.2 The amended plan will replace the previously adopted plan in this chapter.

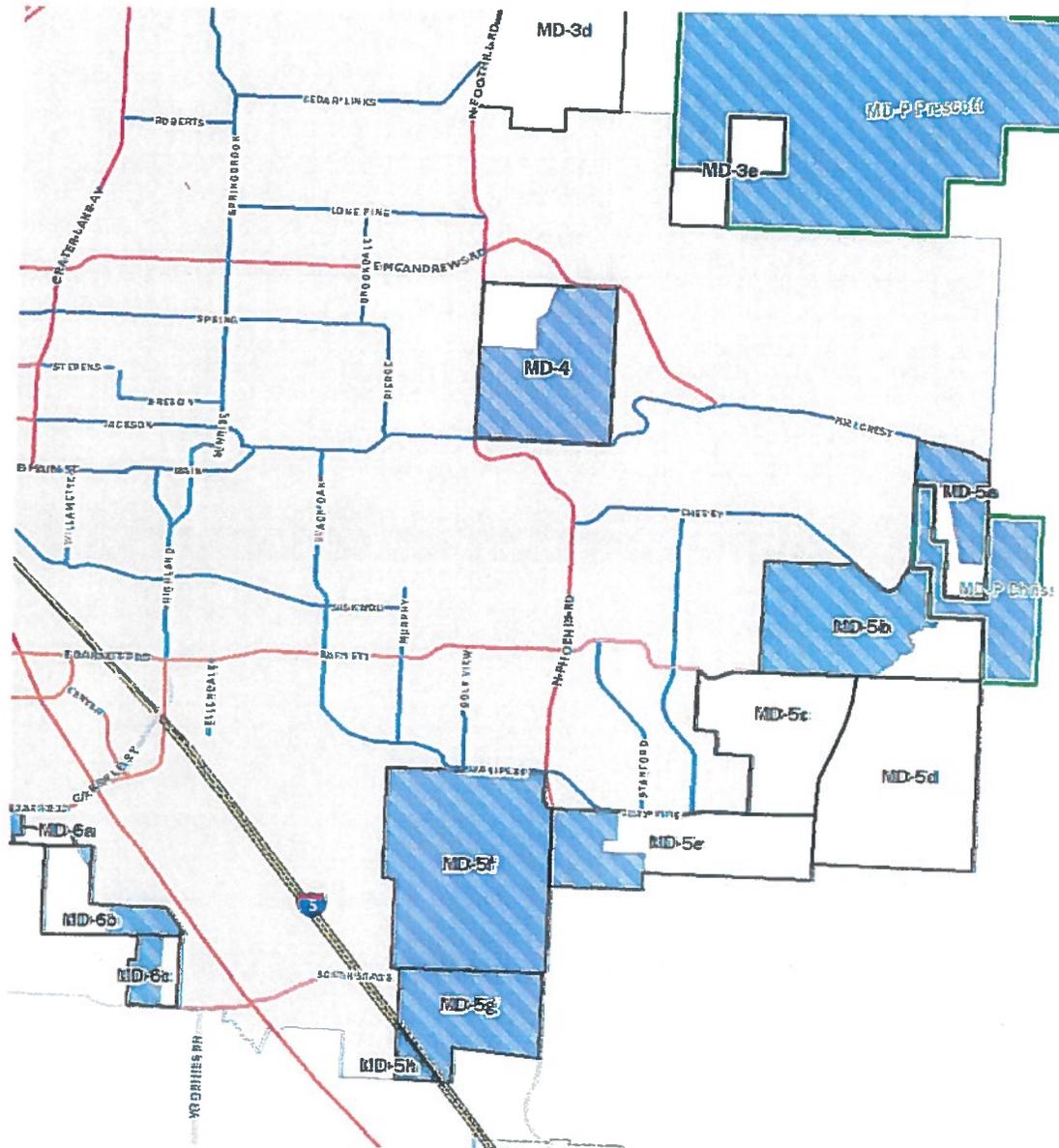
8. PLANNING UNIT MAPS

The following maps identify the cohesive planning units for the purposes of administering this chapter. The dark striped areas show the latest UGB expansion.

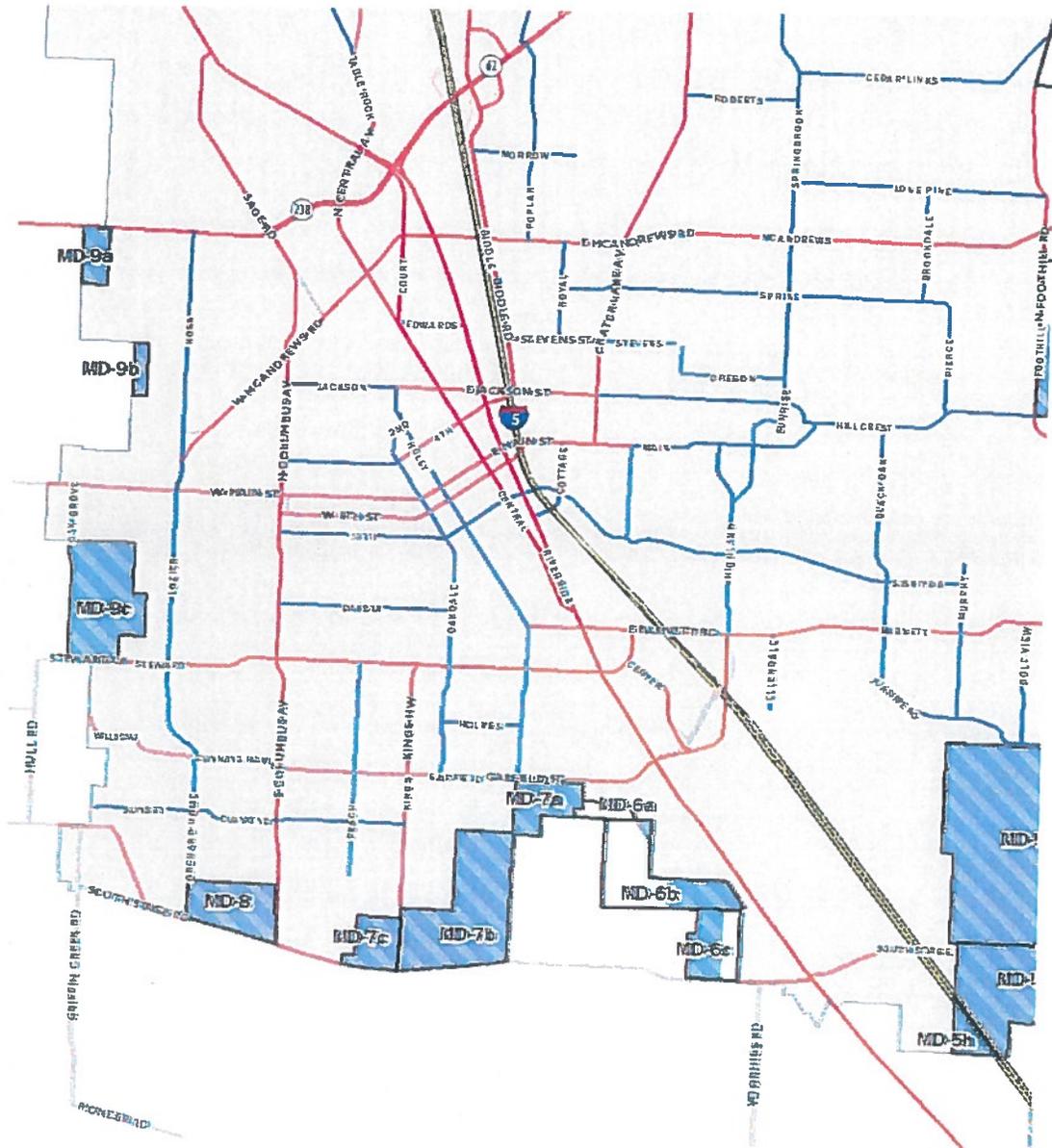
8.1 Areas MD-1 through MD-3 (north and northeast)



8.2 Areas MD-4 through MD-5 (southeast)



8.3 Areas MD-6 through MD-9 (south and southwest)



9. OPEN SPACE REQUIREMENTS BY PLANNING UNIT

The open space requirements for each of the designated MD areas is identified in the Regional Plan. The percentages have also been identified for each of the planning units below. It is understood that development constraints will prevent strict adherence to the exact number of acres required based on the percentages in Table 9-1. Therefore, the number of Open Space acres proposed by an Urbanization Plan may vary from the requirement by no more than +/- 0.25 acres.

Table 9-1

Planning Unit Number	Regional Plan Open Space Percentage	Planning Unit Number	Regional Plan Open Space Percentage
MD-1a, MD-1b, MD-1c	6%	MD-5h, MD-6a, MD-6b, MD-6c, MD-7a	0%
		MD-7b	22%
		MD-7c	13%
MD-2a	0%	MD-8	29%
MD-2b	11%	MD-9a, MD-9b, MD-9c	18%
MD-3a, MD-3b, MD-3c, MD-3d	16%		
MD-4	15%		
MD-5a, MD-5b, MD-5c, MD-5d, MD-5e, MD-5f, MD-5g	19%		

Exhibit A2
Revised language 10/18/2018
(tracked changes)

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9. Open Space requirements by Planning Unit.....	9

1. OBJECTIVE

To adopt land use and circulation maps that assure that the Regional Plan Element (RPE) requirements under section 4.1.8 are being met for all areas added to the urban area from the urban reserve before the land can be annexed. Urbanization plans must show compliance with the minimum residential density standard of RPE 4.1.5, the requirement for mixed-use, pedestrian-friendly development of RPE 4.1.6, and compliance with the land use distribution requirements of RPE 4.1.8 (b).

Urbanization plans will encompass cohesive “planning units” within the expansion area. In this context “planning unit” means an area that is bounded by streets, natural features, and/or existing property lines in such a way that it is logical to plan as a unit. The cohesive units are mapped at the end of this division.

2. LEGAL EFFECT

An urbanization plan is a “Special Area Plan” as defined in the General Land Use Plan Element, a “conversion plan” as termed in the Urban Growth Management Agreement, and a neighborhood circulation plan as used in Chapter 10 of the Municipal Code. As such, an urbanization plan ~~may specify~~ zoning district options and future development patterns in greater detail than the General Land Use Plan (GLUP) and Transportation System Plan maps.

Adopted urbanization plans become appendixes to this division.

3. HISTORY

The City of Medford adopted its portion of the Greater Bear Creek Valley Regional Plan as the Regional Plan Element of the Comprehensive Plan in 2012. Through this adoption the City established an urban reserve, from which land will be selected for inclusion into the UGB. The Regional Plan Element established a set of “performance indicators” (standards) that must be met as land is brought into the UGB from the urban reserve. These performance indicators played a role in determining where the UGB would be expanded to meet the City’s land need at the time of UGB expansion. However, further detail is needed in order to ensure that these areas will meet all applicable performance indicators as they are developed. The urbanization plans adopted into this division of the Neighborhood Element demonstrate that all applicable performance indicators from the Regional Plan Element will be addressed as areas develop.

4. PROCEDURE

Prior to or concurrently with annexation, urbanization plans must be submitted for each cohesive planning unit added to the UGB from the urban reserve. An urbanization plan shall be submitted for the identified planning units, and include all of the properties in, the added portions only of the planning units within the expansion area. The individual identified planning units are the smallest geography the City will evaluate for urbanization planning. The City may review multiple planning units concurrently. Contiguous units may plan in conjunction and submit their plans together for consideration

- 4.1 Pre-Applications: A pre-application meeting is required. The purpose of the meeting is for staff of various departments and agencies to convey objectives and warn of obstacles or concerns before applicant has begun significant work on plans. All the property owners within the planning unit shall be notified of the pre-application conference date, time, and location.
- 4.2 Urbanization Plan Administration: Submittal of an urbanization plan is a Major Comprehensive Plan amendment application.
 - 4.2.1 An urbanization plan is a special area plan that refines the existing GLUP map, therefore it is not subject to the General Land Use Plan map amendment criteria in the Review & Amendments chapter. The applicable criteria are established within the provisions of sections 5 and 6, below.
 - 4.2.2 A property owner initiated urbanization plan application must contain the written consent of at least 50 percent of the property owners, repre-

senting at least 50 percent of the total property area for each planning unit. Urbanization plans that demonstrate coordination and consensus with all the property owners within a planning unit may be prioritized for review.

4.2.3 The urbanization plans will be adopted as appendixes to the Neighborhood Element of the Comprehensive Plan.

4.2.4 The submittal requirements are outlined in Chapter 10 Section 10.220(C) of the Municipal Code.

4.2.5 Applicants must conduct a neighborhood meeting in accordance with Section 10.194 of the Municipal Code.

~~4.3 The plans will contain sufficient detail to demonstrate compliance with the applicable portions of the Regional Plan. The adopted plans will also be limited to maps, plan policies, and standards needed to demonstrate compliance with applicable portions of the Regional Plan Element. Changes to the General Land Use Plan map, as allowed by the Annexation Policies of the Urbanization Element, and changes to the Functional Classification Map in the Transportation System Plan will shall be considered under the same application when the urbanization plans are submitted.~~

4.3 Land Supply Categories: There are alternative approaches to land supply for urbanization planning described generally below. Urbanization plans should identify which approach to land supply is being pursued:

4.3.1 No Spatial Changes: No significant GLUP map changes are proposed from those established for the planning unit at the time the planning unit was included in the UGB.

4.3.2 Minor Spatial Adjustments: GLUP map amendments are proposed within the planning unit but the total acreage for each GLUP Map designation is not significantly changed.

4.3.3 Moderate Spatial Adjustments: ~~Supplyome~~ GLUP map amendments are proposed but the total acreage for each GLUP Map designation within the applicable MD area and inside the UGB has not changed. Spatial exchanges of land use designations proposed under 4.3.3 shall be coordinated with other planning units in the MD; it is recommended that urbanization plans proposed under 4.3.3 be reviewed in a coordinated manner.

4.3.4 Complex Spatial Adjustments: More complex land supply changes are proposed in the urbanization plan such as spatial exchanges of GLUP designations outside the applicable MD elsewhere within the UGB or concept plan refinements for lands not yet included in the UGB within a specific MD. Urbanization plans of this type would typically require extensive city-wide and/or regional plan land supply analyses.

4.4 Exemptions. Areas that have only industrial or open space designations are not required to develop urbanization plans. In the 2016 expansion those areas are MD-2a, MD-5h, Md-6b, and Prescott and Chrissy parks.

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. ~~requirement~~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 analysis¹. 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.

~~Establish specific overlays, such as minimum density overlays, to require density increases beyond the base density that would otherwise apply to one or more areas.~~

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

~~5.1 by identifying proposed zoning districts pre-zoning areas that correspond to the according to General Land Use Plan designations. For example, if an area contains only low density urban residential (UR), the zoning districts must be allocated in such a way that if each area built out to the minimum allowed gross density of each district the requirement will be met. For the purposes of calculation, gross density comprises only the land for buildable lots and for public rights-of-way.~~

5.2 Transportation Planning: A neighborhood circulation plan map showing:

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

~~If alignments and/or connections have to be moved or eliminated prior to construction, resulting connectivity must be demon-~~

¹ See Committed Residential Density Memo from Chris Olivier in the UGB record, dated June 20, 2017.

~~strably as good or better as determined by the approving authority for that development action.~~

~~5.2.1~~

- ~~5.2.1~~ The plan will depict how local streets, alleys and paths could be arranged to comply with the City's applicable street connectivity requirements. A highly connected pattern of local residential or private streets, alleyways, and paths depicted with enough detail to ascertain level of connectivity. Typically, a well connected street grid greater concentration of intersections within a development area is generally desirable both for efficient utilization of urban land in the urban reserve and to serve the transportation needs of all modes.

~~At minimum, connections from non-classified roads to higher order streets (collector and above) shall be depicted. Obstacles to connections will be shown and explained. The urbanization plan may seek approval for local street arrangements configurations 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, shall be considered as components of the transportation system; trails (i.e., designed only for recreation) shall not.~~

~~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. Different types of streets shall be differentiated graphically.~~

~~5.2.2~~

- 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). ~~The allocation shall be proportioned~~

~~to the size of the cohesive “planning unit” with respect to the whole area².~~ 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 shall be counted. The property owner shall provide a recorded legal document that specifies the use of the land for open space purposes and restricts other development from occurring.~~
- 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 ~~one~~an Industrial GLUP Map designation type of classification are exempt from the mixed-use pedestrian friendly development evaluation from this requirement.~~
- 5.5 Preliminary coordination and discussions with public utility providers, including water, sewer, transportation, and irrigation districts.
- 5.5.5.1 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, and determining its ability or limitations to serve the site.

²For example, if the planning unit “MD 1a” is 40 percent of area “MD-1,” then it has to contain no less than 40 percent of the open space allocation for the “MD-1” area.

- 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.
- 5.85.14 Contour lines and topography.

5.95.15 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:

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

6. GLUP AMENDMENTS ALLOWANCES

- 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.

The Regional Plan Element (RPE) allocates land use categories—residential, employment, open space—in specific proportions to each area of the urban reserve. Since those RPE allocations were independent of particular determinations of land needs, there has to be some leeway for the Council RPE land use allocations were based on a variety of factors including technical studies that broadly assessed the City's need for residential and employment land over a 50-year period. Allocations for each land use category are expressed as a proportions of the total land mass of each individual Urban Reserve Area. Given the limitations of these technical studies and the changing nature of demand for urban lands, and landowners and developers in reconciling should be provided with a means of reconciling current land needs with these prescribed allocations. The following deviations may be considered by the Council when adopting an urbanization plan:

- 6.1—Rearrangement of the GLUP designations within the unit in order to more effectively implement the goals of the RPE as expressed by the Performance Indicators contained within Chapter 5 and other applicable sections of the RPE and the City's oth-

~~er duly adopted long range plans. This could be demonstrated through market studies and other similar documents prepared by subject area experts.~~

~~6.2 Changes within a class of GLUP designations, but only from less intense to more intense. For example, a change from low density residential to medium density residential is permitted, but not the reverse.~~

7. URBANIZATION PLAN AMENDMENTS

This section prescribes the process for amendments when part of a planning unit has developed, but there is a desire to change the urbanization plan for the undeveloped remainder of the planning unit.

- 7.1 Follow the procedures in Sections 4–6, except that the ownership calculation for eligible applicants (see 4.2.2.) includes only the areas of the original extent that have not been developed.
- 7.2 The amended plan will replace the previously adopted plan in this chapter.

9. OPEN SPACE REQUIREMENTS BY PLANNING UNIT

The open space requirements for each of the designated MD areas is identified in the Regional Plan. The percentages have also been identified for each of the planning units below. It is understood that development constraints will prevent strict adherence to the exact number of acres required based on the percentages in Table 9-1. Therefore, the number of Open Space acres proposed by an Urbanization Plan may vary from the requirement by no more than +/- 0.25 acres.

Table 9-1

Planning Unit Number	Regional Plan Open Space Percentage	Planning Unit Number	Regional Plan Open Space Percentage
MD-1a, MD-1b, MD-1c	6%	MD-5h, MD-6a, MD-6b, MD-6c, MD-7a	0%
		MD-7b	22%
		MD-7c	13%
MD-2a	0%	MD-8	29%
MD-2b	11%	MD-9a, MD-9b, MD-9c	18%
MD-3a, MD-3b, MD-3c, MD-3d	16%		
MD-4	15%		
MD-5a, MD-5b, MD-5c, MD-5d, MD-5e, MD-5f, MD-5g	19%		

REVIEW AND AMENDMENTS

Amended July 1, 2010, Ordinance No. 2010-159; Amended June 21, 2018, Ordinance No. 2018-77

INTRODUCTION

Planning is a process; it is naïve to assume that a single document can answer all the questions or resolve all the problems for all times. Conditions change, resources are shifted, and community goals are revised.

For these reasons it is essential that means exist to keep the Plan dynamic. Oregon's statewide planning program addresses this need in two ways. First, a *post-acknowledgement plan amendment* review process exists to assure that local amendments to a state-acknowledged Plan or its implementing codes and ordinances are consistent with the statewide planning goals and with the plans of other affected agencies. The second statewide approach to assuring the maintenance of local comprehensive plans is by means of a more thorough *periodic review* program which will occur cyclically beginning at least five years after Plan acknowledgment. The *periodic review* program emphasizes internal plan consistency as well as overall compliance with new and revised state rules and statutes.

In addition to these state-administered programs, a well-defined local process to review and revise the *Comprehensive Plan* is essential. The local Plan amendment process should reflect a balance between the desire for maintaining a dynamic and locally responsive plan and the need to provide a reasonable degree of certainty and stability in the rules and processes governing land use. Such a plan amendment process is presented below.

TYPES OF AMENDMENTS

Because of the diverse structural nature of the *Comprehensive Plan*, it is necessary to categorize plan amendments in several different ways (bearing in mind that all plan amendments are land use actions as defined by state statutes). This Plan contains a variety of components: Data; Conclusions; Goals and Policies; Implementation Strategies; a General Land Use Plan Map; a City-County adopted Urban Growth Boundary and Urbanization Policies; and several other components. Specific procedural requirements for all land use actions are codified in Article II of the *Land Development Code*. Two different procedural classifications will apply to *Comprehensive Plan* amendments as follows:

Procedural Classifications for *Comprehensive Plan* Amendments

Type IV

Conclusions	Urban Reserve
Goals and Policies	Urban Growth Management Agreement
Implementation Strategies	Urban Reserve Management Agreement
General Land Use Plan Map (minor)	Review and Amendment Procedures
General Land Use Plan Map (major)	Citizen Involvement Program
Urban Growth Boundary (minor)	<u>Urbanization Plan</u>
Urban Growth Boundary (major)	

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

Major Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many different ownerships.

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

Disputes. When there is a question or dispute over the type of amendment, the director of the Planning Department shall issue a written decision.

CRITERIA FOR PLAN AMENDMENTS

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

Conclusions. Amendments shall be based on the following:

1. A change or addition to the text, data, inventories, or graphics which substantially affects the nature of one or more conclusions.

Goals and Policies. Amendments shall be based on the following:

1. A significant change in one or more Conclusion.
2. Information reflecting new or previously undisclosed public needs.
3. A significant change in community attitude or priorities.
4. Demonstrable inconsistency with another Plan provision.
5. Statutory changes affecting the Plan.
6. All applicable Statewide Planning Goals.

Implementation Strategies. Amendments shall be based on the following:

1. A significant change in one or more Goal or Policy.
2. Availability of new and better strategies such as may result from technological or economic changes.
3. Demonstrable ineffectiveness of present strategy(s).
4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in association with at least one of the above criteria.
6. All applicable Statewide Planning Goals.

Street Re-classifications, including the re-classification of a lower order street to either a collector or arterial street, or when re-classifying a collector street to an arterial street, and when the re-classification is not a part of a major (Type IV) legislative amendment. Amendments shall be based on the following:

1. A demonstrated change in need for capacity which is consistent with other plan provisions.
2. Consideration of alternatives to the proposed revision which includes alternative vehicle routes and alternative travel modes that would better preserve the livability of affected residential neighborhoods.
3. A significant change in one or more Goal or Policy.
4. Statutory changes affecting the Plan.
5. Demonstrable budgetary constraints in carrying out the existing plan.

6. All applicable Statewide Planning Goals.

Map Designations. Amendments shall be based on the following:

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

Urban Growth Boundary. See *Urbanization Element*.

Urban Reserve. See *Urbanization Element*.

Urban Growth Management Agreement. See *Urbanization Element*.

Urban Reserve Management Agreement. See *Urbanization Element*.

Citizen Involvement Program. Amendments shall be based on recommendations from the Committee for Citizen Involvement (CCI) and on Statewide Goal 1 and any other applicable Statewide Goals.

Review and Amendment Procedure. Amendments shall be based on Statewide Goal 2 and any other applicable Statewide Goals.

Urbanization Plan. See [Urbanization Planning Chapter in the Neighborhood Element \(Sections 5 and 6\)](#)

REVISIONS OF DATA, INVENTORIES AND GRAPHICS

Revisions of those portions of the Plan document which do not affect a Plan Conclusion, Goal, Policy, Implementation Strategy, General Land Use Plan Map designation, Urban Growth Boundary, Citizen Involvement Program or Review and Amendment Procedures may be made when needed by order of the Planning Director. Such revision shall be transmitted to the Planning Commission, City Council, and all other recorded holders of the *Comprehensive Plan*.

ARTICLE I - GENERAL PROVISIONS

10.012 Definitions, Specific.

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

Urbanization Plan. An adopted land use and circulation plan showing compliance with the Regional Plan Element for each established planning unit identified in the Comprehensive Plan. An urbanization plan is a “Special Area Plan” as defined in the General Land Use Plan Element, a “conversion plan” as termed in the Urban Growth Management Agreement, and a neighborhood circulation plan as used in this chapter. Urbanization plans are required prior to or in conjunction with annexation requests for all areas adopted as part of the 2016 Urban Growth Boundary expansion or future Urban Growth Boundary expansions.

ARTICLE II - PROCEDURAL REQUIREMENTS

10.106 Procedural Types.

(D) Type IV Legislative Procedures.

(1) Legislative decisions that involve the greatest degree of discretion as they establish by law the general policies and regulations for future land use decisions and have either widespread and significant impact beyond the immediate area or change the character of the land use, or affect large areas or many different ownerships.

(2) The Planning Commission shall review Type IV land use permit applications and forward a recommendation to City Council to approve, approve with modifications, approve with conditions, deny, or to adopt an alternative. City Council shall consider and address the recommendation, but shall not be bound by it. The City Council is the approving authority and, if it so determines that a Type IV land use permit application has satisfied the standards and criteria for approval, shall approve Type IV land use applications by ordinance.

(3) Public notice(s), public comment period(s) and public hearing(s) are required according to Section 10.124 of this Chapter

(4) Requested action may be initiated by City Council and Planning Commission (except annexations). ~~or for m~~Minor amendments or Urbanization Plans may be initiated, by an applicant(s).

(5) Appeals of Type IV decisions are made to the Land Use Board of Appeals (LUBA) per Section 10.140(I).

[Added Sec. 12, Ord. No. 2018-64, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018.)]

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)?
Minor Modification to a Site Plan & Architectural Review Approval	I	10.200(H)(2)	Planning Director	No
Major Modification to an Approved Conditional Use Permit	III	10.184(D)(1)	Planning Commission	Yes
Minor Modification to an Approved Conditional Use Permit	I	10.814(D)(2)	Planning Director	No
Nonconformities	I	10.032 – 10.036	Planning Director	No
Portable Storage Container	II	10.840(D)(6)	Planning Director	Yes
Park Development Review	III	10.185	Planning Commission	Yes
Pre-Application	I	10.156	Not Applicable	No
Preliminary PUD Plan	III	10.190 – 10.198	Planning Commission	Yes
Property Line Adjustment	I	10.158	Planning Director	No
PUD Plan Revision(s)	III	10.198	Planning Commission	Yes
PUD Plan Termination	III	10.198	Planning Commission	Yes
Riparian Corridors, Reduction or Deviation	I	10.927	Planning Director	No
Sign Permit	I	10.1000 – 10.1810	Planning Director	No
Site Plan and Architectural Review	III	10.200	SPAC	Yes
Tentative Plat, Partition	II	10.170	Planning Director	Yes
Tentative Plat, Subdivision	III	10.202	Planning Commission	Yes
Transportation Facility Development	IV	10.226	City Council	No
Urban Growth Boundary Amendment, Major	IV	Urbanization, 10.220	City Council	No
Urban Growth Boundary Amendment, Minor	IV	Urbanization, 10.222	City Council	No
<u>Urbanization Plan</u>	<u>IV</u>	<u>10.200(B)(4)</u>	<u>City Council</u>	<u>No</u>
Vacation of Public Right-of-Way	IV	10.226	City Council	No
Zone Change, Major	IV	Review & Amendment, 10.220	City Council	No
Zone Change, Minor	III	10.204	Planning Commission	Yes

[Added Sec. 13, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018); Amd. Sec. 1, Ord. No. 2018-86, July 19, 2018.]

10.110 Designation and Duties of Approving Authorities.

(C) City Council Authority. The City Council is hereby designated as the approving authority for all the following land use reviews:

Land Use Review

Annexation

Appeals (See Section 10.140)

Comprehensive Plan Amendment (Major or Minor)

General Land Use Plan Map Amendment (Major or Minor)

Land Development Code Amendment

Transportation Facility Development

Urban Growth Boundary Amendment (Major or Minor)

Urbanization Plan

Vacation of Public Right-of-Way

Zoning Map Amendment (Major)

10.124 Due Process Element 2: Notification

(D) Publication. Unless otherwise indicated, public hearing notices for all proposed land use actions shall be published in a newspaper of general circulation prior to the scheduled public hearing date before the approving authority. The schedule of publication for each procedure type shall be as specified in Table 10.124-1.

Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
Type I	None	None	None
Type II	None	None	
Type IV: Land	Notice shall be published no later than 10 days		

Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
Development Code Amendment, Major Comprehensive Plan Amendment, Major Zone Change, <u>Urbanization Plan</u>	prior to the public hearing date before the Planning Commission (the advisory body), AND No later than 10 days prior to the public hearing date before the City Council (the approving authority).	None	Generally not applicable to a legislative action unless it meets ORS 227.186 criteria (<i>i.e.</i> , the change effectively rezones property). <u>For Urbanization Plans, the public hearing date notice will be sent to all property owners within the project boundaries plus all property owners within 200 feet of the project boundaries.</u>

[Replaced Sec. 22, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018); Amd. Sec. 4, Ord. No. 2018-86, July 19, 2018.]

10.156 Pre-application Conference.

Prior to submitting a land use permit application, the applicant may apply for a preapplication conference with the Planning Department. Upon receipt of an application the pre-application conference shall be scheduled. At the conference there shall an exchange of information regarding procedural requirements, required land use applications, consistency with the Comprehensive Plan and this Chapter, scheduling and such other technical and design assistance as will aid the applicant in preparing a complete application. Upon conclusion of the conference the Planning Department shall provide the applicant with a written summary of the conference.

Prior to submitting an Urbanization Plan, the applicant shall apply for a pre-application conference with the Planning Department. All property owners within the proposed Urbanization Plan shall be notified of the pre-application conference date, time, and location.

[Amd. Sec. 1, Ord. No. 5986, Oct. 1, 1987; Amd. Sec. 9, Ord. No. 7659, June 2, 1994; Amd. Sec. 4, Ord. No. 2015-90, Sept. 3, 2015; Replaced Sec. 43, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018).]

10.214 Type IV Land Use Actions.

(A) Type IV Actions.

Type IV actions comprise the following land use reviews:

Urbanization Plan Draft #1 – August 2018

Type IV Land Use Application

Annexation, except as provided in Section 10.216

Land Development Code Amendment

Major Comprehensive Plan Amendment

Major General Land Use Plan Map Amendment

Major Urban Growth Boundary Amendment

Major Zoning Map Amendment

Minor Comprehensive Plan Amendment

Minor General Land Use Plan Map Amendment

Minor Urban Growth Boundary Amendment

Transportation Facility Development

Urbanization Plan

Vacation of Public Right-of-Way

(B) Major Type IV land use reviews including amendments to the Land Development Code are legislative actions and may only be initiated by the Planning Commission or City Council. An Urbanization Plan is a Major Comprehensive Plan Amendment that may be initiated by the property owners representing the subject area. See Review & Amendments chapter of the Comprehensive Plan for definitions of “major” and “minor.”

(C) Minor Type IV land use reviews including Annexations, Transportation Facility Developments and Vacations are quasi-judicial actions and may be initiated by the Planning Commission, City Council, or property owners representing the subject area. An exception to the preceding rule is that the Planning Commission does not initiate annexations.

(D) Type IV Approving Authorities. For Type IV actions the City Council is the approving authority and the Planning Commission acts as an advisory body to City Council. At a public hearing the Planning Commission will consider the request and make a recommendation to City Council to approve or deny the request. For annexations, the City Council makes a decision without a recommendation from the Planning Commission. Following completion of a recommendation by the Planning Commission, it shall be scheduled for a public hearing before the City Council. The decision of the City Council shall be based upon the application, the evidence, comments from referral agencies, comments from affected property owners (if any), the Planning Commission’s recommendation (if applicable), compliance with the Statewide Planning Goals and Guidelines, this code and the Comprehensive Plan.

[Add Sec. 86, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018).]

10.220 Major Type IV Amendments.

(A) Major Type IV Amendments are those land use changes that have widespread and significant impact beyond the immediate area, such as changes capable of producing large volumes of traffic, changes to the character of the land use itself, or changes that affect large areas or involve many different ownerships. Major Type IV Amendments include:

- (1) Major Comprehensive Plan, including separate plans adopted by reference;
- (2) Major General Land Use Plan Map;
- (3) Major Urban Growth Boundary;
- (4) Major Zoning Map Amendment;

- (5) Urban Reserves;
- (6) Urban Growth Management Agreement; ~~or~~
- (7) Urban Reserve Management Agreement; ~~or~~
- (8) Urbanization Plan.

(B) Major Type IV Amendment Approval Criteria.

Refer to the Review and Amendment section of the Comprehensive Plan, except in the case of the following ~~three~~ four actions:

- (1) Major Zoning Map Amendment. Refer to the approval criteria for Land Development Code Amendments in Section 10.218.
- (2) Urban Growth Boundary Amendment. Refer to Urbanization Element of the Comprehensive Plan.
- (3) Urban Reserve Adoption/Amendment. Refer to ORS 195.137–145 and OAR 660-021.
- (4) Urbanization Plan. Refer to Sections 5 and 6 in the Urbanization Planning Chapter in the Neighborhood Element

(C) Urbanization Plan Application Form.

An application for an Urbanization Plan shall contain the following items:

- (1) Written consent of owner(s) within the planning unit per the Urbanization Planning requirements in the Comprehensive Plan.
- (2) Urbanization Plan map(s) drawn to scale that includes the Plan Contents found in Section 5 in the Urbanization Planning Chapter in the Neighborhood Element (20 copies).
- (3) One reduced copy of each size plan (8.5" x 11" and 11"x 17").
- (4) Electronic files in dwg format or shapefiles.
- (5) Vicinity map including other adjacent planning units and their General Land Use Plan designations.
- (6) Property lines for the subject planning unit and adjacent properties, particularly where new streets are proposed.
- (7) Existing easements of record, irrigation canals, and structures.
- (8) 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.
- (9) Written or graphical representation of compliance with the Plan Contents found in Section 5 in the Urbanization Planning Chapter in the Neighborhood Element.
- (10) Written findings showing compliance with the Regional Plan requirements
- (11) Contour lines and topography
- (12) Property owner's names, addresses, and map and tax lot numbers within 200 feet of the project boundaries, typed on mailing labels.
- (13) Documentation that a neighborhood meeting was conducted in accordance with Section 10.194.

[Amd. Sec. 29, Ord. No. 7659, June 2, 1994; Amd. Sec. 11, Ord. No. 2007-100, May 17, 2007; Replaced Sec. 89, Ord. No. 2018-64, June 21, 2018 (effective July 23, 2018).]



Medford Fire-Rescue Land Development Report

Exhibit D

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 9/13/2018
Meeting Date: 9/19/2018

LD #: CP16075 Associated File DCA18120
#1:

Planner: Carla Paladino

Applicant: City of Medford

Project Location: Within the Urban Growth Boundary

ProjectDescription: The purpose of this project is to develop a mechanism for preparing urbanization plans for areas newly brought into the urban growth boundary; this project is related to the UGB Amendment project (file no. CP-14-114). The proposed amendment to the Neighborhood Element of the Comprehensive Plan will provide guidance to land owners to develop urbanization plans that show land uses, densities, and transportation networks in the newly included areas. The resulting plans will be adopted into the Neighborhood Element. This project is filed in conjunction with DCA-18-120, a development code amendment to revise Chapter 10 of the Municipal Code to incorporate procedural requirements associated with urbanization plans

Specific Development Requirements for Access & Water Supply

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

Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

www.medfordfirerescue.org

Memo



Exhibit E

To: Carla Angeli Paladino, Planning Department
From: Chad Wiltrout, Building Department (541) 774-2363
CC: City of Medford, Urbanization Planning
Date: September 19, 2018
Re: September 19, 2018 LDC Meeting: Item #3 – CP-16-075 and DCA-18-120

Please Note:

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

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

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

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.
3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed.
4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

Comments:

5. Building Department has no comments at this time.

John K. Adam

From: LeBombard, Josh <josh.lebombard@state.or.us>
Sent: Monday, 18 July 2016 8:51 AM
To: John K. Adam
Subject: DLCD File No. 008-16; Local File No. CP-16-075

RECEIVED
JUL 18 2016
PLANNING DEPT

John,

Thank you for sending notice to us on the amendment to the Neighborhood Element of the Comprehensive Plan regarding urbanization planning. We have reviewed the proposal and have the following comment:

1. Assuming that urbanization plans will be required for all areas added to the UGB for all future UGB amendments, listing specific portions of UGB areas proposed during the current UGB amendment does not seem necessary or appropriate (Section 4, first paragraph).

Cheers,
Josh

Josh LeBombard | Southern Oregon Regional Representative
Community Services Division
Oregon Dept. of Land Conservation and Development
Southern Oregon Regional Solution Center
c/o Jobs Council, Southern Oregon University
100 E Main Street, Suite A | Medford, OR 97501
Cell: (541) 414-7932
josh.lebombard@state.or.us | www.oregon.gov/LCD

Exhibit G

From: [MCDONALD, John](#)
To: [Carla G. Paladino](#)
Subject: Urbanization Planning Comments
Date: Wednesday, September 26, 2018 2:45:51 PM

Carla,

Thank you for the opportunity to comment on the Urbanization Planning document, File nos. CP-16-075 and DCA 18-120.

Assuming the plan is adopted into the "neighborhood element" of the comprehensive plan, would this qualify as a zone change or comp plan amendment?

If not, we have no comments.

Sincerely,

John McDonald

Development Review Planner

ODOT Southwestern Region

541-957-3688

Exhibit H

From: [MCDONALD John](#)
To: [Carla G. Paladino](#)
Subject: Urbanization Planning Comments
Date: Wednesday, September 26, 2018 3:01:53 PM

Carla,

Thank you for the opportunity to review the Urbanization Planning document, File Nos. CP-16-075 and DCA-18-120.

Our only comment is that if the Urbanization Plan constitutes an amendment to the comprehensive plan, then compliance with the Transportation Planning Rule (Oregon Administrative Rule 660-012) will need to be demonstrated. If that is the case, then section 5.5 may need to be modified as the Rule can require a significant level of analysis.

Please call or email if you'd like to discuss the comment.

Sincerely,

John McDonald

Development Review Planner

ODOT Southwestern Region

541-957-3688



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: CP-16-075 & DCA-18-120

PROJECT: The purpose of this project is to develop a mechanism for preparing urbanization plans for areas newly brought into the urban growth boundary; this project is related to the UGB Amendment project (file no. CP-14-114). The proposed amendment to the Neighborhood Element of the Comprehensive Plan will provide guidance to land owners to develop urbanization plans that show land uses, densities, and transportation networks in the newly included areas. The resulting plans will be adopted into the Neighborhood Element. This project is filed in conjunction with DCA-18-120, a development code amendment to revise Chapter 10 of the Municipal Code to incorporate procedural requirements associated with urbanization plans.

DATE: September 19, 2018

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

CONDITIONS:

1. The Applicant shall schedule a meeting with MWC Engineering staff to review proposed development project within the Urban Growth Expansion area. MWC Will provide "Conditions of Development" for required Water Facility Infrastructure requirements to support proposed development.

MEDFORD PARKS & RECREATION

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MEMORANDUM

TO: John Adams, Principal Planner

FROM: Brian Sjothun, Parks & Recreation Director *Brian Sjothun*

SUBJECT: Comments for Urbanization Planning – CP-16-075

DATE: July 26, 2016

RECEIVED
JUL 28 2016
PLANNING DEPT

The Medford Parks and Recreation Department has had an opportunity to review the information related to the UGB Amendment project (file no. CP-14-114). The basis of our comments stem from the soon to be completed update to the Leisure Services Plan (LSP) and other correspondence that has been reviewed as part of the UGB public hearings.

Identified Parkland Acquisition Areas

The department, through the update to the LSP, has identified areas of Medford where there are currently no access to neighborhood or community parks. The UGB expansion was considered in developing the attached Map 12: Proposed Parkland Acquisition Target Areas. The department would be interested in developing a mechanism where at least 3-5 acres of land for neighborhood parks and 15-20 acres for community parks is considered in the development stage of bringing parcels into the City.

The department understands that it would be difficult to make the donation of land a requirement for development, however there is an advantage to a developer to partnering with the City in providing the needed outdoor recreational space.

During the UGB public testimony, several property owner/agents indicated through their proposals a willingness to provide public parks/open space. Council was supportive in allowing these properties to be considered for inclusion into the UGB and that such plans must follow what was proposed at the public hearings.

The Parks and Recreation Department supports these potential future public parks as long as they meet the following criteria:

- Neighborhood Parks should be between 3-8 acres
- Community Parks should be between 15-20 acres
- Park sites must be in an area identified as a need within the LSP

Trails & Paths

The LSP also identifies future routes for trails and paths through Map 13: Proposed Trails and Paths. The addition of trails, paths and links to existing parks received a very high score from the community survey that was conducted in 2015. The department is in need of having support for consideration on how to provide these highly demanded facilities to the community as part of any portion of this process.

Providing these types of facilities will assist in developing pedestrian-friendly developments. Section 5.2.2 indicates the need to provide a transportation circulation plan map showing paths.

However, the department does not agree with the statement that trails designed only for recreation does not count as part of the transportation plan. The Bear Creek Greenway is an excellent example of how a path/trail is utilized as a transportation facility. Again, the results of the community survey showed that residents would like safer routes to connect to their neighborhood parks.

5.3 – Compliance with Open Space

The LSP identifies the limitations upon the Parks and Recreation Department to maintain buffers, riparian corridors, open space, significant wetlands and other properties that are not useable for public park space. The department will not accept these areas in lieu of providing park space in the areas identified within the LSP.

Section 5 – Other

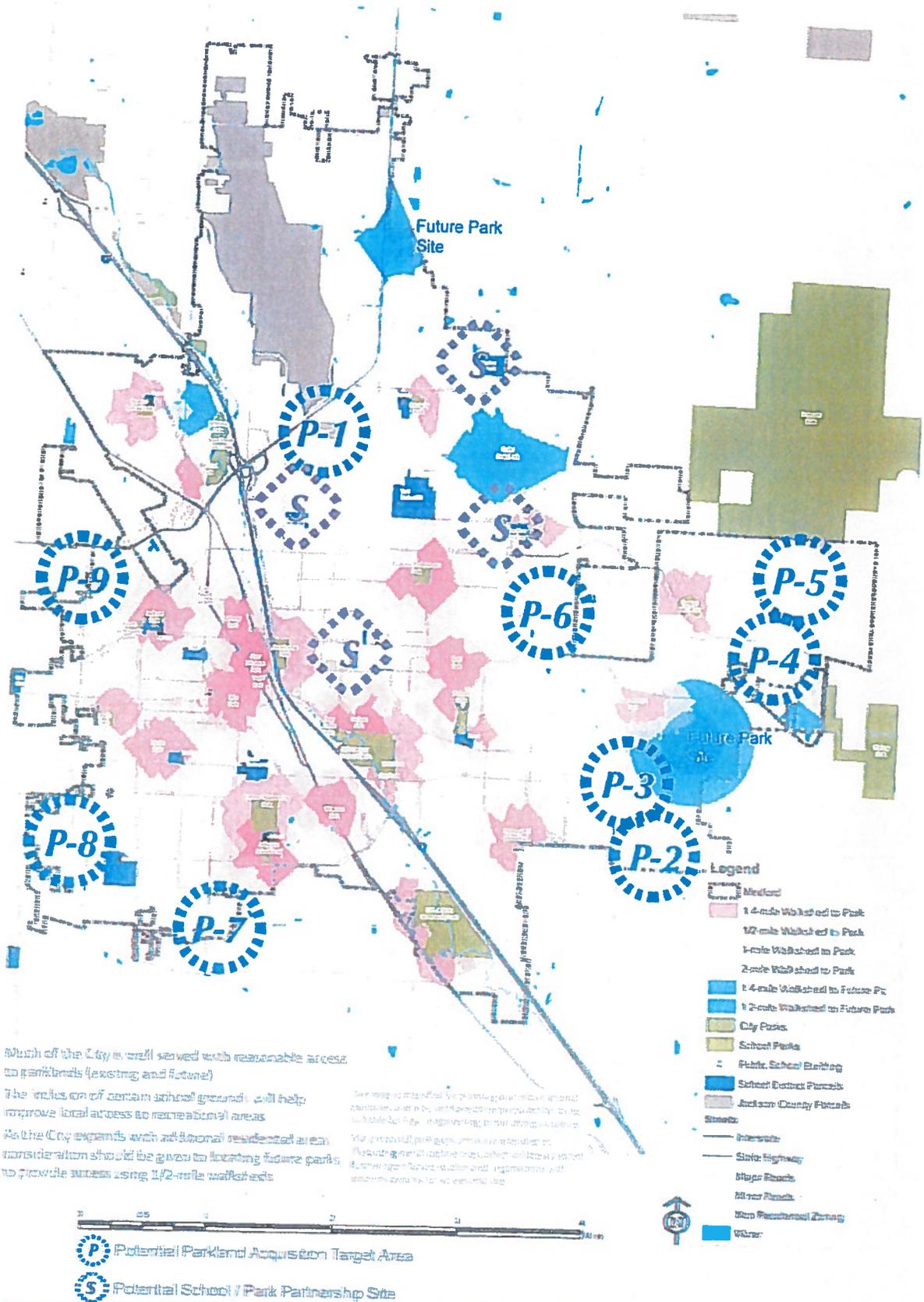
Section 5.4 to 5.8 outlined coordination and compliance with various agencies and terms of special agreements. The Parks and Recreation Department requests consideration of adding a section that requires coordination in potentially providing parks and trails that meet the needs outlined in the LSP.

Conclusion

The basic request by this department is to recognize the need in the areas proposed for inclusion into the UGB for parks and trails. Consideration should be given to develop a mechanism where these items can be provided or partnered with the department for the residents of the area they would serve. Also, the commitments made by various property owners to provide such facilities should be honored.

Attachments:

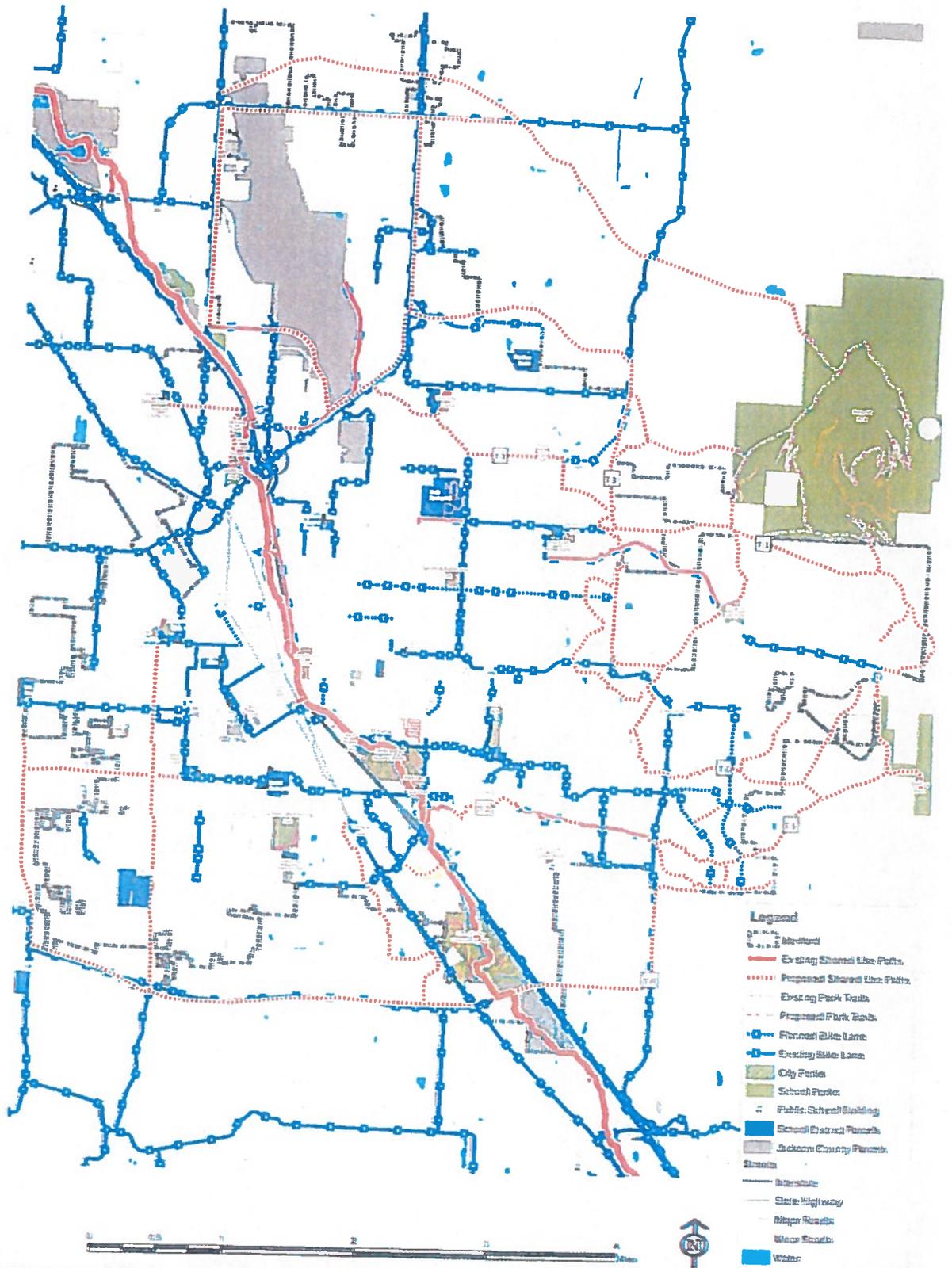
- Map 12: Proposed Parkland Acquisition Target Areas
- Map 13: Proposed Trails and Paths
- Memorandum – Urban Growth Boundary Impacts on Leisure Services Plan



- Most of the City is well served with reasonable access to parklands (existing and future)
- The inclusion of certain school grounds will help improve local access to recreational areas
- As the City expands with additional residential areas, consideration should be given to locating future parks to provide access using 1/2-mile walksheds

See map of Potential Parkland Acquisition Target Areas and map of Walkshed to Park and Walkshed to Future Park for more information on the walksheds. The proposed parkland acquisition areas are intended to provide the City with additional parkland to meet the needs of the future. The City will continue to evaluate the need for additional parkland and will continue to work with the community to identify potential parkland acquisition targets.

Map 12: Proposed Parkland Acquisition Target Areas



Map 13: Proposed Trails & Paths

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MEMORANDUM

TO: Mayor and Council, via Bill Hoke – City Manager Pro Tem

FROM: Brian Sjothun, Parks & Recreation Director

RE: Urban Growth Boundary Impacts on Leisure Services Plan

DATE: July 6, 2015

The Medford Parks and Recreation Department and Commission have been actively participating and providing comments to the Planning Commission and staff regarding the proposed Urban Growth Boundary (UGB) expansion. This communication provides Council with information regarding how the current proposal could impact the Leisure Services Plan.

Prescott Park and Chrissy Park

The inclusion of both parks within the City of Medford UGB is contained within different planning documents. The 1,877 combined acreage for these parks is currently recommended for inclusion by the Planning Commission. This inclusion into the UGB would allow the Department to implement the approved master plans for the specified sites through the City of Medford process instead of Jackson County. Additionally, the inclusion would also assist in streamlining the process for development and enhance continuity with other facilities being developed inside the UGB. The ability to follow already established City standards would be another benefit to the Department and park users.

The recommendation for inclusion is referenced in the following documents:

City of Medford – Comprehensive Plan – Regional Element (page 8)

- Medford owns two large wildland parks that presently lie outside its Urban Growth Boundary: Prescott Park (1,740 acres) and Chrissy Park (85 acres). The City intends ultimately to incorporate these into its corporate limits to enable Medford to exercise jurisdictional authority over the parklands and to enable extension of supporting basic infrastructure. Medford and Jackson County each believe parks are best managed by their own jurisdictions. This Regional Plan places both city-owned parks under municipal jurisdiction.



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City of Medford – 2015-20 Strategic Plan – (page 21)

- Goal 8: Provide recreational activities and opportunities to improve the lives of Medford residents.
 - Objective 8.1: Ensure that long-term plans are adopted that identify where land is needed for parks and pedestrian/bicycle trail systems throughout the City.
 - Action 8.1b: Pursue the inclusion of Prescott and Chrissy Parks into the City's Urban Growth Boundary.

MD-5 – Inclusion of 180 Acres

On June 11, the Planning Commission approved a recommendation to Council that would add 180 acres (includes buildable and non-buildable land) between Cherry Lane and Barnett Road and east of the existing UGB. This recommendation has a favorable impact to the Leisure Services Plan and in particular the Trails Plan component.

The City obtained 7.24 acres in 2013 to serve as a future trailhead and connection for the Larson Creek Greenway Trail. This trail would extend from just north of the proposed commercial core area of the SE Area Plan to Chrissy Park and eventually to Prescott Park. The proposed inclusion of the 180 acres would aid greatly in developing this trail/transportation system that is highlighted in the following documents:

Greater Bear Creek Valley Regional Problem Solving Agreement (page 14)

- Transportation
 - Identify a general network of locally owned regionally significant north-south and east-west arterials and associated projects to provide mobility throughout the Region.
 - Designate and protect corridors for locally owned regionally significant arterials and associated projects within the RVMPO to ensure adequate transportation connectivity, multimodal use, and minimize right-of-way costs.

City of Medford – Transportation System Plan – Introduction and Executive Summary (pages 1-20)

- Strategies
 - Complete Bear Creek Greenway path, the Larson Creek Greenway path ... and identify other opportunities for multi-use paths.

City of Medford – Comprehensive Plan – Regional Element (page 27 & 28)

- Efficient Accommodation of Identified Land Needs
 - MD-5 will provide a direct urban connection with Chrissy Park as an open-space/park use specific urban reserve.
- ESEE Consequences
 - ... Social benefits from direct urban connections to Chrissy Park are also important and valuable social consequence.



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City of Medford – Leisure Services Plan – Planning Policies and Guidelines (pages 51-54)

- Policy 1-D: The City of Medford shall provide park land and facilities conveniently located and economically accessible to all members of the Community:
 - Implementation 1-D (4): Implement the Southeast Medford Area Plan Map with regards to greenway trails, parks, and recreation facilities.
- Policy 3-B: The City of Medford shall seek to acquire natural and other corridors to link parks and open space throughout the community.
 - Implementation 3-B (2): Acquire missing links in corridors and parcels that are contiguous to other public open spaces to provide maximum benefits for recreation wildlife.
- ESEE Consequences
 - ... Social benefits from direct urban connections to Chrissy Park are also important and valuable social consequence.

MD-2

This area of Medford has been identified by the Parks and Recreation Commission as a high priority for public parks and open space. The current Leisure Services Plan also identifies the area as a site for a potential community or neighborhood park. In June 2014, the Commission reviewed several sites in this area and requested that staff work to acquire identified vacant land. Staff engaged the Trust for Public Lands (TPL) to negotiate and acquire the sites on behalf of the City. The TPL was unsuccessful in attempts to purchase land because the asking price per acre was greater than what the land would appraise.

Coker Butte Development LLC, (CBD) owns 210 acres within the proposed MD-2 area for inclusion. CBD and the Medford Parks and Recreation Foundation entered into a Gift Pledge Agreement on February 18, 2015. This agreement would provide the Foundation a donation of 23.5 acres of open space within the development at no cost. This donation is contingent upon the property being included within the proposed UGB expansion. If included, this property would come to the City of Medford at no cost and would fulfill the goal of acquiring future park land within this service area.

The goals identifying the need for a park site within MD-2 include the following:

City of Medford – 2015-20 Strategic Plan (page 21)

- Goal 8: Provide recreational activities and opportunities to improve the lives of Medford residents.
 - Objective 8.1: Ensure that long-term plans are adopted that identify where land is needed for parks and pedestrian/bicycle trail systems throughout the City.
 - Action 8.1a: Fulfill identified land needs when properties are proposed for development.
 - Action 8.1c: Locate parks and facilities in underserved areas.
 - Action 8.1d: Review all high need areas as outlined in the Leisure Services Plan for future park sites and potential acquisition.



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City of Medford – Leisure Services Plan – Planning Polices and Guidelines (page 52)

- Policy 1-D: The City of Medford shall provide park land and facilities conveniently located and economically accessible to all members of the Community:
 - o Implementation 1-D (1): Locate parks and facilities in underserved areas.

MD-7 & 8

As with the case with MD-2, this area has also been identified by the Parks and Recreation Commission as a high priority for public parks and open space and was reviewed as part of June 2014 review.

On June 2, the Commission reviewed a presentation from a land-use consultant who represents the property owners in this area. The presentation outlined the potential for several new park sites that would be donated to the City as part of the open space requirements. The Commission wished to express their support to the Council for consideration of inclusion for these properties. The goals and plans that support such consideration for this area are the same as stated previously for MD-2.

Conclusion

Staff has reviewed several of the proposals which have been previously submitted by property owners for consideration to the Planning Department and Planning Commission. We have not reviewed all of the areas in order to determine potential impacts on the Leisure Services Plan. However, from what we have reviewed it appears that the recommendation of the Planning Commission to the Council on the UGB amendment would serve to implement various policies, strategies, goals and objectives of the City-adopted documents identified above.

This memorandum is to serve as information for Council regarding the potential impacts to the Leisure Services Plan and how they relate to this and other planning and goal-setting documents that have been previously approved by Council.

Thank you,
Brian Sjothun, CPRP



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From: raul@csaplanning.net
To: [Carla G. Paladino](#)
Cc: [Matt H. Brinkley](#)
Subject: RE: Urbanization Planning & Wetlands
Date: Thursday, September 13, 2018 2:58:12 PM

Carla:

I couldn't get the pdf copy with my comments to go through due to file size, so I will just summarize my comments here for the Urbanization Plan (Draft 11) section.

Section 5.2.2:

Do not require excessive detail (i.e., alleys, private streets, etc...) for the circulation plan. As mentioned in the staff report (page 5), these are meant to be high level concept documents. These areas will be built out over the twenty planning horizon and there needs to be some flexibility in design available. Geotech reports and traffic safety analyses will be needed to precisely located to this level of detail.

The City already has adopted block length and perimeter standards to assure a connected street pattern and which include provisions for such issues as slopes, natural features, etc.... Urbanization plans should just show the needed higher order connections and identify essential local order street connections (such as at appropriate creek crossings) and paths.

Consider also that every street adds impervious surface and reduces the net developable area for other urban uses. Good connectivity is desirable but not in excess or to exclusion of other important community needs. Perhaps replace "A high density of intersections" with "Good connectivity". A high density of intersections may not be appropriate in some areas due to terrain or along regional arterials and highways.

Section 5.2.3

"Location of streets are intended to be accurate" should be qualified. At this level of planning, the intent should be to depict the general location of planned connections. Again, don't over-plan the local street connections – concentrate on the higher order and specific local connections deemed to be important enough to show on the neighborhood plan. Let the code's block size and connectivity standards otherwise be used to assure good neighborhood connectivity as the areas develop.

Section 5.3

Is the list of open space classifications exclusive of anything else, or will other categories be considered if proposed (e.g., a school yard, plazas, etc...)?

Section 6 "Allowances"

The Regional Plan allocations are to the entire urban reserve areas, not just those recently included in the UGBA. The City should allow consideration of plans that show how the remainder area outside the UGB will fit in with the recent UGBA concept plans to satisfy the Regional Plan. MD-4, for example, has a remainder area that is completely owned by the majority owner (Cogswell dba Hillcrest Corp.) of the portion inside the UGB.

Also, consider noting under this section that the allocations were used for long range projections over a fifty year planning period and should not assigned an unreasonable level of precision. The City should be able to adopt plans that substantively comport with the allocations rather than exactly. A percentage point or two shouldn't prevent adoption of a plan the City otherwise favors.

Section 7.2

Note that amendments will need to comply with any changes to applicable land use regulations as may have been enacted in the interim. Also, include owners of all land within the original plan area

for public notice of the proposed changes (rather than limiting notice to lots within 200 feet). Keep in mind that adoption of overly detailed concept plans will greatly increase the likelihood that amendments will be requested. Minimum requirements for these concept plans should be related to meeting Regional Plan commitments.

Section 9

The Open Space Requirements table shows what was allocated in the Regional Plan for entire urban reserves, not just the portions recently added to the UGB. As previously noted, the allocations were for projecting very generalized land needed over a fifty time period, and should not be construed to be to this level of precision (table indicates to one-hundredth of an acre). Consider some rounding provision or other factor (e.g., "in substantive conformance with the allocations...") rather than exact amounts.

Other:

A Minimum Density Overlay (MDO) District could be codified in the Medford Land Development Code as Section 10.346 or 10.347 (code currently goes from 10.345 directly to 10.348). The following draft code language is offered:

"10.347 Minimum Density Overlay District, MDO

- A. Purpose: To implement the Committed Residential Density strategy adopted in accordance with Section 4.1.5 of the Regional Plan Element. This overlay functions to increase the minimum required residential density over any base zoning district other than SFR-00, which is a holding zone.
- B. Applicability: Upon annexation, this overlay shall be applied to land designated for residential use and subject to an adopted Conceptual Land Use Plan requirement that the Minimum Density Overlay be applied to all or a portion of the planning area in order to achieve a specified residential density target. When SFR-00 zoning is initially adopted as a holding zone, the overlay will still be adopted in accordance with the adopted Conceptual Land Use Plan but will not apply until the land is re-zoned to another residential zone. This overlay may also be applied to other land within the City in combination with planning of mixed-use neighborhoods, town centers, and activity centers.
- C. Minimum Density Overlay Designation: An adopted Minimum Density Overlay shall be designated on the Zoning Map with the letters "MDO" followed by a numeral integer that specifies the minimum residential density per acre that is to be required for residential development within the overlay area. For example, "MDO-8" applied over an SFR-10 zoning district requires that a minimum density of eight units per acre for residential development rather than the standard minimum density of six units per acre for that zoning district.
- D. Base Zoning District: The Minimum Density Overlay specified for a particular area by an adopted Urban Reserve Conceptual Land Use Plan shall be paired with a base zoning district that both accommodates the MDO specified density and is consistent with the GLUP Map Designation for the area. For example, an MDO-10 overlay for UR designated land on the GLUP Map would be paired with SFR-10 zoning rather than MFR-15 zoning.
- E. Removal/Amendment: The overlay may be removed or amended to comply with changes to the Regional Plan Element or to implement an alternative strategy demonstrating that the committed residential density requirements of the Regional Plan will be met. For example, an MDO-10 overlay of lesser area could be substituted for an MDO-8 overlay to achieve the same overall target density for the planning area."

Please consider the above recommendations as the City further proceeds in review and adoption of its Urbanization Plan provisions.

Very truly yours,
CSA Planning, Ltd.
Raul Woerner
(541) 779-0569

From: Carla G. Paladino [mailto:Carla.Paladino@cityofmedford.org]

Sent: Friday, September 7, 2018 5:10 PM

To: Mark S. Bartholomew (msb@roguelaw.com); Greg Hathaway (greg@hathawaylarson.com); Chris Hearn (chearn@davishearn.com); randy@maharhomes.com; ask@opusnet.com; 'sking@perkinscoie.com'; 'Megan LaNier'; Mike Montero; 'Pfeiffer, Steven L. (Perkins Coie)'; 'Mike Savage'; 'emostue@charter.net'; KAllan@fosterdenman.com; 'Darlene Hansen'; 'skinersw@att.com'; Dick Stark (ras@starkhammack.com); raul@csaplanning.net; Jay Harland (jay@csaplanning.net); knox@mind.net; laz@kda-homes.com; 'michael@bondllc.net'; 'timc@pacificlivingcenters.com'; Robert Boggess (RBoggess@naumes.com); Mike Naumes (MNaumes@naumes.com); slynch@retirement.org; Clark (cstevens@mind.net); Brian McLemore (Brian@retirement.org); Greg Holmes

Cc: Matt H. Brinkley

Subject: Urbanization Planning & Wetlands

Hello All,

Planning staff will provide City Council with an update next Thursday, September 13th regarding two projects (Urbanization and Wetlands) related to future development of the UGB expansion areas. The memo with the draft language for both projects is available on the City's website at the link below.

<http://www.ci.medford.or.us/files/CC%20SS%2009-13-18%20Packet.pdf>

If you have any changes for staff to consider, please let me know. Staff will be working with a stakeholder group regarding the wetland regulations. The Urbanization Planning language is a bit more straight forward, but is something completely new, and so more eyes looking at it and providing feedback is helpful.

If you know of others who may be interested in this information, please forward this message.

Thank you,

Carla

Carla G. Angeli Paladino

Principal Planner - Long Range Division

City of Medford Planning Department

Lausmann Annex

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Oregon

Kate Brown, Governor

Department of Transportation
Region 3 Planning and Programming Unit
3500 NW Stewart Parkway
Roseburg, OR 97470
Phone: (541) 580-6178

FILE CODE: CP-16-075 and DCA-18-120

October 8, 2018

Carla Paladino, Principal Planner
City of Medford Planning Department
Lausmann Annex
200 South Ivy Street
Medford, OR 97501

RE: Medford Urbanization Planning

Dear Ms. Paladino,

Thank you for the opportunity to review and comment on the Urbanization Planning Project, CP-16-075 and DCA-18-120.

We fully support the intent of the Urbanization Planning Project. We have the following comments:

- Urbanization plans proposing a concurrent comprehensive plan amendment and zone change will be required to demonstrate compliance with Oregon Administrative Rule 660-012,
- Urbanization plans likely to affect the federal functional classification of a roadway may require a high-level, tailored analysis, and
- Urbanization plans that propose land use changes likely to generate significant levels of traffic affecting a state transportation facility may require a high-level, tailored analysis.

We understand these are not text edits to the draft Urbanization Planning Project. They are expressions of our concern about potential unintended consequences arising from specific urbanizations plans developed in the future under the proposal. We look forward to working with City staff to address any issues that may arise from future urbanization plans.

Please do not hesitate to contact me if you have any questions.

Sincerely,


John McDonald
Development Review Planner

Hi Carla,

On behalf of several landowners with properties affected by the proposed Urbanization Plan requirements, we provide the attached with some suggested changes.

Your review of the attached and inclusion into the record would be appreciated.

The requirements for open space are a bit more complicated and we have not yet finalized our thoughts on that section, so please know that we will be providing some additional suggestions related to open space commitments in the coming days. Due to the up-coming hearing, we wanted to provide you with what we have thus far.

I also attached the Chris Olivier memo from June 20th 2017 regarding Density.

[file:///T:/Current%20Projects/City%20of%20Medford%20UGBA/Urbanization Planning Neighborhood Element Plans/chris_olivier DensityMemo 06 20 2017.pdf](file:///T:/Current%20Projects/City%20of%20Medford%20UGBA/Urbanization%20Planning%20Neighborhood%20Element%20Plans/chris_olivier_DensityMemo_06_20_2017.pdf)

Thank you very much,

Mike Savage
CSA Planning, Ltd.
541 779-0569
mike@csaplanning.net

CSA Planning Proposal

Urbanization Planning

- 1. Objective1
- 2. Legal Effect.....1
- 3. History2
- 4. Procedure.....2
- 5. Plan Contents3
- 6. Urbanization Plan—Allowances.....6
- 7. Amendments.....7
- 8. Planning Unit Maps.....8
- 9. Open Space requirements by Planning Unit.....9

1. OBJECTIVE

To adopt land use and circulation maps that assure that the Regional Plan Element (RPE) requirements under section 4.1.8 are being met for all areas added to the urban area from the urban reserve before the land can be annexed. Urbanization plans must show compliance with the minimum residential density standard of RPE 4.1.5, the requirement for mixed-use, pedestrian-friendly development of RPE 4.1.6, and compliance with the land use distribution requirements of RPE 4.1.8 (b).

Urbanization plans will encompass cohesive “planning units” within the expansion area. In this context “planning unit” means an area that is bounded by streets, natural features, and/or existing property lines in such a way that it is logical to plan as a unit. The cohesive units are mapped at the end of this division.

2. LEGAL EFFECT

An urbanization plan is a “Special Area Plan” as defined in the General Land Use Plan and a neighborhood circulation plan as used in Chapter 10 of the Municipal Code. As such, an urbanization plan ~~may specify zoning district options and future~~ development patterns in greater detail than the General Land Use Plan (GLUP) and Transportation System Plan maps.

Adopted urbanization plans become appendixes to this division.

Deleted: Element, a “conversion plan” as termed in the Urban Growth Management Agreement.

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3. HISTORY

The City of Medford adopted its portion of the Greater Bear Creek Valley Regional Plan as the Regional Plan Element of the Comprehensive Plan in 2012. Through this adoption the City established an urban reserve, from which land will be selected for inclusion into the UGB. The Regional Plan Element established a set of "performance indicators" (standards) that must be met as land is brought into the UGB from the urban reserve. These performance indicators played a role in determining where the UGB would be expanded to meet the City's land need at the time of UGB expansion. However, further detail is needed in order to ensure that these areas will meet all applicable performance indicators as they are developed. The urbanization plans adopted into this division of the Neighborhood Element demonstrate that all applicable performance indicators from the Regional Plan Element will be addressed as areas develop.

4. PROCEDURE

Prior to or concurrently with annexation, urbanization plans must be submitted for each planning unit added to the UGB from the urban reserve. An urbanization plan shall be submitted for the identified planning units. The individual identified planning units are the smallest geography the City will evaluate for urbanization planning. The City may review multiple planning units concurrently.

4.1 **Pre-Applications:** A pre-application meeting is required. The purpose of the meeting is for staff of various departments and agencies to convey objectives and warn of obstacles or concerns before applicant has begun significant work on plans. All property owners within the planning unit shall be notified of the pre-application conference date, time, and location.

4.2 **Urbanization Plan Administration:** Submittal of an urbanization plan is a Major Comprehensive Plan amendment application.

4.2.1 An urbanization plan is a special area plan that refines the existing GLUP map, therefore it is not subject to the General Land Use Plan map amendment criteria in the Review & Amendments chapter. The applicable criteria are established within sections 5 and 6, below.

4.2.2 A property owner initiated urbanization plan application must contain the written consent of at least 50 percent of the property owners representing at least 50 percent of the total property area for each planning unit. Urbanization plans that demonstrate coordination and consensus with all the property owners within a planning unit may be prioritized for review.

4.2.3 The urbanization plans will be adopted as appendixes to the Neighborhood Element of the Comprehensive Plan.

Deleted: cohesive

Deleted: , and include all of the properties in, the added portions only of the planning units within the expansion area.

Deleted: Contiguous units may plan in conjunction and submit their plans together for consideration

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Commented [LU2]: Update the Preapp section of the MDLC and point to it here.

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- 4.2.4 The submittal requirements are outlined in Chapter 10 Section 10.220(C) of the Municipal Code.
- 4.2.5 Applicants must conduct a neighborhood meeting in accordance with Section 10.194 of the Municipal Code.

4.3 Land Supply Categories: There are alternative approaches to land supply for urbanization planning described generally below. Urbanization plans should identify which approach to land supply is being pursued:

- 4.3.1 No Spatial Changes: No significant GLUP map changes are proposed from those established for the planning unit at the time the planning unit was included in the UGB.
- 4.3.2 Minor Spatial Adjustments: GLUP map amendments are proposed within the planning unit but the total acreage for each GLUP Map designation is not significantly changed.
- 4.3.3 Moderate Spatial Adjustments: Supply GLUP map amendments are proposed but the total acreage for each GLUP Map designation within the applicable MD area and inside the UGB has not changed. Spatial exchanges of land use designations proposed under 4.3.3 shall be coordinated with other planning units in the MD; it is recommended that urbanization plans proposed under 4.3.3 be reviewed in a coordinated manner.
- 4.3.4 Complex Spatial Adjustments: More complex land supply changes are proposed in the urbanization plan such as spatial exchanges of GLUP designations outside the applicable MD elsewhere within the UGB or concept plan refinements for lands not yet included in the UGB within a specific MD. Urbanization plans of this type would typically require extensive city-wide and/or regional plan land supply analyses.

- 4.4 Exemptions. Areas that have only industrial or open space designations are not required to develop urbanization plans. In the 2016 expansion those areas are MD-2a, MD-5h, Md-6b, and Prescott and Chrissy parks.

5. PLAN CONTENT

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

Deleted: <#>The plans will contain sufficient detail to demonstrate compliance with the applicable portions of the Regional Plan. The adopted plans will also be limited to maps, plan policies, and standards needed to demonstrate compliance with applicable portions of the Regional Plan Element. Changes to the General Land Use Plan map, as allowed by the Annexation Policies of the Urbanization Element, and changes to the Functional Classification Map in the Transportation System Plan will shall be considered under the same application when the urbanization plans are submitted.

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UGB Amendment residential land supply analysis¹. 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.
- 5.1.3 Establish specific overlays, such as minimum density overlays, to require density increases beyond the base density that would otherwise apply to one or more 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:

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

- 5.2.1 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 grids, 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. Off-road multi-use paths shall be considered as components of the transportation system; trails (i.e., designed only for recreation) shall not.

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.

Deleted: <#> by identifying proposed zoning districts pre-zoning areas that correspond to the according to General Land Use Plan designations. For example, if an area contains only low-density urban residential (UR), the zoning districts must be allocated in such a way that if each area built out to the minimum allowed gross density of each district the requirement will be met. For the purposes of calculation, gross density comprises only the land for buildable lots and for public rights-of-way. ¶

Commented [LU4]: This is a development standard and does not belong in the Comp Plan. The City already has development standard for this purpose, see MLDC 10.426(2) (B)(1).

Deleted: be represented as accurately as possible

Deleted: If alignments and/or connections have to be moved or eliminated prior to construction, resulting connectivity must be demonstrably as good or better as determined by the approving authority for that development action.

Deleted: ¶

Deleted: A highly connected pattern of local residential or private streets, alleyways, and paths depicted with enough detail to ascertain level of connectivity.

Deleted: A

Deleted: greater concentration of intersections within a development area

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Deleted: At minimum, connections from non-classified roads to higher-order streets (collector and above) shall be depicted. Obstacles to connections will be shown and explained

Deleted: Configurations

Deleted: may be justified

Commented [LU5]: We do not understand what this is trying to accomplish.

Deleted: Different types of streets shall be differentiated graphically

¹ See Commented Residential Density Memo from Chris O'Leary in the UGB record, dated June 20, 2017.

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). The allocation shall be proportioned to the size of the cohesive “planning unit” with respect to the whole area². 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
- 5.3.2 Agricultural buffers
- 5.3.3 Riparian corridors
- 5.3.4 Areas under an “open space” tax assessment
- 5.3.5 Locally significant wetlands
- 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 one GLUP Map designation, are exempt from the mixed-use pedestrian friendly development evaluation.

Deleted: type of classification
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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, and determining its ability or limitations to serve the site.

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.

² For example, if the planning unit “MD-1a” is 40 percent of area “MD-1,” then it has to contain no less than 40 percent of the open space allocation for the “MD-1” area.

- 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.

6. GLUP AMENDMENTS

- 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.

Deleted: ALLOWANCES

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.

7. URBANIZATION PLAN AMENDMENTS

This section prescribes the process for amendments when part of a planning unit has developed, but there is a desire to change the urbanization plan for the undeveloped remainder of the planning unit.

- 7.1 Follow the procedures in Sections 4–6, except that the ownership calculation for eligible applicants (see 4.2.2.) includes only the areas of the original extent that have not been developed.
- 7.2 The amended plan will replace the previously adopted plan in this chapter.

Deleted: The Regional Plan Element (RPE) allocates land use categories—residential, employment, open space—in specific proportions to each area of the urban reserve. Since those RPE allocations were independent of particular determinations of land needs, there has to be some leeway for the Council RPE land use allocations were based on a variety of factors including technical studies that broadly assessed the City's need for residential and employment land over a 50-year period. Allocations for each land use category are expressed as a proportions of the total land mass of each individual Urban Reserve Area. Given the limitations of these technical studies and the changing nature of demand for urban lands, and landowners and developers in reconciling should be provided with a means of reconciling current land needs with these prescribed allocations. The following deviations may be considered by the Council when adopting an urbanization plan: ¶

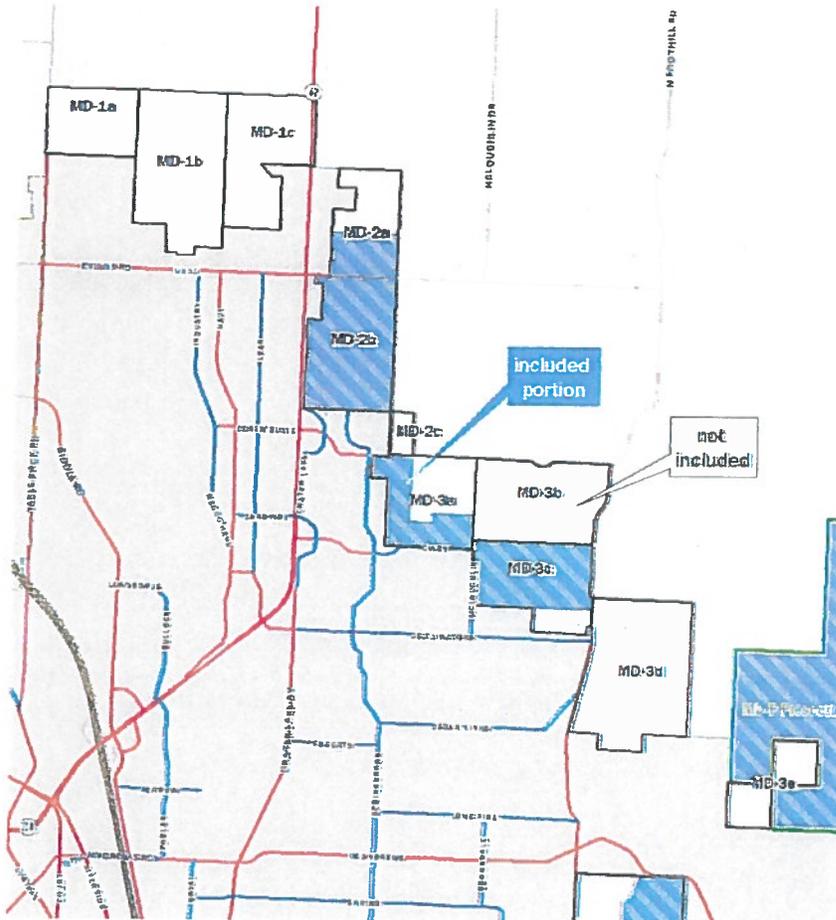
<#>Rearrangement of the GLUP designations within the unit in order to more effectively implement the goals of the RPE as expressed by the Performance Indicators contained within Chapter 5 and other applicable sections of the RPE and the City's other duly adopted long range plans. This could be demonstrated through market studies and other similar documents prepared by subject area experts. . ¶

<#>Changes within a class of GLUP designations, but only from less intense to more intense. For example, a change from low-density residential to medium-density residential is permitted, but not the reverse. ¶

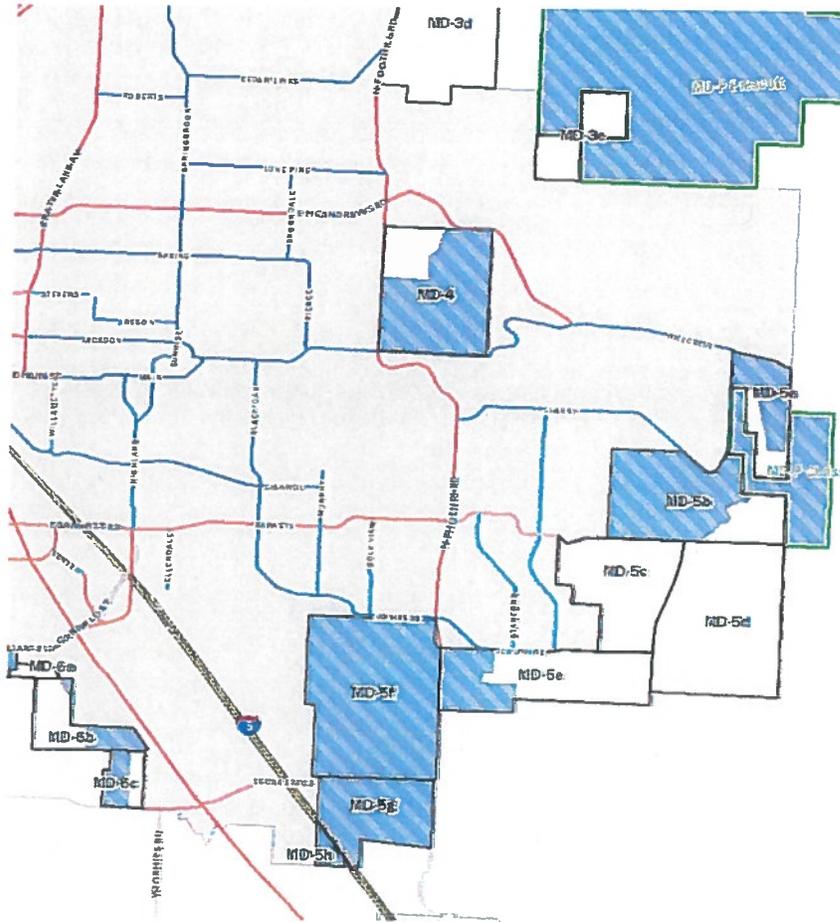
8. PLANNING UNIT MAPS

The following maps identify the cohesive planning units for the purposes of administering this chapter. The dark striped areas show the latest UGB expansion.

8.1 Areas MD-1 through MD-3 (north and northeast)



8.2 Areas MD-4 through MD-5 (southeast)



9. OPEN SPACE REQUIREMENTS BY PLANNING UNIT

The open space requirements for each of the designated MD areas is identified in the Regional Plan. The percentages have also been identified for each of the planning units below. It is understood that development constraints will prevent strict adherence to the exact number of acres required based on the percentages in Table 9-1. Therefore, the number of Open Space acres proposed by an Urbanization Plan may vary from the requirement by no more than +/- 0.25 acres.

Table 9-1

Planning Unit Number	Regional Plan Open Space Percentage
MD-1 a	6%
MD-1 b	
MD-1 c	
MD-2 a	0%
MD-2 b	11%
MD-3 a	16%
MD-3 b	
MD-3 c	
MD-3 d	
MD-4	15%
MD-5 a	

MD-5 b	19%
MD-5 c	
MD-5 d	
MD-5 e	
MD-5 f	
MD-5 g	
MD-5 h	0%
MD-6 a	
MD-6 b	
MD-6 c	
MD-7 a	22%
MD-7 b	
MD-7 c	
MD-8	13%
MD-9 a	29%
MD-9 b	
	18%

MD-9 c	
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MEMORANDUM

Subject Committed Residential Density
File no. CP-14-114
To Matt Brinkley, Planning Director
From Chris Olivier, Planning GIS Coordinator
Date June 20, 2017

ANALYSIS OF MEETING COMMITTED RESIDENTIAL DENSITY

This analysis was produced in order to determine average gross density within the Urban Growth Boundary (UGB) as proposed by CP-14-114 which includes land within the current UGB that was revised as part of the Internal Study Areas (ISA) process, the land in the current UGB outside the City Limits and the proposed expansion area in the designed Urban Reserve area. This is different from the April 21 memo that calculated the housing density within the future and current UGB.

Background

During the City of Medford's Urban Growth Boundary Amendment process, the City has adopted the Regional Plan as part of the City's Comprehensive Plan. The Regional Plan has certain measurable performance indicators that have been identified and then adopted by Jackson County and the participating cities, including Medford. The State of Oregon's Department of Land Conservation and Development (DLCD) will review these measures to help determine the participating jurisdictions' level of compliance with the Plan. One of the performance indicators is the Committed Residential Density.

Analysis

According to the Regional Plan, the City needs to meet 6.6 dwelling units per gross acre (du/gross ac) during the first phase of the Regional Plan (2010-2035). This density commitment applies to land within the Inclusion Lands (land outside UGB), the unincorporated lands within the Urban Growth Boundary (UGB) and efficiencies done on lands inside the City. Density factors that were used for the three different calculation projects were as follows: Urban Residential (UR) = 4.8 du/gross ac, Urban Medium Density Residential (UM) = 12.8 du/gross ac, and Urban High Density Residential (UH) = 18.1 du/gross acre.

The Inclusion Lands units per acre (density) of 6.34 was generated by subtracting the Public/Semi-public (PSP) acres from the available Residential Acres (unbuildable removed) in the three different General Land Use Plan (GLUP) categories (UR, UM and UH). The gross density factor was then multiplied by the applicable GLUP Residential acres dedicated to the residential use number. The total GLUP residential unit number of 5910.4 units was divided by 932 residential acres (minus PSP) to achieve the number of 6.34 units/gross acre density. The following table depicts the analysis for Inclusion Lands (Outside UGB) calculation:

Density of proposed Inclusion Lands By GLUP (Outside UGB)				
GLUP	UR	UM	UH	Total
Residential Acres (unbuildable removed)	891	27	121	1040
PSP Acres	76	7	25	108
Residential acres dedicated to Res. Use	816	20	96	932
Density factor	4.8	12.8	18.1	
Units	3916.8	256	1737.6	5910.4
				6.34 density (units/acre)

The unincorporated lands within the UGB followed a similar calculation of Residential Acres by GLUP minus PSP acres. The difference was then multiplied by the applicable density factors. The density for this category was calculated to be at 5.56 du/gross acre. The following table depicts the analysis for the unincorporated lands within the UGB:

Unincorporated lands within UGB				
GLUP	UR	UM	UH	Total
Residential Acres (unbuildable removed)	240.6	28.9	6.7	276.2
PSP Acres	29	15	2	46
Residential acres dedicated to Res. Use	211.6	13.9	4.7	230.2
Density factor	4.8	12.8	18.1	
Units	1015.7	177.9	85.1	1278.7
				5.56 density (units/acre)

The City Limit Efficiencies/Selected Amendment Locations (SAL) Change Area analysis was a bit more complicated. The Residential lands which had their GLUP changed to a higher density were identified with the goal of determining how many additional units would be available to add to the density calculation. The analysis shows that after the revised numbers are factored into the equation, the result is an addition of 727.9 units from the City Limit Efficiencies procedure. The following table depicts the analysis for the City Limit Efficiencies/Selected Amendment Locations (SAL) Change Area analysis:

City Limit Efficiencies/SAL Change Area			
GLUP Change	UR to UM	UR to UH	
Acres	55.6	51.6	
% of PSP acres UR	2.3%	2.2%	
UR PSP acres	5.1	5	
Prior acres available for units	50.5	46.6	
Prior density factor	4.8	4.8	
Prior unit potential	242.4	223.7	466.1
% of PSP acres changed GLUP	46%	24%	
PSP acres	10.1	17.8	
Revised acres available for units	45.5	33.8	
Revised density factor	12.8	18.1	
Revised unit potential	582.4	611.78	1194.18
Unit increase			727.9 additional units

The final step was to divide the sum of the three categories' Units by the sum of the acres: 7917 units / 1162.2 acres = 6.81 du/gross acre density. The highlighted yellow numbers on the above tables are applied to the final table:

Total Density Calculation			
Geographic location	Units	Acres	Density
Inclusion Lands (Outside UGB)	5910.4	932	6.34
Unincorporated lands within UGB	1278.7	230.2	5.55
City Limit Efficiency Increase (Additional units)	727.9		
	7917	1162.2	6.81 Units per acre

Conclusion

In the Regional Plan, the City of Medford committed to a density of 6.6 dwelling units per gross acre in the first planning period from 2010-2035. The analysis reveals Medford is projected to achieve a 6.8 du/gross acre. This projected density will meet the Committed Residential Density. This measurement shows that the City is complying with the density performance indicator.

- 5.3 Compliance with the open space allocation for an urban reserve area (see Regional Plan Element for applicable percentages). Units that contain only Industrial GLUP designations are exempt from this requirement.**
- 5.3.1 The following classifications count as open space for purposes of fulfilling the RPE requirements include the following:**
- **Parks and schools, both public and private.** Where land acquisition is not complete or where specific open space dedications were not offered and accepted as part of the UGB review 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 planned supply of 11.6 acres of land per 1,000 persons for Public and Semi-Public land uses. 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.
 - **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.
 - **Riparian areas:** Applicable acreage shall be counted.
 - **Acreage under an “open space” tax assessment shall be counted.**
 - **Locally significant wetland acreage and any associated regulatory buffer shall be counted.**
 - **Slopes greater than 25 percent shall be counted.**
 - **Other land use identified spatially in the Urbanization Plan that the City determines are appropriately considered**
- 5.3.2 No Spatial GLUP Changes or only Minor Spatial GLUP Adjustments:** Urbanization plans that do not propose significant GLUP map changes or propose only minor spatial adjustments from those established for the planning unit at the time the planning unit was included in the UGB may demonstrate open space percentage compliance with simple analytic approach. These urbanization plans shall include analysis and findings demonstrating that that amount of open space assumed to be supplied in the planning unit at the time the UGB was adopted will be roughly consistent with the amount of open space identified in the above planned open space categories.
- 5.3.3 Moderate Spatial GLUP Adjustments:** Urbanization plans that propose GLUP map amendments that alter land supply within the planning unit but hold the total acreage for each GLUP Map designation constant within the applicable MD area and limited to lands within the UGB may

demonstrate open space percentage compliance with MD-extent spatial analytic approach. These urbanization plans shall include analysis and findings demonstrating that the above categories of open space are reasonably likely to be supplied within the portion of the applicable MD area included in the current UGB and will not place unduly disproportionate supply of the Regional Plan Open Space percentages on lands within the applicable MD including other lands in the MD area that are both inside and outside the current UGB.

- 5.3.4 **Complex Spatial Adjustments:** Urbanization plans that propose GLUP map amendments with more complex land supply changes than described in 5.3.2 or 5.3.3 above, such as spatial exchanges of GLUP designations outside the applicable MD elsewhere within the UGB or concept plan refinements for lands not yet included in the UGB within a specific MD may only be approved based upon thorough analysis and findings demonstrating the proposed Urbanization Plan(s) for all affected Regional Plan MD areas can reasonably be expected to continue to supply planned open space percentages. The analysis and findings required by this section shall evaluate the entire MD area(s) open space percentages for all affected MD areas, but the geographic resolution of the analysis for lands outside the UGB may be more generalized.
- 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 one 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, and determining its ability or limitations to serve the site.**
- 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.**



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

for a Type IV legislative decision: Development Code Amendment

Project Housing & Housekeeping
File no. DCA-18-118
To Planning Commission *for the 10/25/2018 hearing*
From Sarah Sousa, Planner IV
Reviewer Carla Angeli Paladino, Principal Planner
Date October 18, 2018

BACKGROUND

Proposal

Amendments to Chapter 10 of the Medford Municipal Code to make housekeeping corrections and minor changes related to housing and density.

Authority

The amendments will be reviewed as a Type IV Legislative Development Code Amendment. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to the Municipal Code under Medford Municipal Code Section 10.214 and 10.218.

History

The Planning Department regularly brings text amendments forward on sections of Chapter 10 that need clarification or correcting. This is done in order to fix errors and also to better explain code requirements.

The housekeeping changes proposed are mostly needed due to recent code amendments. Since the adoption of the Article II reconfiguration in June, some minor errors or clarifications were found. Examples include 1) the requirement for public hearing sign posting is not needed for Type II applications and 2) the wrong code section is referenced for minor modifications. Another recently adopted code amendment, the Public Parks zoning, created a new application type called the Park Development Review. However, the amendment did not include the submittal requirements for this new review.

Other than the housekeeping updates, minor changes are proposed in regards to density and housing. Some of these changes are recommendations the Housing Advisory Committee made to the City Council. In February of this year, the City Council directed

staff to begin working on those recommendations that help to promote housing and remove barriers.

OVERVIEW

The proposed project includes twenty five minor changes. Exhibit B includes a complete list of the amendments including a description, code section, and type of change. The minor revisions to make housing more feasible are bulleted below:

- Equalizing lot coverage for all residential zones with the exception of the SFR-00 and SFR-2 zones
- Allowing structures built as single family homes to convert back and forth from residential to commercial uses in the commercial zones
- Removing the locational requirement for zone changes to the Single Family Residential – 6 dwelling units per gross acre zone
- Allowing townhomes the same setbacks as single family detached homes
- Revising the maximum density calculation to round up if .5 or greater
- Eliminating the restriction that duplexes must be on a corner lot in the Single Family Residential – 4 dwelling units per gross acre zone
- Clarifying that more than one duplex is permitted on a lot zoned multi-family
- Removing restrictions prohibiting residential care facilities for 15+ individuals in the multi-family zones and the Neighborhood Commercial zone

Other non-housekeeping changes proposed are listed below:

- Changing referral agency review time for Type IV applications from 30 working days to 30 calendar days
- Changing Type II action notification from 10 working days to 14 calendar days
- Adding cemeteries as permitted uses in the Public Parks zone
- Clarifying that wireless communication facilities in the right-of-way within the Public Parks zone require a conditional use permit
- Adding a note to the residential standards table about allowance for caretakers residence in industrial zones
- Changing the way fencing height is measured
- Clarifying that landscaping in the planter strip can count toward required frontage landscaping

FINDINGS AND CONCLUSIONS

Applicable criteria

The applicable criteria that apply to code amendments are in Medford Municipal Code Section 10.218. The criteria are set in *italics* below; findings and conclusions are in roman type.

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

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

Findings

The City has been looking at ways in which to increase housing in Medford. Last year the City Council formed a temporary Housing Advisory Committee (HAC) to advise on ways in which the City can promote housing through regulatory policies and economic programs. The HAC's recommendations were forwarded to the City Council for consideration in February 2018. The Council directed staff to begin working on the recommendations.

The proposed Development Code changes help to review different ways to achieve density by 1) revising the way maximum density is calculated, 2) allowing residential care facilities of 15 or more residents in the multi-family zones and the Neighborhood Commercial zone, 3) removing the locational criteria for zone changes to SFR-6 (Single Family Residential – 6 dwelling units per gross acre), 4) and allowing conversion of single family homes in commercial zones to convert back and forth between residential and commercial uses.

The housekeeping changes proposed help to clarify, amend, and improve the existing Development Code. Examples of this include correcting errors that occurred when Article II was reconfigured and the Public Parks zone was adopted. In addition to a few corrections, changes are proposed to make regulations more straight forward such as allowing townhomes the same setbacks as single family detached homes. A few clarifications are proposed too to help the public and staff better administer the Land Development Code such as adding a new way to measure fence height. This is currently measured from the side of the "abutting property," which assumes the property owner on one side built the fence. The proposed measurement is from the highest adjacent finished ground level. Another clarification proposed is how street frontage landscaping requirements are met. Previously, this allowance was vague in regards to how much landscaping can be counted within the planter strip. The proposal would allow all required plantings to be within the required yard adjacent to the street, or within the park strip, or a combination of both. As long as the total number of trees, plants, and groundcover is met, it can be accomplished in one or both areas.

Conclusions

The proposed changes help to make incremental changes in density and remove barriers to provide additional housing in Medford. The housekeeping changes serve to correct errors and better clarify regulations which help make administering and

understanding the code easier and clearer for staff and the general public. This criterion is found to be satisfied.

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

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

Findings

The amendment relates to the goals and policies found in the Regional Plan Element, specifically Goal 1 which is to: Manage future growth for the greater public good.

Goal 1(c)

- The Region's overall urban housing densities shall be increased to provide for more efficient land use utilization.

The proposed amendments relate to increasing density within the City. Removing the locational criteria for SFR-6 zoning will make this higher density zone more accessible. Also, changing the procedure for calculating maximum density will incrementally help increase density.

The amendment also relates to the goals and policies found in the Housing Element, specifically Policy 1.

Policy 1-C

Assess policies, regulations, and standards affecting residential development and pursue amendments as needed to meet Policy 1. Assess factors such as:

- (a) Residential development standards;
- (c) Standards applicable to group and modified housing units;

The amendment proposes to change residential standards to make housing more feasible including increasing lot coverage in the residential zones, standardizing setbacks for all housing types, and removing restrictions that require duplexes in the SFR-4 zone to be located on a corner lot. In regards to revising standards applicable to group housing units, this amendment would allow residential care facilities for 15 or more individuals in the multi-family zones and within the Neighborhood Commercial zone.

Conclusions

The amendments are relevant to the Regional Plan goals and policies as well as the Housing Element. This criterion is found to be satisfied.

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

Findings

The proposed development code amendment was distributed to internal and external agencies for review and comments in September 2018. The Public Works, Building, and Fire Departments provided official "no comments" for the record (See Exhibits C-E). No written comments were received on the proposed changes.

Conclusions

Opportunities for comments were provided to applicable referral agencies and no comments were received regarding the amendments. This criterion is found to be satisfied.

3. *Public comments.*

Findings

On October, 3, 2018, information related to this amendment was made available to a City-formed group (Technical Advisory Committee) reviewing potential housing updates through a Technical Assistance Grant granted by the State. The amendments under review were also discussed at a Planning Commission Study Session on October 8, 2018. To date, no written comments have been received.

Conclusions

The amendments have been made available for public review and comments through a public meeting (Planning Commission Study Session). Also, members of the development community have been informed of the amendments at a Technical Advisory Committee meeting. This criterion is found to be satisfied.

4. *Applicable governmental agreements.*

Findings

There are no governmental agreements that apply to the proposed code amendments.

Conclusions

This criterion is not applicable to this amendment.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the applicable criteria are satisfied or not applicable, initiate the amendment and forward a favorable recommendation for approval of DCA-18-118 to the City Council per the staff report dated October 18, 2018, including Exhibits A through F.

EXHIBITS

- A Draft code amendment text
- B Code Amendments Table
- C Public Works Memo received October 10, 2018
- D Building Department Memo received October 10, 2018
- E Fire Department Memo received October 10, 2018
- F Planning Commission Study Session Minutes from October 8, 2018

PLANNING COMMISSION AGENDA: OCTOBER 25, 2018

Housing & Housekeeping Amendment (DCA-18-118)

(Blue lettering = proposed addition / Red strikeout = words to be removed)

Article I

10.033 Continuation of Nonconforming Development.

Except as otherwise provided in Sections 10.034, Criteria for Nonconformity Expansion or Change through 10.037, Completion of Nonconforming Development, a legal nonconforming structure or use may continue but shall only be changed, while continuing to be nonconforming, as authorized by this chapter.

(1) A structure that is legal nonconforming because of a failure to comply with a requirement of Articles IV, V, or VI may be altered or reconstructed if the Planning Director finds that the alteration or reconstruction will not result in an aggravation of the nonconformity. A structure that is legal nonconforming because of a public facility deficiency may only be further developed upon meeting the other requirements of this chapter and after provisions have been made to correct the public facility deficiency or to assure that the applicant will meet the pro rata share of the responsibility for correcting the deficiency when the correction takes place.

(2) A structure in any commercial zone that was originally built as a single family home may be converted to a permitted commercial use and then converted back to its original residential use subject to the requirements of the Building Code.

~~(23)~~ A single-family residential structure that is legal nonconforming because of a failure to comply with the permitted or conditional uses in Article III may be reconstructed, as it was, if destroyed as in 10.036(2). The new structure may be altered from the original floor plan or design if the Planning Director finds that the alteration will not result in an aggravation of a nonconformity and is otherwise consistent with items ~~34~~ through ~~56~~ that follow.

~~(34)~~ Subject to approval by the approving authority (Planning Commission) as a conditional use, a legal nonconforming use may be expanded or changed to serve another use, with the exception that the maximum amount of special relief that can be given is as follows:

(a) The floor area of a building shall not be increased by more than 20 percent.

(b) The land area covered by structures shall not be increased by more than 10 percent.

~~(45)~~ The entire contiguous ownership of land shall be considered as a single parcel for determination of nonconformity as a consideration for approval of any further development or change in use. A record of separate lot or parcel boundaries shall be disregarded.

~~(56)~~ A lot of record, or a parcel of land for which a deed or other instrument dividing the land was recorded with Jackson County prior to May 5, 1980, which has an area or dimension less than

required by this code, shall be considered legal nonconforming and may be developed and occupied by a permitted use subject to compliance with the minimum standards of this code.

(67) The taking by eminent domain action of a portion of an existing legal nonconforming lot shall not affect the legal right of the owner to use the remainder of such lot in any manner that would have been legal prior to the taking.

(78) If, by the taking by eminent domain action of a portion of a lot, which includes a legal nonconforming sign(s), said sign(s) may be moved to another location on the remaining portion of the lot, as permitted by the Planning Director (or designee), with the signs retaining their legal nonconforming status. Such relocated sign shall otherwise be in conformance with all standards of the Land Development Code.

Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Minor Modification to a Site Plan & Architectural Review Approval	I	10.200(H)(2)	Planning Director	No
Major Modification to an Approved Conditional Use Permit	III	10.184(D)(1)	Planning Commission	Yes
Minor Modification to an Approved Conditional Use Permit	I	10.814(D)(2) 10.184(E)(2)	Planning Director	No

Article II

10.112 Referral Agencies.

(D) Referral Agency Action and Decision Time.

(1) After deeming an application complete per Section 10.122, the Planning Department shall transmit one copy of the proposed legislation, or land use permit application, and necessary accompanying data for review and comment to any governmental agency or private entity that is entitled to notice per the Planning Department's Distribution Schedule.

(a) Type IV Land Use Reviews: Referral agencies shall have thirty **working calendar** days to submit comments on all Type IV land use applications/reviews. If the referral agency does not comments within thirty **working calendar** days, then the referral agency is assumed to have no comment. If requested in writing, by a referral agency, an extension of thirty **working calendar** days may be granted.

(b) Type **II and III** Land Use Reviews: Upon receipt of a Type **II or III** land use application/~~review~~ and necessary accompanying data, each referral agency shall make an investigation and submit a written report within fifteen **working calendar** days, and forward same to the Planning Department, clearly specifying any recommended conditions for development or approval.

10.120 Due Process.

Each of the procedural types outlined in Section 10.106 are subject to specific due process and administrative requirements which are outlined below in Table 10.120-1 for each land use application.

Table 10.120-1. Due Process Elements by Procedure Type

Due Process Element	Land Use Procedure Type			
	Type I	Type II	Type III	Type IV
1. Completeness Review		✓	✓	✓
2. Notification		✓	✓	✓
3. Disclosure		✗	✓	✓
4. Conflict of Interest			✓	✓
5. Public Hearing			✓	✓
6. Cross-Examination			✓	✓
7. Action, Decision Time and Notice of Decision		✓	✓	✓
8. Findings of Fact		✓	✓	✓
9. Record		✓	✓	✓

10.124 Due Process Element 2: Notification.

(B) Public Hearing Signs. On-Site Posting. Public hearing signs shall be posted on the project site for any proposed Type II, III, or IV (minor) land use actions according to the following:

(C) Notification, Affected Property Owners.

(1) Notice of Type II Land Use Action. In the case of Type II land use actions where there is no public hearing, notification shall be mailed to the applicant and all affected property owners within ~~10 working~~ 14 calendar days of deeming an application complete pursuant to Section 10.122.

~~(d) Notice of Decision, Type II. Upon reaching a final decision on the application, the Planning Director shall mail a copy of the decision to the applicant and any person who submits comments during the public comment period. The Planning Director shall also mail notice of the decision in writing to parties who were notified of the comment period in Subsection (C.1.b) of this Section.~~

~~(e) Notice of Decision Content, Type II. The content of the notice of decision shall:~~

~~(i) A description of the applicant's proposal and a summary of the City's decision on the proposal.~~

~~(ii) Identify the street address or other easily understandable geographical reference of the location of the site.~~

~~(iii) Identify a statement of where the City's decision can be obtained and contact information.~~

~~(iv) Include a statement that all persons entitled to notice may appeal the decision.~~

~~(v) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice in Subsection (C.1.b) above, and anyone who provides written comments during the comment period may appeal the decision by filing an appeal in accordance with this Code within 14 days of the date the written notice of decision is mailed.~~

~~(vi) State that copies of all evidence relied upon by the decision maker are available for review at no cost, and that copies can be obtained at reasonable cost from the City.~~

~~(vii) State the decision will not become final until the period for filing a local appeal has expired.~~

~~(viii) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.~~

~~(f) Final Decision and Effective Date, Type II. The effective date of the final decision shall be 14 calendar days following the date the notice of decision is mailed, unless appealed, in which case the decision is effective when the appeal is decided.~~

~~(g) Appeal, Type II. A final decision may be appealed to the Planning Commission as provided in Section 10.140 of this Code.~~

Procedure Type	Newspaper Publication	On-Site Public Hearing Sign	Affected Property Owners Notice
Type I	None	None	None
Type II	None	None	Within 10 working 14 calendar days of deeming an application complete, notice will be sent to all property owners within 200 feet of the project boundaries.

10.134 Due Process Element 7: Action, Decision Time, and Notice of Decision.

(A) Action. After acceptance of an application, the approving authority shall approve, approve with conditions, or deny the request. The decision of the approving authority shall be based upon the application, the evidence and comments from referral agencies and the public, and compliance with this chapter.

(B) Decision Time. Action on all land use reviews shall be taken within the time herein prescribed.

(C) Notice of Decision-, ~~Type III/IV. For all Type III/IV land use reviews,~~ The Planning Department shall, within five working days of the decision date, provide written notification of the land use decision to the applicant and all persons who testify orally or in writing on the land use review. The notice shall indicate the date that the decision will take effect, the approval's expiration date, and the final date for appeal.

~~(D) Notice of Decision, Type II. Within three working days of a final decision on the application, the Planning Director shall mail a copy of the decision to the applicant and any person who submits comments during the public comment period. The Planning Director shall also mail notice of the decision in writing to parties who were notified of the comment period in Section 10.124(C)(1)(b).~~

(1) Notice of Decision Content, Type II. The content of the notice of decision shall:

(a) Include a description of the applicant's proposal and summary of the City's decision on the proposal.

(b) Identify the street address or other easily understandable geographical reference of the location of the site.

(c) Identify a statement of where the City's decision can be obtained and contact information.

(d) Include a statement that all persons entitled to notice may appeal the decision.

(e) State that any person who is adversely affected or aggrieved, anyone who is entitled to written notice in Section 10.124(C)(1)(b), and anyone who provides written comments during the comment period may appeal the decision by filing an appeal in accordance with this Code within 14 days of the date the written notice of decision is mailed.

(f) State that copies of all evidence relied upon by the decision-maker are available for review at no cost, and that copies can be obtained at reasonable cost from the City.

(g) State the decision will not become final until the period for filing a local appeal has expired.

(h) State that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(2) Final Decision and Effective Date, Type II. The effective date of the final decision shall be 14 calendar days following the date the notice of decision is mailed, unless appealed, in which case the decision is effective when the appeal is decided.

(3) Appeal, Type II. A final decision may be appealed to the Planning Commission as provided in Section 10.140 of this Code.

10.185 Park Development Review.

In order to ensure a harmonious transition between parkland and surrounding uses, a Park Development Review is required for new and expanded parks, trails, and paths within the Public Parks zone. All park facilities, including paths and trails within the Public Parks zone, previously approved under a Conditional Use Permit are subject to the Park Development Review process as described in this section ~~for any major modification (as defined below) to the prior CUP.~~

(E) Park Development Review Application Form

An application for a Park Development Review shall contain the following:

- (1) Vicinity map drawn at a scale of 1" = 1,000' identifying the location of the proposed site.
- (2) Assessor's map with subject site identified.
- (3) Site plan drawn to scale on an eighteen inch by twenty-four inch (18" x 24") sheet. Site plan shall identify all existing and proposed buildings, parking, drives, vegetation or landscaping, adjacent development.
- (4) Property owner's (and agent's) names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.
- (5) Findings prepared by the applicant or his/her representative addressing the criteria set forth in Section 10.185 (A), Park Development Review Criteria.
- (6) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) or 10.729(B).
- (7) A Landscape Plan, drawn to scale, showing existing and proposed landscaping.

10.198 Revision ~~of~~ or Termination of a PUD.

* * *

10.204 Zone Change.

(B) Zone Change Approval Criteria.

The Planning Commission shall approve a quasi-judicial, minor zone change if it finds that the zone change complies with subsections (1) ~~and (2)~~ through (3) below:

* * *

(b) For zone changes to ~~SFR-6 or~~ SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist:

- (i) At least one parcel that abuts the subject property is zoned ~~the same as the proposed zone, either SFR-6 or SFR-10 respectively;~~ or
- (ii) The area to be re-zoned is five acres or larger; or
- (iii) The subject property, and any abutting parcel(s) that is (are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five acres.

10.314 Permitted Uses in Residential Land Use Classification.

PERMITTED USES IN RESIDENTIAL ZONING DISTRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
5. GROUP QUARTERS									
(a) Boarding/Lodging House (1-2 guest rooms)	P	P	P	P	P	P	P	P	
(3-5 guest rooms) (owner occupied)	C	C	C	C	C	P	P	P	
(b) Retirement or Congregate Living Facility	X	X	X	X	X	Ps	Ps	Ps	10.838
(c) Nursing Home/Long Term Care Facility	X	X	X	X	X	P	P	P	
(d) Residential Facility (6 to 15 Residents)	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.836
(e) Residential Facility (16 or More Residents)	X	X	X	X	X	Ps	Ps	Ps	10.836
(e f) Halfway Homes for Delinquents; Juvenile Correctional Homes, Residential Training Schools for Delinquents (6 to 15 Residents)	X	X	X	X	X	P	P	P	
(f g) Residential Drug and Alcohol Treatment Facility (16 or More Residents)	X	X	X	X	X	C	C	C	

Article III

10.334 Uses Permitted in the Public Parks Zoning District

SIC #	Description of Use	Allowance Type	Additional Regulations/ Land Use Requirement
481	Wireless Communication Support Structure / Wireless Communication Facilities in the Public Right-of-Way	Cs	The special use references for Wireless Communication Support Structure and Wireless Communication Facilities, other than Support Structure, correspond with special uses 10.824
	Wireless Communication Facilities, other than Support Structure	Ps	
6553	Cemeteries	P	The special use reference for cemeteries corresponds with Section 10.815

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

* * *

83 **SOCIAL SERVICES.** This major group includes establishments providing social services and rehabilitation services to those persons with social or personal problems requiring special services and to the handicapped and disadvantaged.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
832	Individual and Family Social Services	P	P	P	P	P	X	X	X
836	Residential Care (All kinds, including those with over 15 residents)	P	XP	P	P	P	X	X	X
839	Social Services, nec	P	P	P	P	P	X	X	X

Article V

10.705 Building Height and Side-Yard Determination.

C. Determining Side-Yards for Detached Single-Family, and Duplex Dwellings, and Townhomes.

1) Side-yards are calculated using the building height measured at the adjacent contact ground level at the outside edges of the front wall of the building. The side-yard is measured from property line to the nearest vertical structural element (i.e. wall or post) of any area under roof cover.

10.708 Residential Density.

The minimum and maximum number of dwelling units permitted shall be determined by multiplying the project's gross acreage, less non-development areas (NDAs), by the zoning district minimum and maximum density factor, consistent with A, B, and C below.

A. Definitions.

When used in this Chapter in reference to the residential density calculations, the following terms shall have the meaning as herein assigned:

(1) Dwelling Unit (DU). The number of dwelling units permitted. Minimum and Maximum density is rounded to the nearest whole number (up for numbers 0.5 and greater, and down for numbers less than 0.5). ~~Maximum density is rounded down to the nearest whole number.~~

10.710 Detached Single-Family Dwellings.

DETACHED SINGLE-FAMILY DWELLINGS One detached dwelling unit per lot.					
Development Standards	SFR-00	SFR-2	SFR-4	SFR-6	SFR-10
Minimum and Maximum Density Factor Range (See 10.708)	NA	0.8 to 2.0 dwelling units per gross acre	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre
Lot Area Range (Square Feet)	Land divisions not permitted in this zone	14,000 to 55,000	6,500 to 18,750	4,500 to 12,500	3,600 to 8,125
Maximum Coverage Factor (See 10.706)	40%	35% of lot area	50% 45% of lot area can exceed 50% 45% when the building footprint is not more than 2,000 sq. ft.		50%
Minimum Interior Lot Width	NA	80 feet	60 feet	50 feet	40 feet
Minimum Corner Lot Width	NA	90 feet	70 feet	60 feet	50 feet
Minimum Lot Depth	NA	90 feet can count only half of an adjoining alley toward the lot depth			
Minimum Lot Frontage	NA	30 feet EXCEPT Flag Lots which shall be 20 feet			
Minimum Front Yard Building Setback	15 feet EXCEPT the garage shall be a minimum of 20 feet. If the garage door is perpendicular to the street then the minimum setback to the side wall of the garage is 15 feet. (See Garage Setback Diagram).				
Minimum Street Side Yard Building Setback	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports				
Minimum Side Yard Building Setback	4 feet for 0–18 feet building height 6 feet for 19–22 feet building height 8 feet for 23–26 feet building height 10 feet for 27–30 feet building height 12 feet for 31 feet or taller building height				
Minimum Rear Yard Building Setback	The rear yard is equal to the greater of the side yard setbacks calculated in §10.705(C), and not less than 4 feet. EXCEPTION: If the rear property line abuts a collector or arterial street, or the parcel is a through lot, then the setback is a minimum of 10 feet.				
Maximum Height (See 10.705)	35 feet				
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit				
A detached single-family dwelling as a stand alone use is permitted in the Multiple-Family Residential (MFR) zoning districts ONLY if the lot is nonconforming as to minimum lot area, width, or depth. A detached single-family dwelling is permitted in the Industrial zones as a caretakers residence as per Section 10.835.					
The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.					

10.712 Townhouse Dwellings.

TOWNHOUSE DWELLINGS			
Three or more attached dwelling units, with each unit on a separate tax lot, occupying the interior space from ground to roof, and having direct access to individual private outdoor space.			
Development Standards	SFR-10	MFR-15	MFR-20
Minimum and Maximum Density Factor Range (See 10.708)	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre
Lot Area Range (Square Feet)	3,250 to 8,125	2,500 to 4,500	1,800 to 3,000
Maximum Coverage Factor (See 10.706)	40% -50%		
Minimum Interior Lot Width	25 feet	20 feet	
Minimum Corner Lot Width	35 feet	30 feet	
Minimum Lot Depth	90 feet	90 feet	
Minimum Lot Frontage	25 feet	20 feet	
Minimum Front Yard Building Setback	15 feet * EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Street Side Yard Building Setback	10 feet * EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Side Yard Building Setback (side not attached to a building)	4 feet for 0–18 feet building height 6 feet for 19–22 feet building height 8 feet for 23–26 feet building height 10 feet for 27– 30 feet building height 12 feet for 31 feet or taller building height 10 feet*		
Minimum Rear Yard Building Setback	10 feet *		
Maximum Height (See 10.705)	35 feet		
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit		
* Those portions of any townhouse dwelling located within 20 feet of any property line common with property containing single-family zoning shall not exceed one story.			
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>			

10.713 Duplex Dwellings.

DUPLEX DWELLINGS						
Two attached dwelling units on an individual lot or divided by a lot-line.						
DEVELOPMENT STANDARDS	SFR-4	SFR-6	SFR-10	MFR-15	MFR-20	MFR-30
Special Standards	A duplex SHALL be divided by a lot-line. AND be on a corner lot.	A duplex SHALL be divided by a lot-line.	A duplex need not be divided by a lot-line. A duplex is permitted on a lot if it meets the density calculation.	One or more duplexes are permitted on a single site when density is met. A duplex is permitted on lots between 5,000 and 12,500 square feet in size.		
Minimum and Maximum Density Factor Range (See 10.708)	2.5 to 4.0 dwelling units per gross acre	4.0 to 6.0 dwelling units per gross acre	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
Lot Area Range (Square Feet)	8,500 to 18,750 each half	6,000 to 12,500 each half	6,000* to 12,500*	5,000* to 12,500*		
Maximum Coverage Factor (See 10.706)	50% 45%		50%			
Minimum Interior Lot Width	75 feet each half	60 feet each half	50 feet*			
Minimum Corner Lot Width	75 feet each half	60 feet each half	60 feet*			
Minimum Lot Depth	90 feet					
Minimum Lot Frontage	15 feet each half		30 feet*			
Minimum Front Yard Building Setback	15 feet EXCEPT the garage shall be a minimum of 20 feet. If the garage door is perpendicular to the street then the minimum setback to the side wall of the garage is 15 feet (see Garage Setback Diagram in Section 10.710)					
Minimum Street Side Yard Building Setback	10 feet EXCEPT 20 feet for vehicular entrances to garages or carports					
Minimum Side Yard Building Setback	4 feet for 0–18 feet building height 6 feet for 19–22 feet building height 8 feet for 23–26 feet building height 10 feet for 27–30 feet building height 12 feet for 31 feet or taller building height					
Minimum Rear Yard Building Setback	The rear yard is equal to the greater of the side yard setbacks calculated in §10.705(C), and not less than 4 feet. EXCEPTION: If the rear property line abuts a collector or arterial street, or the parcel is a through lot, then the setback is a minimum of 10 feet.					
Maximum Height (See 10.705)	35 feet					
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit					
Where the duplex is REQUIRED to be divided by a lot-line (SFR-4 and SFR-6), THEN the standards pertain to each half separately. For the other zoning districts, the * indicates standards that are divided in half IF the duplex is to be divided by a lot-line. Where the duplex is permitted without being divided by a lot-line, THEN two DETACHED dwelling units are permitted in lieu of the duplex.						
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>						

10.714 Multiple-Family Dwellings.

MULTIPLE-FAMILY DWELLINGS Three or more attached dwelling units.				
Development Standards	SFR-10	MFR-15	MFR-20	MFR-30
Special Standards	Multiple-family dwellings in SFR-10 are permitted ONLY if the units can be individually owned			
Minimum and Maximum Density Factor Range (See 10.708)	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
Minimum Lot Area (Square Feet)	15,000	9,000	8,000	
Maximum Coverage Factor (See 10.707)	50% 40%			50%
Minimum Interior Lot Width	80 feet			
Minimum Corner Lot Width	90 feet			
Minimum Lot Depth	120 feet	100 feet		
Minimum Lot Frontage	30 feet			
Minimum Front Yard Setback	20 feet * EXCEPT 15 feet IF vehicular access to the garage is parallel to the street			
Minimum Street Side Yard Setback	15 feet * EXCEPT 20 feet for vehicular entrances to garages or carports	10 feet * EXCEPT 20 feet for vehicular entrances to garages or carports		
Minimum Side Yard Setback	10 feet *	4 feet PLUS 1/2 foot for each foot in building height over 15 feet *		
Minimum Rear Yard Setback	20 feet	4 feet PLUS 1/2 foot for each foot in building height over 15 feet EXCEPT 10 feet IF the rear property line abuts a collector or arterial street *		
Maximum Height (See 10.705)	35 feet			
Bufferyard Setback	8 feet from bufferyard to any doors on a dwelling unit			
<ul style="list-style-type: none"> Those portions of any multiple-family dwelling located within 20 feet of any property line common with property containing single-family zoning shall not exceed one story. 				
<i>The terms used herein, such as lot width, lot depth, front yard, etc., are defined in Article I, Section 10.012.</i>				

10.732 Fencing of Lots.

(1) Fencing located within the front yard setback area of all zones, except the MFR zone, shall not exceed three (3) feet in height when measured from the grade of the street centerline. When within a MFR zone, a fence shall not exceed three (3) feet in height when located within ten (10) feet of a street right-of-way unless otherwise approved by the approving authority.

(2) Fencing located in the side or rear yards (when not a through-lot) shall not exceed eight (8) feet in height. Height shall be measured as follows:

(a) In required yards abutting a street, it shall be the effective height measured from the finished grade on the side nearest the street.

(b) In other required yards, it shall be ~~the total effective height above the finished grade measured on the side nearest the abutting property~~ measured from the highest adjacent finished ground level.

10.797 Street Frontage Landscaping Requirements.

(2) For all other street frontages the number of plants required for distances above or below one hundred (100) feet shall be prorated with the resulting numbers of plants rounded so that one-half or more shall be deemed to require a full plant. All required planting shall be located in the required yard area adjacent to the street, ~~or within the planter strip, or a combination of both. unless otherwise approved by the approving authority.~~

10.824 Wireless Communication Facilities.

* * *

D. Conditional Use.

Approval of a Conditional Use Permit is required for new Wireless Communication Support Structures (as defined in Section 10.012) and Wireless Communication Facilities within the public right-of-way (ROW) in residential ~~or Public Parks zones~~ (as outlined in Section 10.824(G)), subject to the Conditional Use Permit procedural requirements of Section 10.184).

* * *

G. Public Right-of-Way.

Applications for Wireless Communication Facilities within the public right-of-way (ROW) shall be required to enter into a Franchise Agreement with the City, and to obtain a right-of-way permit from the Public Works Department. Such applications shall be approved by the Planning Director as a Type I Land Use Action if the facility is located within a commercial or industrial zone and it complies with all of the following design standards. Facilities located within residential ~~or Public Parks zones~~, or facilities that do not comply with the design standards are subject to approval of a Conditional Use Permit pursuant to Section 10.824(D).

10.1160 Signs in the Public Parks (P-1) Zoning District: Basic Regulations.

(2) Wall Signs (non-illuminated):

- (a) Maximum Square Footage: ~~60 square feet per sign~~ The aggregate area of all signs shall not exceed one square foot for each linear foot of building frontage.

HOUSING AND HOUSEKEEPING AMENDMENTS						
	Description of Amendment	Code Section	House Keeping Change	Density or Housing Barrier Change	Other Change	Housing Advisory Committee Recommendation
1.	Changed nonconforming section so that SFRs in commercial zones can convert back and forth between commercial and residential uses	10.033		✓		✓
2.	Corrected Code Reference in Section 10.108-1	10.108-1	✓			
3.	Changed referral agency review time from 30 working days to 30 calendar days	10.112			✓	
4.	Removed disclosure requirement for Type 2 reviews	10.120-1	✓			
5.	Removed requirement for public hearing sign posting for Type 2 applications	10.124(B)	✓			
6.	Changed Type 2 notification from 10 working days to 14 calendar days	10.124(C)(1) 10.124-1			✓	
7.	Moved Section 10.124(C)(1)(d-g) to 10.134(D)	10.124(C)(1) (d-g) 10.134(D)	✓			
8.	Revised wording for converting CUPs to Park Development Reviews	10.185	✓			

	Description of Amendment	Code Section	House Keeping Change	Density or Housing Barrier Change	Other Change	Housing Advisory Committee Recommendation
9.	Added submittal requirements for Park Development Reviews	10.185(E)	✓			
10.	Corrected wording of section title	10.198	✓			
11.	Made correction to sentence referencing too few criterions	10.204(B)	✓			
12.	Removed locational criteria for zone changes to SFR-6	10.204(B)(b)		✓		✓
13.	Removed restriction prohibiting residential care facilities for 15+ residents in multi-family zones	10.314		✓		✓
14.	Added cemeteries as permitted uses in the Public Parks zone/Clarified that wireless communication facilities in the r-o-w require a CUP	10.334			✓	
15.	Added residential care as permitted in the Neighborhood Commercial zone	10.337		✓		
16.	Reduced side yard setbacks for townhomes	10.705(c) & 10.712		✓		
17.	Revised maximum density calculation	10.708(1)		✓	.	✓
18.	Added note about allowance for caretakers residence in industrial zones	10.710			✓	.
19.	Increased lot coverage to 50% in SFR-4 & SFR-6 zones	10.710 10.712 10.713 10.714			✓	

	Description of Amendment	Code Section	House Keeping Change	Density or Housing Barrier Change	Other Change	Housing Advisory Committee Recommendation
20.	Eliminated restriction that only allows one duplex on a multi-family lot	10.713		✓		
21.	Removed standard restricting duplexes in SFR-4 to corner lots	10.713		✓		
22.	Changed the way fencing is measured	10.732(2)			✓	
23.	Clarified that landscaping in the planter strip can count towards required frontage landscaping	10.797(2)			✓	
24.	Added the Public Parks zone to the Wireless Communication Section	10.824(D) & (G)	✓			
25.	Revised wording about wall signage allowance in Public Parks zone	10.1160(2)	✓			



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 10/10/2018
File Number: DCA-18-118

PUBLIC WORKS DEPARTMENT STAFF REPORT

Development Code Amendment Housekeeping & Housing Updates

Project: A development code amendment to Chapter 10 of the Medford Municipal Code to make housekeeping corrections and minor changes related to housing and density.

Applicant: City of Medford

Planner: Sarah Sousa, Planner IV, Long Range Division

Public Works has no comments on the proposed amendment.

Prepared by: Jodi K Cope

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Memo.docx Page 1 of 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

Exhibit C

Reviewed by: Doug Burroughs

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Comments\Engineering Memo.docx

Page 2

PUBLIC WORKS DEPARTMENT
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MEDFORD, OREGON 97501
www.ci.medford.or.us

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

Memo



To: Sarah Sousa, Planning Department
From: Mary Montague, Building Department
CC: N/A
Date: October 10, 2018
Re: DCA-18-118; Project Housekeeping & Housing Updates

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 commercial plans examiner to determine if there are any other requirements for this occupancy type. Please contact the front counter for fees.

1. Applicable Building Codes are 2010 OSSC until Sept. 30, 2014; 2014 OSSC Code change in effect July 1, 2014 with three month phase-in period July 1, 2014 to September 30, 2014; ICC/ANSI A117.1-2003 Edition; 2010 ADA Standards for Accessible Design (2010 Standards); and 2010 OEESC (Energy Code) with additional Oregon amendments.
2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us
Go to City Departments; Building; click on ELECTRONIC PLAN REVIEW for information.
3. Building department has no comments. It appears changes made will not affect building code requirements.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 10/1/2018
Meeting Date: 10/10/2018

LD #: DCA18118

Planner: Sarah Sousa

Applicant: City of Medford

Project Location: N/A

Project Description: A development code amendment to Chapter 10 of the Medford Municipal Code to make housekeeping corrections and minor changes related to housing and density.

The proposed updates are needed due to recently adopted Code amendments. The other changes are minor revisions to make housing more feasible including:

- Equalizing lot coverage for all housing types
- Allowing structures built as single family homes to convert back and forth from residential to commercial in the commercial zones
- Removing the locational restriction for zone changes to the Single Family Residential -6 dwelling units per gross acre zone
- Allowing townhomes the same setbacks as detached single family homes
- Revising the maximum density calculation
- Eliminating the restriction that duplexes must be on a corner lot in the Single Family Residential – 4 dwelling units per gross acre zone
- Clarifying that more than one duplex is permitted on a lot zoned multi-family.

Specific Development Requirements for Access & Water Supply

Conditions

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

Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

www.medfordfirerescue.org

Exhibit E



Planning Commission

Minutes

From Study Session on **October 8, 2018**

The study session of the Medford Planning Commission was called to order at 12:00 p.m. in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present

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

Staff Present

Kelly Evans, Assistant Planning Director
Carla Paladino, Principal Planner
Eric Mitton, Deputy City Attorney
Sarah Sousa, Planner IV

Commissioners Absent

David Culbertson, Excused Absence
Mark McKechnie, Unexcused Absence

Subject:

20.1 DCA-18-118 Housing and Housekeeping Amendment

Sarah Sousa, Planner IV reported that the amendment is housekeeping corrections and minor changes related to housing and density in the Medford Land Development Code.

Reconfiguring Article II removed the requirement for posting public hearing signs for Type 2 applications. These applications are approved by the Planning Director and does require the posting of public hearing signs.

A new application type was created for the public parks zoning review but submittal requirements were not included. The housekeeping amendment will include those requirements.

Small cell facilities needs the addition of public parks zone to the list of zones they can be located in.

There are a total of twenty four housekeeping amendments. The above are just a few examples.

Housing and Density Changes.

The minor revisions to make housing more feasible:

- Equalizing lot coverage for all residential housing types

Vice Chair McFadden asked, does lot coverage include the concrete for parking? Ms. Sousa replied that it does not. Vice Chair McFadden asked, will the concrete for parking

take more percentage because the house is 10% bigger? Ms. Sousa reported that it would apply to multi-family because another unit could be added. Single family and duplexes have a set amount of parking; two spaces per unit for single family detached. Vice Chair McFadden commented that one knows they are going to get the parking and building. Chances are they will maximize the building which means the only third option is all the open space for children to play in that just took a hit. Ms. Sousa replied that there is not a minimum of open space except in Planning Unit Developments for multi-family projects.

- Allowing structures built as single family homes to convert back and forth from residential to commercial in the commercial zones

Commissioner Pulver asked, if a zone is designated commercial isn't it to eliminate residential uses in that zone? Ms. Sousa stated that multi-family is allowed in commercial zones. They would look like single family homes.

Commissioner Mansfield asked, what public purpose is served by not permitting a residential in a commercial zone? Commissioner Pulver's opinion is that there will potentially be conflicting uses. There are all sorts of dynamics associated with commercial and industrial uses. There are different traffic flows and noise associated with commercial uses.

Personally, Commissioner Foley likes this one. He did not realize there were a lot of requests for this. Jackson Street is a classic example.

Vice Chair McFadden asked, does this allow changes to the outside of the building? Is there something that states one cannot add onto the footprint or add an accessory dwelling unit on the lot? Could there be a business and an accessory dwelling unit on the back side? Ms. Sousa stated that one would have to look at the nonconforming section. It is a Planning Director decision of over a certain percentage it is a conditional use permit. It is limited to expand the nonconformity. Also, the accessory dwelling unit standards would have to be reviewed. Currently, they are not allowed in commercial zoning districts but staff is reviewing maybe they could be allowed.

Chair Miranda asked, if it is converting from residential to commercial then converts back to residential would it not be permitted because it is residential? Commissioner Foley commented that the zoning did not change. It is allowing the use.

- Removing the locational requirement for zone changes to the Single Family Residential – 6 dwelling units per gross acre zone

Commissioner Pulver asked, what is the neighboring locational requirement for SFR-6? Ms. Sousa stated that the neighboring property has to have a GLUP designation of UR. Staff is leaving the locational criteria for SFR-10. SFR-10 still has to be abutting another property zoned SFR-10.

- Allowing townhomes the same setbacks as single family detached homes
- Revising the maximum density calculation to round up if .5 or greater
- Eliminating the restriction that duplexes must be on a corner lot in the single Family Residential – 4 dwelling units per gross acre zone

Chair Miranda asked, what was the logic behind enforcing that requirement? Ms. Sousa commented that it would not look like a duplex.

- Clarifying that more than one duplex is permitted on a lot zoned multi-family
- Removing restrictions prohibiting residential care facilities for 15+ individuals in the multi-family zones and the Neighborhood Commercial zone

Vice Chair McFadden asked, is there a state maximum of the number of people in residential care facilities? Is this aimed at the development on the corner of Lone Pine and Springbrook? Ms. Sousa replied that the Residential Care Facility on the corner of Lone Pine and Springbrook is in a single family zone as a conditional use. She does not believe there is a cap in multi-family zones.

Commissioner Pulver requested clarification of what residential care facilities are. Are they senior care facilities without medical care? Carla Paladino, Principal Planner replied that they can be. Kelly Evans, Assistant Planning Director commented that residential care facilities are super broad. Carla Paladino reported that a customer wanted to do an Alzheimer's care facility in a multifamily zone. It did not show as being allowed over 15 units. Nursing homes includes a definition of residential care. Technically, a residential care facility can be in a multifamily zone under the nursing home category. It needed to be clarified.

Commissioner commented that during an earlier discussion there are specific definitions of all types of care facilities on the state and federal level. Are they codified in the City's Code? Ms. Paladino agreed and reported they are codified in the Code.

The hearing schedule is October 25, 2018 for the Planning Commission and December 6, 2018 for the City Council.

Commissioner Foley asked, why move the working days to calendar days? Ms. Evans reported that it makes it easier for staff to manage.

Commissioner Pulver asked, does the Planning Commission review park developments? Ms. Evans stated they are kin to a Conditional Use Permit.

Commissioner Foley did not understand the description of the amendment for "Clarify that landscaping in the planter strip can count towards required frontage landscaping". Ms. Sousa replied that if there are plantings in the park strip it can count towards frontage landscaping. Frontage landscaping is on the private party portion of a lot. When doing commercial development there are required number of bushes and trees per whatever the length of the frontage. Existing landscaping in the planter strip can count towards the frontage landscaping requirement. Ms. Evans reported that the Site Plan and Architectural Commission reviews that requirement.

Vice Chair McFadden commented that adding the public parks zone to Wireless Communication Section did not dis-allow anything else. Ms. Evans replied that is correct.

Commissioner Pulver stated that at the last Planning Commission and City Council joint study session there is a lot of emphasis on density and affordability. It is his opinion that it is a mistake to eliminate the ability for people to be creative for large lot homes. He does not think it needs to be the standard but there needs to be a place for that. By eliminating that ability makes a stereotype generalization. It will push high wagers out of the City. Making SFR-6 and SFR-10 does make it affordable. The gross number is smaller but that does not mean it is affordable. There needs to be thought into this before it gets carried away.

Commissioner Mansfield respectfully disagreed with Commissioner Pulver. Large homes are not in the public interest. Our society can no longer afford those size of houses. The American public simply has not recognized that yet.

Commissioner Pulver disagrees and aren't those people going to go somewhere else? They will move to the County or another municipality. They are not going to happen here if boxed out.

Commissioner Mansfield stated that we need to be leaders. We might lose a house or two here or there is a little moment to him.

Commissioner Poythress empathically agrees with Commissioner Pulver. The unattended consequence of limiting lot and house size will artificially inflate property value. It addresses two different sides. One it is allowing the freedom. Respectfully, he stated that our society will decide for itself and correct itself if somebody builds a home on a two acre lot. If there is no one to buy the home it can be addressed. We are doing ourselves a long term disservice.

Commissioner Mansfield commented that it is a good thing there are different viewpoints on the Planning Commission.

Vice Chair McFadden thinks that Commissioner Pulver wants to include the idea that certain lot configurations could be big or small and should be protected from redevelopment or further development. Large lots are being divided. There are lots that should stay a lot and a home and restricting the option to sell part of it.

Commissioner Pulver reported that the Planning Commission heard the one on White Oak where the owner was splitting it into three houses. There are neighborhood that should be protected and preserved. New ones need to be created. Regulations are coming from Salem/Portland metro area that has different issues than Medford. People come to Medford for different reasons. We have a strong medical community and the doctors do not want a 1,600 square foot home in an SFR-6 zone. We want those people a part of our community and a part of our tax base. Lot size restrictions will push them out. That is short sighted.

Commissioner Foley stated that in relation to the urbanization plan, how much flexibility is there within the Planning unit creating whatever they want as long as the total density is the right number? Commissioner Pulver reported that the answer they received the other evening was that it was specific units. Not MD-5 but MD-5E that has to meet the 6.6 requirement. There are parties that disagree with that. Ms. Paladino stated the way the Regional Plan is built is density is spread across our City limits and our expanded area. The Planning unit should meet that. She believes there will be testimony Thursday evening that staff needs to look at somehow making that different.

Vice Chair McFadden commented or should the City allow people to bank that with the City acting as the banker and the flexibility gets paid to the City.

Ms. Evans stated that usually the Planning Commission has one meeting in November because Thanksgiving falls on the fourth Thursday of the month. This year there are five Thursdays in November. The agenda is busy. Is the Planning Commission interested in having a meeting on Thursday, November 29, 2018? She will ask the question again on Thursday.

Commissioner Mansfield, Commissioner Foley, Vice Chair McFadden, Chair Miranda and Commissioner Pulver are fine with a Thursday, November 29, 2018 Planning Commission meeting.

Regular December Planning Commission meetings will be on the 13th and 27th. Staff will try not to schedule business for Thursday, December 27, 2018 but they do not always have that luxury.

30. Adjournment

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



Submitted by:

Terri L. Richards

Recording Secretary



STAFF REPORT

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

Project Nelson Partition/Zone change
Applicant: Christian Nelson

File no. ZC-18-099 / LDP-18-100

To Planning Commission *for October 25, 2018 hearing*

From Dustin Severs, Planner III

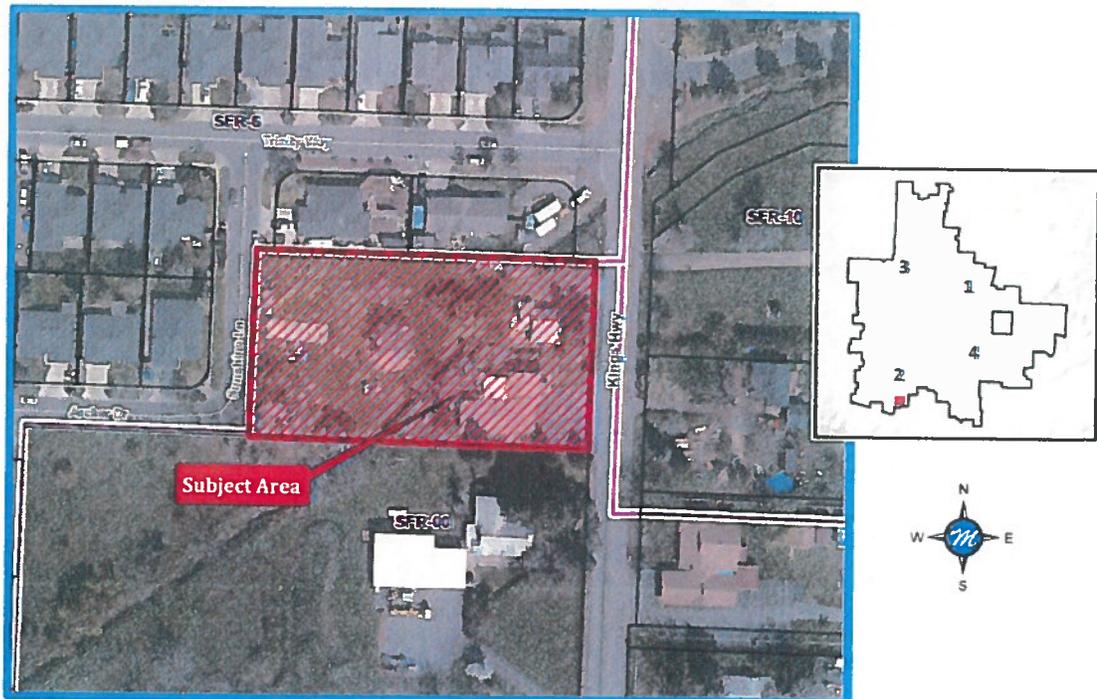
Reviewer Kelly Evans, Assistant Planning Director *h.*

Date October 18, 2018

BACKGROUND

Proposal

Consideration of a request for tentative plat approval of a proposed three-lot partition, along with a request for a change of zone from SFR-00 (Single Family Residential, one dwelling unit per lot) to SFR-6 (Single Family Residential, six dwelling units per gross acre) on a 1.2-acre parcel located at 2158 Kings HWY within the SFR-00 zoning district (382W01AA3800).



Subject Site Characteristics

Zoning: SFR-00
GLUP: Urban Residential (UR)
Overlay(s): None
Use: Two single-family homes

Surrounding Site Characteristics

North Zone: SFR-6 (Single-Family Residential, six dwelling units per gross acre)
Use(s): Single-family residential

South Zone: SFR-00
Use(s): Single-family residential

East Zone: SFR-10 (Single-Family Residential, ten dwelling units per gross acre)
Use(s): Single-family residential

West Zone: SFR-6
Use(s): Single-family residential

Related Projects

A-05-184 Annexation
PA-18-024 Pre-application to discuss the subject project

Applicable Criteria

Inapplicable criteria have been omitted from this report. Omitted sections are identified by ***.

Medford Land Development Code §10.204, Zone Change Criteria

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

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

- (b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist:*

- (i) *At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or*
- (ii) *The area to be re-zoned is five acres or larger; or*
- (iii) *The subject property, and any abutting parcel(s) that is (are) in the same General Land Use Plan Map designation and is (are) vacant, when combined, total at least five acres.*

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

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

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

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

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

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

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

(b) *when an applicant funds the improvement through a reimbursement district pursuant to the MLDC. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The*

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

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

Medford Land Development Code §10.202, 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 Article IV and V;*
- (2) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;*
- (3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of*

any other subdivision in the City of Medford; except for the words "town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;

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

ISSUES AND ANALYSIS

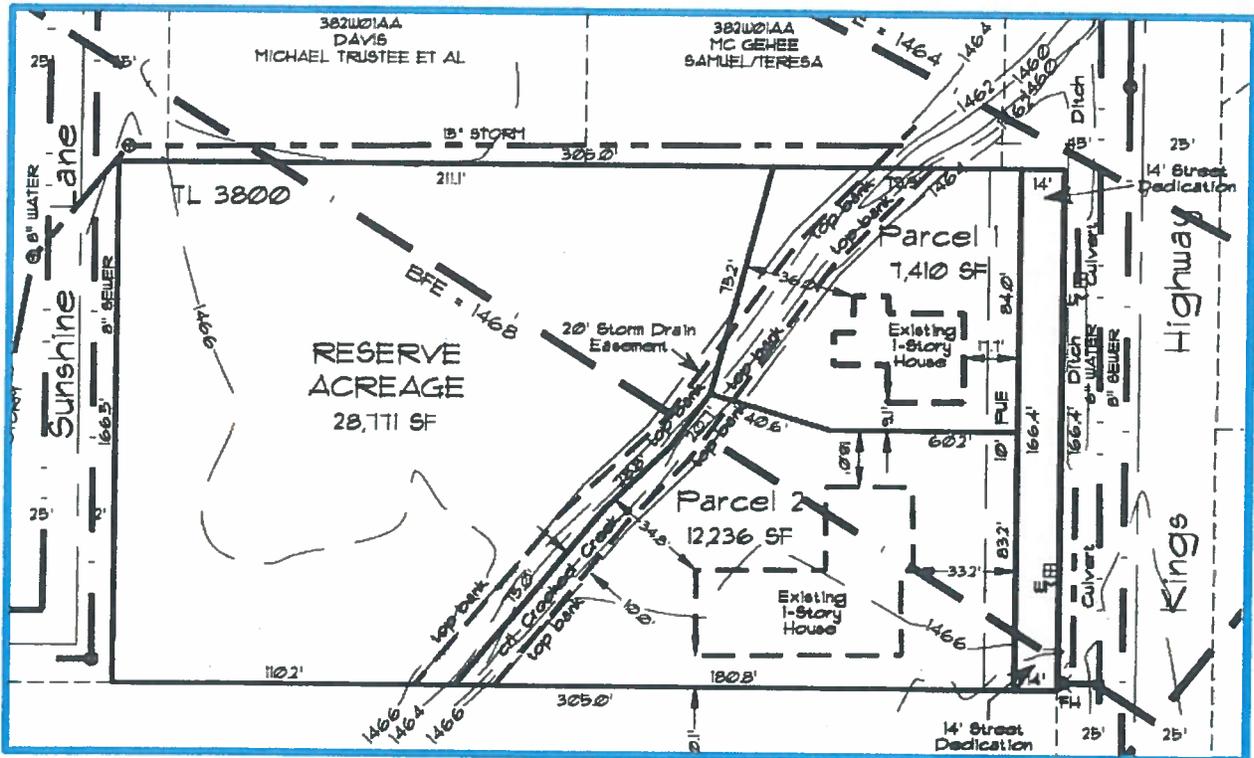
Background

The subject site consists of a single 1.2-acre parcel, which is bisected (east/west) by Crooked Creek, and currently contains two single-family homes – a non-conforming use established through Jackson County. The site is fronted by two public streets: Kings Highway, a Minor Arterial street, under the jurisdiction of Jackson County, located along the site's easterly boundary; and Sunshine Lane, a Minor Residential street, under the jurisdiction of the City, located along the site's westerly boundary.





The applicant submitted a pre-application earlier this year (PA-18-024) to discuss the potential of subdividing the property. Based on the information provided by staff at the Land Development meeting, the applicant submitted the subject application requesting a three-lot partition along with a zone change request. The submitted tentative plat (Exhibit D) shows a 7,410 square foot lot identified as Parcel 1, which will contain the northerly of the two existing single-family homes on the property; a 12,236 square foot lot identified as Parcel 2, which will contain the second single-family home located on the property; and the remaining 28,771 square feet of property is identified as Reserve Acreage on the tentative plat.



Reserve Acreage

The submitted tentative plat (Exhibit D) identifies the westerly 28,771 square foot portion of the site as reserve acreage. While the construction of public improvements along all abutting rights-of-way are required of subdivisions prior to final plat approval, designating the parcel as reserve acreage will allow the applicant to delay the construction of the public improvements until the time at which the properties are further developed, pursuant to MLDC 10.708(A)(3)(a).

Flood Plain

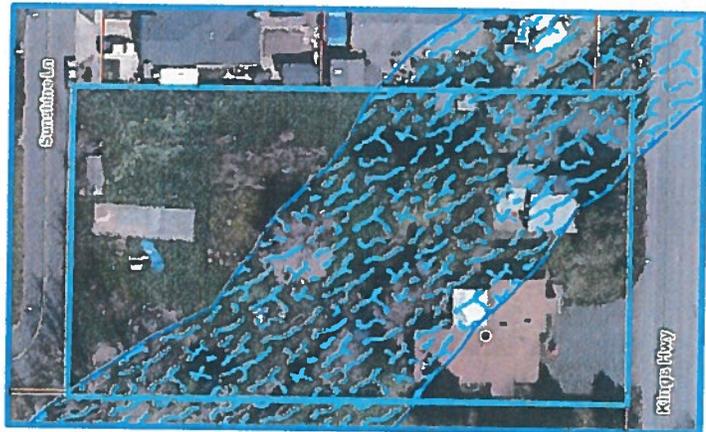
The entire site is located within the 1% floodplain. Per the floodplain memo (Exhibit K), floodplain permits for all new development that occurs within the 1% floodplain is required. A floodplain permit will be required of any future development on the property.



Riparian Corridor

The subject property is encumbered by the riparian corridor of Crooked Creek, which runs through the middle of the site. Per MLDC 10.922, Crooked Creek is identified as a protected waterway within the City. As such, a 50-foot riparian corridor, which is measured horizontally from the top-of-bank on both sides of the creek, is applied to the section of Crooked Creek running through the subject site, restricting development within this established corridor.

The existing single-family homes, shown to be encroaching within the riparian corridor, were constructed prior to the establishment of Crooked Creek as a protected waterway and therefore are considered non-conforming structures; however, any future development on the site will be subject to the riparian corridor restrictions outlined in MLDC 10.922 et seq.



Vehicular Access

The subject site is currently served by two driveways off of Kings Highway, providing vehicular access for each of the two homes on the property. Per the Public Works report (Exhibit F), the applicant will be required to install a shared driveway and remove the existing driveways serving those lots prior to the approval of the final plat.



Code Enforcement

There is an active code enforcement case on the subject property (CE-18-2914), opened on October 4, 2018, involving the use of the residence at 2158 Kings Highway as a duplex – a prohibited use in both the SFR-00 and SFR-6 zoning districts.

As a condition of approval, all active code enforcement cases involving the subject property will be required to be resolved prior to approval of the final plat.

Block Length

MLDC 10.426, titled *Street Circulation Design and Connectivity*, establishes maximum block and perimeter length. In order to assure that developments will ultimately result in complete blocks bound by a network of public streets, and/or private streets constructed to City Standards, new developments contained within City blocks may be required to dedicate/construct public streets within the development in order to comply with block length standards.

MLDC Table 10.426-1 lists the applicable block length standards for each zoning district.

The subject 1.2-acre site exceeds both the block length and block perimeter length as required for developments within residential zones; however, MLDC 10.426(2), shown below, provides built-in relief for developments that exceed the maximum block and/or perimeter standards, contingent on the applicant effectively demonstrating in their submitted findings that certain constraints and/or conditions exist in which the approving authority may find acceptable.

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

MLDC 10.426(2)

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

- a. Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10.426 C.1..
- b. Environmental constraints including the presence of a wetland or other body of water.
- c. The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1.150 feet, or a maximum perimeter block length of 4.600 feet.
- d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical.
- e. The subject site is in SFR-2 zoning district.
- f. Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards.
- g. The proposed use is a public or private school, college or other large institution.
- h. The proposed use is a public or private convention center, community center or arena.
- i. The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.
- j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.

The applicant's submitted findings cite the presence of the Crooked Creek Riparian Corridor, which runs through the middle of the property, as grounds for the granting of relief from complying with the strict standards of the code for block length, citing MLDC 10.426(2)(b) above.

Contingent on the granting of relief pursuant to MLDC 10.426(2), an accessway is required to be constructed in lieu of a public street, and are reserved for situations where street connections are deemed infeasible or inappropriate by the approving authority. Per MLDC 10.464, the purpose of an accessway is to provide safe and convenient pedestrian and bicycle access within developments, and requires a 12-foot wide right-of-way and an 8-foot wide paved surface.

MLDC 10.464 also provides built-in relief from the requirement of an accessway when the approving authority determines, based on evidence in the record, that construction of a separate accessway is infeasible or inappropriate. As per MLDC 10.464(1), such evidence may consist of the following:

(a) when other federal, state or local requirements prevent construction of an accessway.
(b) when the nature of abutting existing development makes construction of an accessway impractical.
(c) when the accessway would cross a natural area with significant natural habitat and construction would be incompatible with protection of natural values.
(d) when the accessway would cross land designated for flood control or flood hazard and the accessway is incompatible with the designated use.
(e) when the accessway would cross topography where slopes exceed 30% or where path grade would exceed 12% slope except when construction of a crossing structure is found to be feasible; or
(f) when a cul-de-sac or dead-end street abuts rural resource land in farm use at an urban growth boundary, except where the adjoining land is designated as an urban reserve area.
[Added, Section 10, Ord. No. 7629, May 5, 1994.]

The applicant's submitted supplemental findings (Exhibit C) state the following:

1. We are requesting relief from block length and accessways requirements due to the item C portion 2 of that section bullet b states that "Environmental constraints including the presence of a wetland or other body of water" is a viable reason to exempt the requirement. Due to the Creek and Riparian right of way we feel that this is applicable.
2. We are also requesting relief from accessways (10.464) requirement due to 10.464 1.b due to the existing building/development that is right in the place. As referenced in the drawings there is only 10' between the property line on the south side and the existing house. There is also an existing ramp and porch for access to the house in that 10'

Staff is supportive of the applicant's request for the granting of relief from complying with the strict standards of the Code in regards to the construction of a public street or a pedestrian accessway. It is the view of staff that the applicant's submitted findings effectively demonstrate that certain constraints or conditions affecting the property exist to warrant the granting of relief from strict compliance with the Code in regards to block length.

Criteria Compliance (Zone change)

GLUP/TSP Consistency

The General Land Use Plan (GLUP) designation for the subject site is UR (Urban Residential), and according to the General Land Use Plan Element of the *Comprehensive Plan*, the SFR-6 zoning district is a permitted zone within the UR GLUP designation.

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

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

Locational Criteria

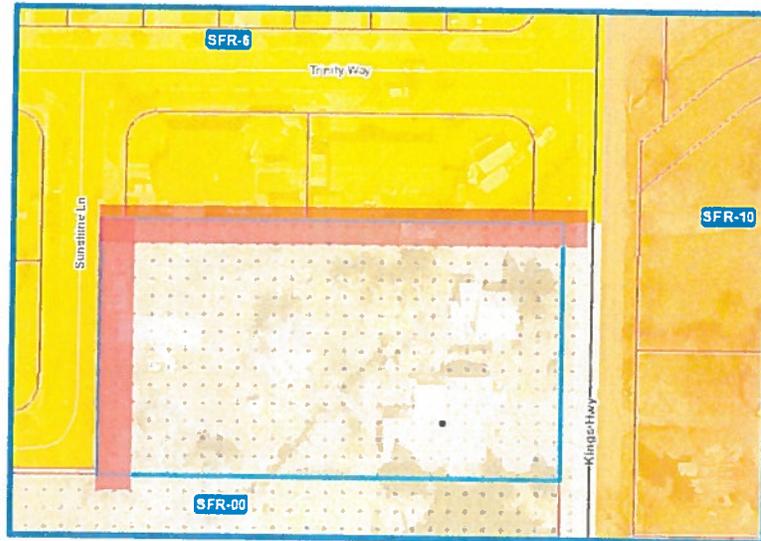
The subject zone change proposal requires an assessment of the locational criteria for the SFR-6 zoning district. The locational criteria for the SFR-6 zone as outlined in MLDC 10.204(b), reads as follows:

(b) *For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist:*

- (i) *At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or*

- (ii) The area to be re-zoned is five acres or larger; or
- (iii) The subject property, and any abutting parcel(s) that is (are) in the same General Land Use Plan Map designation and is (are) vacant, when combined, total at least five acres.

The subject property abuts the SFR-6 zoning district along both its northerly and westerly boundaries; therefore, it can be found that the proposed zone change meets the applicable locational criteria for the SFR-6 zone as outlined in MLDC 10.204(b).



Facility Adequacy

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

The agency comments included in Exhibits E-I, including the Rogue Valley Sewer Services (RVSS), demonstrate that Category A facilities are adequate.

Code Compliance (Land Division)

Density

Density Table

SFR-6	Allowed	Shown
Min. /Max. Density <i>4.0 to 6.0 dwelling units per gross acre</i>	2 min. / 3 max.	2 lots

As shown on the Density Table above, based on 0.54 acres of developable land – minus the 28,771 square feet of non-developable land identified as Reserve Acreage – the creation of two lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-6 zoning district as per MLDC 10.710.

Dimensional Standards

Dimensional Standards Table

SFR-6	Lot Area	Min. lot Width (Interior)	Min. lot Depth	Min. Lot Frontage
Required	4,500 to 12,500	50 feet	90 feet	30 feet
Shown	7,410 / 12,236	90 / 84 ft.	180 / 100 ft.	83 / 84 ft.

As shown in the Dimensional Standards Table above, it can be found that the two proposed lots identified on the submitted tentative plat meet all the dimensional standards for the SFR-6 zoning district as found in Article V of the Medford Land Development Code.

Bulk Standards

Bulk Standards Table

	Allowed/Required	Proposed
Setback (front)	10 feet Min.	33 / 17 ft.
Setback (sides)	4 feet Min.	10 / 18 / 9 / 40 ft.
Setback (rear)	4 feet Min.	34 / 17 ft.
Coverage	45% Max.	21% / 29%

As shown in the Bulk Standards Table above, it can be found that the two existing single-family residences identified on the submitted tentative plat meet all the bulk standards for the SFR-6 zoning district as found in Article V of the Medford Land Development Code.

Other Agency Comments

Rogue Valley Sewer Services (RVSS) (Exhibit I):

The RVSS report states that there are 8-inch sewer mains running along both Kings Highway and Sunshine Lane, with the two existing residences on the property served by 4-inch connections to the main along Kings Highway. As a condition of approval, the applicant will be required to comply with all requirements of RVSS prior to the approval of the final plat.

Jackson County Roads (Exhibit J)

The Jackson County Roads report states that Kings Highway is a Minor Arterial and is County-maintained, and includes an itemized list of eight comments. As a condition of approval, the applicant will be required to comply with all requirements of Jackson County Roads prior to the approval of the final plat.

Committee Comments

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

FINDINGS AND CONCLUSIONS

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

Zone change

- With regard to Criterion 1, there is adequate evidence in the record to demonstrate that the proposal is consistent with the UR General Land Use Plan Map designation and the Transportation System Plan. The Commission can find that this criterion is met.
- With regard to Criterion 2, there is adequate evidence in the record to demonstrate that the proposal meets the locational criteria for the SFR-6 zoning district. The Commission can find that this criterion is met.
- With regard to Criterion 3, the agency comments included as Exhibits E-I, including the Rogue Valley Sewer Service (RVSS), demonstrate that there are adequate Category A facilities available to serve the subject site. The Commission can find that this criterion is met.

Land Division

Staff finds the partition plat consistent with the Comprehensive Plan and all applicable design standards set forth in Articles IV and V; furthermore, the partition will not prevent development of the remainder of the property under the same ownership or of adjoining land; and criteria 3 through 6 are not applicable to the subject development.

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval of ZC-18-099 & LDP-18-100 per the staff report dated October 18, 2018, including Exhibits A through K.

EXHIBITS

- A Conditions of approval dated October 18, 2018.
- B Applicant's Findings of Fact and Conclusions of Law, received July 30, 2018.

- C Supplemental Findings of Fact, received August 30, 2018.
- D Tentative Plat, received July 30, 2018.
- E Public Works Staff Report (zone change) dated October 3, 2018.
- F Public Works Staff Report (Partition) dated October 3, 2018.
- G Medford Water Commission Staff Memo and Map dated October 3, 2018.
- H Medford Fire Department Land Development Report dated October 3, 2018.
- I Rogue Valley Sewer Services (RVSS) report, received September 26, 2018.
- J Jackson County Roads report, received September 28, 2018.
- K Floodplain report, received October 3, 2018.
Vicinity Map

PLANNING COMMISSION AGENDA:

October 25, 2018

EXHIBIT A

Nelson Partition/Zone change
ZC-18-099 / LDP-18-100
Conditions of Approval
October 18, 2018

CODE REQUIRED CONDITIONS

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

1. Comply with all conditions stipulated by the Public Works Department (Exhibit F)
2. Comply with all conditions stipulated by the Medford Water Commission (Exhibit G).
3. Comply with all requirements of the Rogue Valley Sewer Services (RVSS) (Exhibit I).
4. Comply will all requirements of Jackson County Roads (Exhibit J).
5. Resolve all active Code Enforcement cases pending on the subject property.

BEFORE THE PLANNING COMMISSION
FOR THE CITY OF MEDFORD
JACKSON COUNTY, OREGON

RECEIVED

JUL 30 2018

PLANNING DEPT.

IN THE MATTER OF AN APPLICATION)
FOR A LAND DIVISION AND CHANGE)
OF ZONING DESIGNATION FROM)
CITY SFR-00 TO CITY SFR-6 ON)
APPROXIMATELY 1.17 ACRES OF)
LAND WHICH IS IDENTIFIED AS)
382W01AA 3800 LOCATED ON KINGS)
HWY WITHIN THE CITY OF MEDFORD.)
OREGON)

FINDING OF FACT
AND CONCLUSIONS
OF LAW

I.

NATURE AND SCOPE OF APPLICATION; BACKGROUND

Applicants, Christian P Nelson and Yumiko A. Nelson, seek to rezone one parcel of land that consists of 1.17 acres. Presently the subject parcel is within the incorporated limits of the City of Medford and is zoned SFR-00. Applicant propose to rezone the subject property to a city zoning designation of Single Family Residential 6, consistent with the Urban Residential General Land Use Map designation. Additionally, applicant seeks to partition the property into three parcels. Parcel 1 and 2 face Kings Hwy and are commonly referenced as 2154 Kings Hwy and 2158 Kings Hwy. The remaining parcel 3 would be land reserved for future development and faces Sunshine Lane. The subject property is owned by the applicant who is submitting this request for zone change.

II.

EVIDENCE SUBMITTED WITH APPLICATION

Applicants, Christian P. Nelson and Yumiko A. Nelson, submit with a Zone Change Application and Land Division Application:

III.

RELEVANT SUBSTANTIVE APPROVAL CRITERIA

The criteria under which zone change application must be considered are in section 10.227. of the Medford Land Development Code (MLDC) and in the Oregon Transportation Planning Rule (OAR 660-12-060). The criteria are recited verbatim below:

MLDC 10.227 Zone Change Criteria

15 B
7 LDP-18-100 / ZC-18-099

8

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

(1) The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning Rule.) 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.

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist: (i) At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or (ii) The area to be rezoned is five (5) acres or larger; or (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

(2) 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 the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."

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

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated 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 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.

MLDC 10.270 Land Division Criteria

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

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

MLDC 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.

10.426 Street Circulation Design and Connectivity

These standards are intended to assure that development will ultimately result in complete blocks bound by a network of public streets, and/or private streets constructed to City Standards open to public use, and/or interior access roads open to public use. As it applies to this section, an Interior Access Road shall mean the following:

A public access easement on private property which facilitates through public vehicular and pedestrian access. The Interior Access Road public easement shall, at a minimum, consist of the following improvement:

1. A two-way vehicular access drive aisle having minimum aisle width of twenty (20) feet bounded with raised curb. The access drive shall remain clear and unencumbered from any parking stall taking direct vehicular access from the drive aisle. However, the drive aisle may intersect with other drive aisles within a parking lot.

2. The vehicular access drive shall be bound at minimum on one side, but preferably both sides, with a pedestrian pathway running parallel to the access drive, consisting of concrete, patterned concrete or brick pavers. The pedestrian pathway may be either attached or detached from the curb and have a minimum width of five (5) feet. Where the pedestrian path crosses intersecting vehicular drive aisles, the pathway paving material shall extend across such areas to demarcate the pedestrian crossing.

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 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

Table 10.426-1

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

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

a. Topographic constraints, including presence of slopes of 10% or more located within the boundary of a block area that would be required by subsection 10.426 C.1.,

b. Environmental constraints including the presence of a wetland or other body of water,

c. The area needed for a proposed Large Industrial Site, as identified and defined in the Medford Comprehensive Plan Economic Element, requires a block larger than provided by section 10.426 C.1.e. above. In such circumstances, the maximum block length for such a Large Industrial Site shall not exceed 1,150 feet, or a maximum perimeter block length of 4,600 feet,

d. Proximity to state highways, interstate freeways, railroads, airports, significant unbuildable areas or similar barriers that make street extensions in one or more directions impractical.

e. The subject site is in SFR-2 zoning district.

f. Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards.

g. The proposed use is a public or private school, college or other large institution.

h. The proposed use is a public or private convention center, community center or arena.

i. The proposed use is a public community service facility, essential public utility, a public or private park, or other outdoor recreational facility.

j. When strict compliance with other provisions of the Medford Land Development Code produce conflict with provisions in this section.

3. Block lengths are permitted to exceed the maximum by up to 20% where the maximum block or perimeter standards would require one or more additional street connections in order to comply with both the block length or perimeter standards while satisfying the street and block layout requirements of 10.426 A or B or D.

4. When block perimeters exceed the standards in accordance with the 10.426 C.2. above, or due to City or State access management plans, the land division plat or site plan shall provide blocks divided by one or more public accessways, in conformance with Sections 10.464 through 10.466.

D. Minimum Distance Between Intersections.

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

Oregon Transportation Planning Rule
Oregon Administrative Rules Chapter 660, Division 12

660-12-0060(1)

- 1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as

provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- b. Change standards implementing a functional classification system; or
- c. As measured at the end of the planning period identified in the adopted transportation system plan:
 - i. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - ii. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - iii. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

IV.

FINDINGS OF FACT – ZONE CHANGE

The Planning Commission (“Commission”) reaches the following facts with respect to this matter:

1. Description, Size, and Ownership of the Subject Property:

Legal Description: Ownership: Acreage (Sources Jackson County Assessor)

Assessors Map: 38-2W-01AA

Tax Lot: 3800

Owners of Record: Christian P. Nelson & Yumiko Nelson

Acreage: 1.17

2. Property Location: The subject property address is 2154 Kings Hwy Medford, Oregon
3. Comprehensive Plan: Zoning: The subject property has an Urban Residential General Land Use Map designation. Presently the zoning designation is SFR-00, a Medford zoning designation
4. Existing Land Uses: Presently Tax Lot 3800 is developed with two existing single-family residence.
5. Adjacent Zoning Districts: Tax Lot 3800 is surrounded on 2 sides by tax SFR-6 zoning and across Kings Hwy SFR-10. The fourth side of the property is currently zoned SFR-00.

6. Surrounding Lane Uses: the zoning map depicts the pattern of land partitioning and development in the surrounding area.
7. Essential (Category "A") Public Facilities: The comprehensive plan defines Category "A" Public facilities as follows: (1) Sanitary sewage collection and treatment; (2) Storm Drainage; (3) Water Service; (4) Transportation Facilities. The Planning Commission reaches the following conclusions of fact with respect to each of the Category "A" public facilities:
 - a. Sanitary Sewer Service (Collection): The subject property is currently served by Rogue Valley Sewer Services.
 - b. Sanitary Sewer Service (Treatment): The subject property has sufficient sanitary sewer service treatment capabilities to service residential development at the level proposed at SFR-6 densities.
 - c. Water Distribution Lines: The subject property has access currently and will be able to draw access from Kings Hwy.
 - d. Water Supply: The water supply coming from Kings Hwy has adequate water capability to service residential development at the level proposed at SFR-6.
 - e. Storm Drainage: the subject property is generally flat and drains from south west to north east. Storm sewer is collected in the roadside ditch at west side of the property that runs along Kings Hwy.
 - f. Transportation: Applicants did a pre-application review meeting to understand transportation and traffic issues.
 - i. Access: Presently the access to the subject property is on Kings Hwy and access to the subject property with the proposed zone change will remain on Kings Hwy.
 - ii. Improvement Projects: Based upon the local circulation map (exhibit 6) Kings Hwy is a minor arterial and does not need any major improvement projects at this time.
8. Police and Fire Protection: The property is served by the Medford Police Department. The Medford Fire Department provides fire protection.

FINDINGS OF FACT – LAND DIVISION

9. The proposed plat will create three parcels. Parcel 1 & 2 contains the existing development of 2154 and 2158 Kings Hwy and the third Parcel will be a reserve acreage located at Sunshine Lane and will be subject to urban development in a future application. Surrounding parcels are developed, and this application will not hinder development at urban densities of any adjoining parcel.
10. The land division proposed with this application is a partition and does not require a subdivision name. No subdivision name is proposed with this application.
11. The land division proposed with this application is a partition and does create new streets.
12. The subject parcel does not abut any properties in the County Exclusive Farm Use zoning district.
13. The subject parcel is located on Kings Hwy where the slope is not greater than 15% and the requirements to comply with the hillside ordinance requirements.

including the constraints analysis do not apply to this property and the current zone change application. As required by the MLDC, this application contains the submittal to the City of Medford Hillside Development Constraints Analysis Status Form signed by Staff and indicating the site has slopes of less than 2% and the requirements of the Hillside Ordinance have been met.

14. This application creates three parcels. Parcel 1 and 2 contain existing development on the subject parcel and all improvements will remain. Parcel 3 is proposed as reserve acreage. The only possible extension would be Archer Dr along the south side of the subject project but according to item 10.426 2.C.2.b Staff was supportive of an exception to the minimum block rule as it would impact Crooked Creek which carries a Riparian Right of Way. A potential accessway could be provided along the same space but due to existing structures and the same Crooked Creek existence any accessway would negatively impact the creek and its Riparian Right of Way.

V.

CONCLUSIONS

The Planning Commission reaches the following conclusion with respect to this matter:

MLDC 10-27 Zone Change Criteria

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

Criterion 1

- (1) The proposed zone is consistent with the Oregon Transportation Planning Rule (OAR 660) and the General Land Use Plan Map designation. (When the City of Medford's Transportation System Plan (TSP) is adopted, a demonstration of consistency with the acknowledged TSP will assure compliance with the Oregon Transportation Planning rule.) 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 precedent over the locational criteria below.

Conclusion (Criterion 1): subsection 1 of the applicable zone change criteria is threefold: 1) consistency with the Oregon Transportation Planning rule, 2) consistency with the General Land Use Plan Map, and 3) compliance with additional locational criteria for a specific zone. The Planning Commission addresses these sub-criteria as follows:

Consistency with the Oregon Transportation Planning Rule

The following provisions of the Oregon Transportation Planning Rule (OAR 660-012-0060) operate as approval criteria for zone changes:

- 1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
 - a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - b. Change standards implementing a functional classification system; or
 - c. As measured at the end of the planning period identified in the adopted transportation system plan:
 - i. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - ii. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - iii. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Conclusion: Based upon the evidence presented, the Planning Commission concludes the proposed zone change will not change the functional classification of any existing or planned transportation facilities nor does this land use application request or require changes to the standards implementing the functional classification system. The Planning Commission further concludes the proposed zone change will not significantly affect a transportation facility because it will either not reduce the performance of an existing or planned transportation facility below the adopted performance standards or else it will not worsen the performance of a transportation facility that was otherwise projected to perform below the minimum acceptable performance standard.

Consistency with General Lane Use Plan (GLUP) Map

Based upon the Findings in Section IV the Planning Commission concludes that the proposed zone change is consistent with the GLUP map because the proposed SFR-6 zone is consistent with the Urban Residential GLUP plan designation.

Locational Criteria

(b) For zone changes to SFR-6 or SFR-10 where the permitted density is proposed to increase, one of the following conditions must exist: (i) At least one parcel that abuts the subject property is zoned the same as the proposed zone, either SFR-6 or SFR-10 respectively; or (ii) The area to be rezoned is five (5) acres or larger; or (iii) The subject property, and any abutting parcel(s) that is(are) in the same General Land Use Plan Map designation and is(are) vacant, when combined, total at least five (5) acres.

Conclusion: Based upon the evidence that the area to be rezoned is adjacent on 2 sides by SFR-6; the Planning Commission concludes locational criterion 10.227(1)(b)(i) is satisfied.

Final Conclusions: In Summary, the Planning Commission concludes that the application, as submitted, complies with the threefold criterion for approval of a change of zoning designation from City SFR-00 to SFR-6.

Criterion 2

(2) 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 the MLDC and Goal 3, Policy 1 of the Comprehensive Plan "Public Facilities Element."

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

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated 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 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.

Conclusion: Goal 3 and Policy 1 of the Public Facilities Element are no longer in existence. The zone change criteria for determining the adequacy of Category A public facilities, consistent with the Public Facilities Element, now reside solely in MLDC 10.227(2). The Planning Commission reaches the following conclusions of law with respect to each of the Category "A" infrastructure components:

Wastewater Collection and Treatment: Based upon the findings in Section IV, the Planning Commission concludes that wastewater collection and treatment facilities are sufficient to server potential development consistent with the proposed SFR-6 zoning district.

Storm Drainage System: Based upon the findings in Section IV, the Planning commission concludes that the storm drainage system is sufficient, with detention to

restrict flows to development conditions, to serve the proposed potential development consistent with the proposed SFR-6 zoning district and to accommodate projected peak flows for that specific service area as determined by the Comprehensive Medford Area Drainage Master Plan, and that these facilities are available to adequately serve the property.

Water System: Based upon the findings in Section IV, the Planning Commission concludes that the water system is sufficient to provide the subject property with a permanent water supply having adequate water pressure and volume for projected residential fire control needs consistent with the GLUP designation as determined by the water utility manager, and that these facilities are available to adequately serve the property under the proposed SFR-6 zone.

Streets and Transportation: Based upon the evidence, the Planning Commission concludes that adequate City transportation facilities exist and there is no need for a traffic impact analysis regarding the zone changes to SFR-6 of this subject property.

VI

ULTIMATE CONCLUSIONS

Based upon the preceding findings and conclusions, the Planning Commission ultimately concludes that, the case for a zone change from existing City SFR-00 to SFR-6 is consistent with all of the relevant criteria in MLDC 10-227 because:

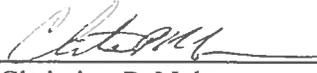
1. The proposal is consistent with the comprehensive plan (GULP) map.
2. Category "A" urban services and facilities are available to adequately serve the property in ways required by the Comprehensive Plan and MLDC.
3. The zone change has been found to be compliant with relevant provisions of the Oregon Transportation Planning Rule (OAR 660-012-0060).

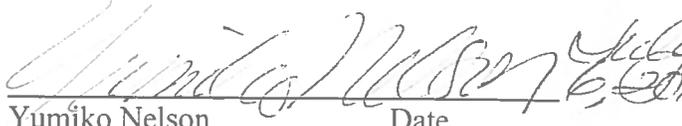
Based upon the preceding findings and conclusions, the Planning Commission ultimately concludes that, the case for a land partition is consistent with all of the relevant criteria in MLDC 10-270 because:

1. This application identifies the relevant approval criteria contained in the MLDC for a land division.
2. The Findings of Fact demonstrate consistency with the Oregon Transportation Planning Rule, the Medford Transportation System Plan and the General Land Use Plan Map.
3. The Tentative Plat will not prevent development of the remainder of the subject parcel or any adjoining parcels.
4. The partition does not require a subdivision name and no subdivision name is proposed.

5. There are no new streets proposed with this application.
6. This application is consistent with all approval criteria contained in the MLDC for a land division.

Respectfully submitted,


Christian P. Nelson July 6 2018
Date


Yumiko Nelson Date

Co-Applicants

Dustin J. Severs

From: Christian Nelson <c_nelson2004@yahoo.com>
Sent: Thursday, August 30, 2018 9:44 AM
To: Dustin J. Severs
Subject: Re: RE: LDP-18-100 / ZC-18-099

RECEIVED

AUG 30 2018

PLANNING DEPT.

Mr Severs,

In regards to your Incomplete Letter please find the following responses.

1. Legal description of property to be rezoned.
 1. Lot 3 and 4, Block 24 of Oakdale Park Addition, City of Medford, in Jackson County, Oregon. Together with that portion of vacated Gold Street and vacated alley, record notice of which appears in instrument recorded in volume 498, page 476, Official Records, Jackson County, Oregon. Excepting Therefrom that portion conveyed to the County of Jackson, State of Oregon, by deed recorded as Document No. 79-02298. (This is what I got from my Title Company documents)
2. Block length: Findings addressing block length (10.426) needs to specify which exemption criterion is applicable. Also need to formally request relief from block length and accessways (10.464) requirements.
 1. We are requesting relief from block length and accessways requirements due to the item C portion 2 of that section bullet b states that "Environmental constraints including the presence of a wetland or other body of water" is a viable reason to exempt the requirement. Due to the Creek and Riparian right of way we feel that this is applicable.
 2. We are also requesting relief from accessways (10.464) requirement due to 10.464 1.b due to the existing building/development that is right in the place. As referenced in the drawings there is only 10' between the property line on the south side and the existing house. There is also an existing ramp and porch for access to the house in that 10'

I'm working on reprinting the maps today and will address the signed Written Consent of Owner form at that time. If these responses are inadequate or unclear please let me know so I can add additional clarification.

Sincerely,

Christian Nelson

Mr. Nelson,

There are a few changes and additions we'll need before we can officially deem this application complete and schedule you on the docket for the Land Development meeting and a public hearing. Please give me a call when get the opportunity, and we can discuss these issues.

CITY OF MEDFORD
EXHIBIT # C
FILE # LDP-15-100/ZC-18-099

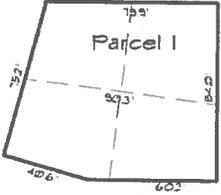
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SEP 10 2018

VICINITY MAP



Lot Depth Calculation



LAND PARTITION TENTATIVE PLAT

Located in:
Lots 3 & 4 of OAKDALE PARK ADDITION
in the N.E. 1/4 of Section 1 (01AA),
Township 38 S., R2W., WM.,
City of Medford,
Jackson County, Oregon
Tax Lot 3800
June 25, 2018



APPL PLANNING DEPT.

Christian and Yumiko Nelson
2154 Kings Highway
Medford, Oregon 97501
(541) 601-2679

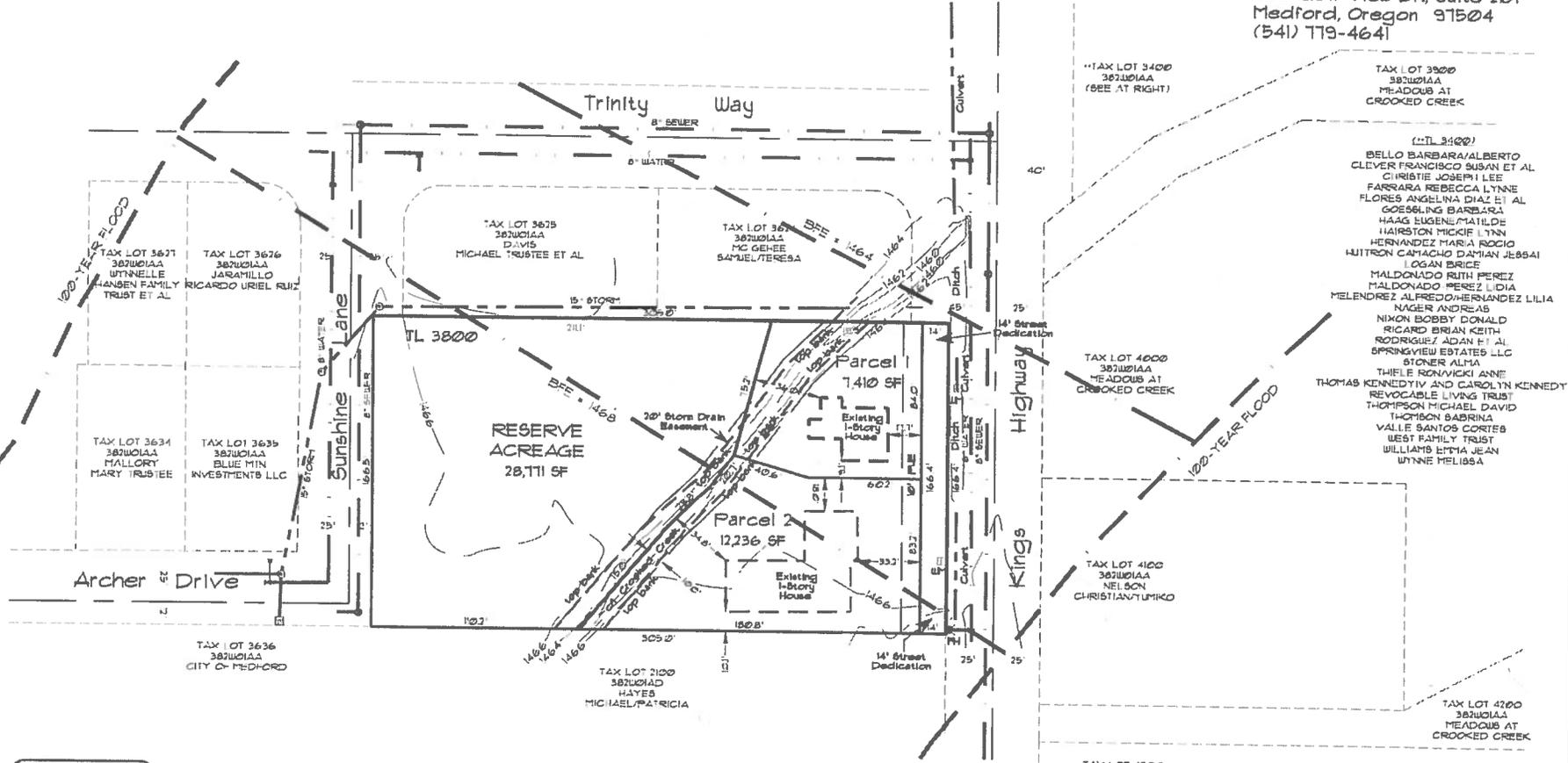
SURVEYING

Hoffbuhr & Associates
880 Golf View Dr., Suite 201
Medford, Oregon 97504
(541) 779-4641

Page 207

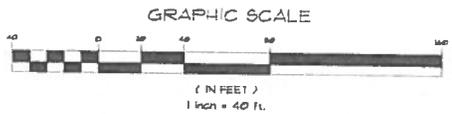
FILE # LDP-15-100/ZC-18-099

CITY OF MEDFORD
EXHIBIT # D



REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
DAVID H. MINNECI
3249
EXPIRES 12/31/18



SCHOOL DISTRICT: 540C
IRRIGATION DISTRICT: MID.
SANITATION DISTRICT: RV&A
AREA: GROSS = 176 ACS. - USABLE = 13 ACS.
ZONING: SFR-60 (CURRENT) SFR-6 (PROPOSED)
EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL

BY: DAVID MINNECI	LB 2349
DATE: JUNE 25, 2018	
PROJECT: OAKDALE PARK ADDITION	
PROJECT NO. 15-076	
DRAWING FILE NO. 18016TENT12DC05	
SCALE: 1" = 40'	
REVISION NO. ONE	
REVISION DATE: AUGUST 29, 2018	
REVISION BY: [Signature]	
REVISION NO. TWO	
REVISION DATE: [Blank]	
REVISION BY: [Blank]	
REVISION NO. THREE	
REVISION DATE: [Blank]	
REVISION BY: [Blank]	



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 10/3/2018
File Number: ZC-18-099

PUBLIC WORKS DEPARTMENT STAFF REPORT 2154/2158 Kings Highway (TL 3800)

- Project:** Consideration of a request for tentative plat approval of a proposed three-lot partition, along with a request for a change of zone from SFR-00 (Single Family Residential, one dwelling unit per lot) to SFR-6 (Single Family Residential, six dwelling units per gross acre) on a 1.2-acre parcel.
- Location:** Located at 2158 Kings HWY within the SFR-00 zoning district (382W01AA3800).
- Applicant:** Planner, Dustin Severs- Applicant, Christian Nelson.

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

I. Sanitary Sewer Facilities

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

II. Storm Drainage Facilities

This site lies within the Crooked Creek Drainage Basin. The City of Medford has existing storm drain facilities in the area.

III. Transportation System

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

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

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



Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 10/3/2018
File Numbers: LDP-18-100

PUBLIC WORKS DEPARTMENT STAFF REPORT

3-Lot Partition

2154/2158 Kings Highway (TL 3800)

Project: Consideration of a request for tentative plat approval of a proposed three-lot partition, along with a request for a change of zone from SFR-00 (Single Family Residential, one dwelling unit per lot) to SFR-6 (Single Family Residential, six dwelling units per gross acre) on a 1.2-acre parcel.

Location: Located at 2158 Kings HWY within the SFR-00 zoning district (382W01AA3800).

Applicant: Planner, Dustin Severs- Applicant, Christian Nelson.

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

- Approval of Final Plat:
Right-of-way, construction and/or assurance of the public improvements in accordance with Medford Land Development Code (MLDC), Section 10.666 & 10.667 (Items A, B & C)
- Issuance of first building permit for residential construction:
Construction of public improvements (Items A through E)
- Issuance of Certificates of Occupancy for individual units:
Sidewalks (Items A2)

A. STREETS

1. Dedications

Kings Highway is classified as a Minor Arterial street within the Medford Land Development Code (MLDC), Section 10.428. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage of this proposed subdivision to comply with the half width of right-of-way, which is 39-feet. **The Developer's surveyor shall verify the amount of**

additional right-of-way required.

The Developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **Kings Highway**, per the methodology established by the MLDC 3.815. **Should the Developer elect to have the value of the land be determined by an appraisal, a letter to that effect must be submitted to the City Engineer within sixty (60) calendar days of the date of the Final Order of the Planning Commission. The City will then select an appraiser, and a cash deposit will be required as stated in Section 3.815.**

Sunshine Lane is classified as a Minor Residential street within the MLDC, Section 10.430. **No additional right-of-way will be required with this Partition.**

Public Utility Easements, 10-feet in width, shall be dedicated along the Kings Highway frontage of 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

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

Sunshine Lane shall be improved to Minor Residential street standards in accordance with the MLDC, Section 10.430. **No additional improvements are required with this Partition.**

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, Maintenance and Operations Division to remove any existing signs and place new signs provided the Developer.

c. Pavement Moratoriums

There is no pavement cutting moratorium currently in effect along this frontage to Kings Highway or Sunshine Lane.

d. Access to Public Street System

In accordance with MLDC 10.550, Parcels 1 and 2 shall install a shared driveway and remove the existing driveways serving those lots. The shared driveway shall comply with the requirements of MLDC 10.746 (11).

e. Easements

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

B. SANITARY SEWERS

This site lies within the Rogue Valley Sanitary Sewer (RVSS) service area. Contact RVSS for availability and connection. A separate individual sanitary sewer lateral shall be constructed to each lot prior to approval of the Final Plat.

C. STORM DRAINAGE

1. Drainage Plan

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

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

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

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

In regards to Crooked Creek, the Developer shall provide an easement for City maintenance of the Creek. The easement for Creek maintenance to be a minimum of 20 feet wide. Developer shall make improvements to Crooked Creek to convey the 25-year storm with one foot of freeboard or provide calculations showing this condition now exists.

2. Grading

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

Developer shall be responsible that the final grading of the development shall be in compliance with the approved grading plan.

3. Detention and Water Quality

Future development shall provide stormwater quality and detention facilities in accordance with MLDC Section 10.481 and 10.729.

4. Certification

With future development and upon completion of the project, and prior to certificate of occupancy of the building, the Developer's design Engineer shall certify that the construction of the stormwater quality and detention system was constructed per plan. Certification shall be in writing and submitted to the Engineering Division of Public Works. Reference Rogue Valley Stormwater Quality Design Manual, Appendix I, Technical Requirements.

5. Mains and Laterals

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

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.

6. Erosion Prevention and Sediment Control

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

D. SURVEY MONUMENTATION

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

Applicant shall provide reference to document or instrument that created the existing roads contiguous to the site with the Final Plat.

E. GENERAL CONDITIONS

1. Phasing

The proposed plans do not show any phasing.

2. Permits

Building Permit applications for vertical construction shall not be accepted by the Building Department until the Final Plat has been recorded, and a “walk through” inspection has been conducted and approval of all public improvements as required by the Planning Commission has been obtained for this development.

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 (SDC)

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

4. Construction and Inspection

Contractors proposing to do work on public streets, sewers, or storm drains shall ‘prequalify’ with the Engineering Division prior to starting work. Contractors shall work off a set of public improvement drawings, that have been approved by the City of Medford Engineering Division. Any work within the County right-of-way shall require a separately issued permit from the County.

For City of Medford facilities, the Public Works Maintenance Division 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

3-Lot Partition

2154/2158 Kings Highway (TL 3800)

LDP-18-100

A. Streets

1. Street Dedications to the Public:

- Kings Highway – Dedicate additional right-of-way.
- Sunshine Lane – No additional right-of-way required.
- Dedicate 10-foot public utility easements (PUE).

2. Improvements:

Public Streets

- Kings Highway – No additional improvements are required with this partition.
- Sunshine Lane – No additional improvements are required with this partition.

Lighting and Signing

- No additional street lights are required.

Access to Public Street System

- In accordance with MLDC 10.550, Parcels 1 and 2 shall install a shared driveway and remove the existing driveways serving those lots. The shared driveway shall comply with the requirements of MLDC 10.746 (11).

Other

- No pavement moratorium currently in effect along this frontage to Kings Highway or Sunshine Lane.

B. Sanitary Sewer

- The site is situated within the RVSS area. Provide private laterals to each lot.

C. Storm Drainage

- Provide an investigative drainage report with future development.
- Developer shall provide an easement for City maintenance of the Creek.
- Provide water quality and detention facilities with future development.
- Provide a comprehensive grading plan with future development.
- Provide storm drain laterals to each tax lot.

D. Survey Monumentation

- Provide all survey monumentation.
- Provide reference to document or instrument that created the existing roads contiguous to the site with the Final Plat.

E. General Conditions

- Provide public improvement plans and drafts of the final plat.

- = City Code requirement.
- = Discretionary recommendations/comments.

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



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDP-18-100 & ZC-18-099

PARCEL ID: 382W01AA TL 3800

PROJECT: Consideration of a request for tentative plat approval of a proposed three-lot partition, along with a request for a change of zone from SFR-00 (Single Family Residential, one dwelling unit per lot) to SFR-6 (Single Family Residential, six dwelling units per gross acre) on a 1.2-acre parcel located at 2158 Kings HWY within the SFR-00 zoning district (382W01AA3800). Planner Dustin Severs - Applicant, Christian Nelson.

DATE: October 3, 2018

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

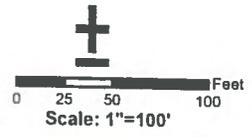
CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. The two (2) existing water meters shall continue to serve both dwellings at 2154 (Parcel 1) & 2158 (Parcel 2) Kings Hwy.

COMMENTS

1. Off-site water line installation is not required.
2. On-site water facility construction is not required.
3. The MWC system does have adequate capacity to serve this property.
4. Static Water pressure is 55 psi (max).
5. MWC-metered water service does exist to this property. There are two (2) ¾-inch water meters that serve the existing homes at 2154 Kings Hwy & 2158 Kings Hwy.
6. Access to MWC water lines is available. There is an existing 6-inch water line in Kings Hwy.

CITY OF MEDFORD
EXHIBIT # 6
FILE # LDP-15-100/ZC-18-099



Water Facility Map
City of Medford
Planning Application:
LDP-18-100 & ZC-18-099
September 26, 2018

- Legend**
- A Air Valve
 - Sample Station
 - Fire Service
 - G Hydrant
 - # Reducer
 - T Blow Off
 - G Plugs-Caps
- Water Meters:**
- 4 Active Meter
 - 4 On Well
 - 4 Unknown
 - 4 Vacant
- Water Valves:**
- E Butterfly Valve
 - Gate Valve
 - R 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 2018 Aerial Photo and is subject to change. It is not intended to be used as a legal document. Medford Water Commission is not responsible for any errors or omissions. This map is provided for informational purposes only. All rights reserved. Medford Water Commission. 2018. All rights reserved.



Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 9/24/2018
Meeting Date: 10/3/2018

LD #: LDS18100/ZC18099

Planner: Dustin Severs

Applicant: Christian Nelson

Project Location: 2158 Kings HWY

ProjectDescription: Consideration of a request for tentative plat approval of a proposed three-lot partition, along with a request for a change of zone from SFR-00 (Single Family Residential, one dwelling unit per lot) to SFR-6 (Single Family Residential, six dwelling units per gross acre) on a 1.2-acre parcel

Specific Development Requirements for Access & Water Supply

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

Construction General Information/Requirements

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

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on information provided only.

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

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

www.medfordfirerescue.org

CITY OF MEDFORD
EXHIBIT # H
FILE # LDP-15-100/ZC-18-099



ROGUE VALLEY SEWER SERVICES

Location: 138 West Vilas Road, Central Point, OR - Mailing Address: P.O. Box 3130, Central Point, OR 7502-0005
Tel. (541) 664-6300, Fax (541) 664-7171 www.RVSS.us

September 26, 2018

City of Medford Planning Department
200 S. Ivy Street
Medford, Oregon 97501

Re: LDP-18-100, ZC-18-099, Christian Nelson Partition (Map 382W01A, Tax Lot 3800)

Ref: PA-18-024

ATTN: Dustin,

The subject property is within RVSS service area. There is an 8 inch sewer along Kings Highway and two 4 inch sewer services to the subject property serving the two existing homes on proposed Parcels 1 & 2. The proposed planning action will not affect these services and the existing sewer system has adequate capacity to serve the proposed density.

All future development must comply with RVSS standards.

Feel free to contact me with any questions.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer

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CITY OF MEDFORD
EXHIBIT # I
FILE # LDP-15-100/ZC-18-099



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 28, 2018

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

RE: Plat approval & a zone change on Sunshine Lane – a city maintained road
and Kings Highway – a county maintained road
Planning File: LDP-18-100 / ZC-18-099

Dear Dustin:

Thank you for the opportunity to comment on this consideration of a request for a tentative plat approval of a proposed three-lot partition along with a request for a change of zone from Single-Family Residential, one dwelling unit per lot (SFR-00) to Single-Family Residential, six dwelling units per gross acre (SFR-06) on a 1.18 acre lot located in between Sunshine Lane and Kings Highway (2158 Kings Highway) within an Single-Family Residential, one dwelling unit per lot (SFR-00) zoning district (38-2W -01AA tax lot 1800). Jackson County Roads has the following comments:

1. If frontage improvements are required off Kings Highway, they shall be permitted and inspected by the City of Medford.
2. No road approaches off Kings Highway shall be permitted.
3. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.
4. We would like to be notified of future development proposals, as county permits may be required.
5. Kings Highway is a County Minor Arterial and is county-maintained. The Average Daily Traffic Count 150 feet north of South Stage Road was 2,692 on July 5, 2016.
6. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). The County has no current plans for improvements to Kings Highway. Jackson County Roads recommends that the city request jurisdiction of this road.
7. Storm water should meet City of Medford requirements that also include water quality.
8. 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.

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

Sincerely,

Chuck DeJanvier
Construction Engineer



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject Nelson Partition
File no. LDP-18-100 & ZC-18-099
To Dustin Severs, Planner III
From Liz Conner, Certified Floodplain Manager
Date October 1, 2018

SITE CHARACTERISTICS

- SFR-00 zoning district
- 1.17 acre parcel
- Crooked Creek transects the subject property
- Zone AE (1% Special Flood Hazard Area)
- Base Flood Elevations established; Floodway contained in channel
- FIRM panel 41029C 1967F effective May 3, 2011
- Riparian Corridor
- Annexed in 2006 by ORD 164

PROJECT DESCRIPTION

Consideration of a request for tentative plat approval of a proposed three-lot partition, along with a request for a change of zone from SFR-00 (Single Family Residential, one dwelling unit per lot) to SFR-6 (Single Family Residential, six dwelling units per gross acre) on a 1.2-acre parcel located at 2158 Kings HWY within the SFR-00 zoning district (382W01AA3800).

FLOODPLAIN PERMIT REQUIREMENTS

Floodplain Regulations

The property is entirely located within the AE Special Flood Hazard Area with Base Flood Elevation (BFE), per the Medford Municipal Code Section 9.706 and the National Flood Insurance Program Regulations, the following shall apply to any new structure and site

development, Section 60.3: Floodplain Management Criteria. Specifically 60.3 (c) which reads as follows;

(c) When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

- (1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;
- (2) Require that all *new* construction and *substantial improvements* of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with § 60.6 (b) or (c);
- (3) Require that all *new* construction and *substantial improvements* of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- (4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under § 59.22(a)(9)(iii);
- (5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall

be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in § 60.3(c)(3)(ii);

(9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of § 60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of § 65.12, and receives the approval of the Federal Insurance Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Floodplain Manager Comments

A floodplain development permit is required for all development within the 1% SFHA.

The current dwelling at 2154 that was built in 1942 is not required to be brought into compliance of the National Flood Insurance Program.

Nelson Partition
LDP-18-100 & ZC-18-099
October 1, 2018

The manufactured dwelling was placed prior to annexation into the City of Medford, and there are no building records on file. However the Jackson County Assessor's records show that the dwelling was placed in 1996.

You can inquire with the Jackson County Planning Department for any Elevation Certificates that they may have on file.

The applicant/property owner is encouraged to purchase flood insurance to protect their investment if a flood event occurs on the property.

Floodplain Permit

Submit a floodplain development application and fee (\$75) along with submittal requirements identified in Section 9.705 (C).

Submit copies of all necessary permits from other governmental agencies from which approval is required prior to start of construction.

Construction shall be in compliance with applicable building and fire codes and floodplain regulations.

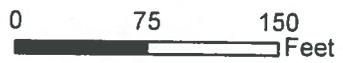
Expiration of Floodplain Permit

A floodplain Development Permit shall become invalid unless work is started within 180 days after its issuance. Extensions for periods of not more than 180 days each shall be requested in writing.



Project Name:
2165 Kings Hwy
Land Partition/ZC

Map/Taxlot:
382W01AA TL 3800



08/13/2018

Legend

-  Subject Area
-  Zoning Districts
-  Tax Lots

