

# PLANNING COMMISSION AGENDA NOVEMBER 8, 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**  
**November 8, 2018**

5:30 PM

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

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**10. Roll Call**

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

**20.1 LDP-18 100 / ZC-18-099** Final Orders 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.

**20.2 PUD-14-074 / LDS-14-091 / ZC-14-103** Determination of whether reducing density by one lot and realigning Rutherford Drive by 5 feet to the west is substantially consistent with the approved tentative plat for Rockland Place Phase 3. The approved tentative plat creates 31 residential lots on the south side of Harbrooke Road within the SFR-10/PD (Single Family Residential – 6 - 10 dwelling units per gross acre/Planned Development Overlay) zone. Applicant: Brian Lovett, Lovett Trust; Planner: Steffen Roennfeldt.

**30. Minutes**

**30.1** Consideration for approval of minutes from the October 25, 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.**

**Continuance Request**

**50.1 E-18-137** Consideration of a request for an Exception to the lot depth requirement for Lot 10 of Phase 7 of West View Village Subdivision, located north of Lozier Court, approximately 300 feet east of Lozier Lane within the SFR-10 (Single Family Residential, 6 to 10 dwelling units per gross acre) zoning

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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](mailto:ada@cityofmedford.org) at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

district (372W26DD900); Applicant: PDK Properties; Agent: Scott Sinner Consulting; Planner: Steffen Roennfeldt.

**New Business**

- 50.2 **DCA-18-113** A development code amendment to portions of Chapter 10, the Medford Land Development Code (MLDC) to create more permissive standards for Accessory Dwelling Units (ADUs). Applicant: City of Medford; Planner: Kyle Kearns.
- 50.3 **LDS-18-123** Consideration of a tentative plat for a 15 lot subdivision on approximately 2.11 acres within the SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre) zoning districts located on the south side of Maple Park Drive and east of North Ross Lane (372W23DC1600). Applicant/Agent: Ross Lane Homes LLC; Planner: Steffen Roennfeldt.

**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 TENTATIVE PLAT APPROVAL FOR )  
CHRISTIAN NELSON ) **ORDER**  
[LDP-18-100] )

ORDER granting approval of a request for tentative plat approval of File No. LDP-18-100, as follows:

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).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for consideration of tentative plat approval described above, with a public hearing a matter of record of the Planning Commission on October 25, 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 Christian Nelson, stands approved per the Planning Commission Report dated October 25, 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 Planning Commission Report dated October 25, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.202(E) Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 8th day of November, 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 & Land Division**

Project Nelson Partition/Zone change  
Applicant: Christian Nelson

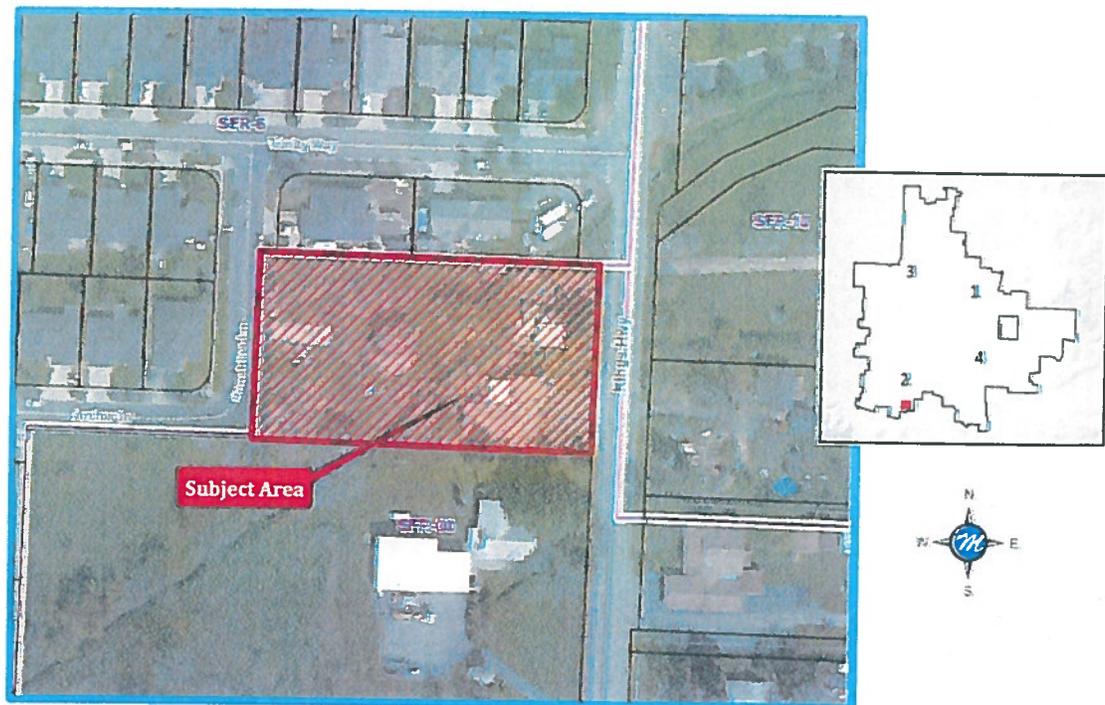
File no. ZC-18-099 / LDP-18-100

Date October 25, 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.*

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- (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.*

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(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

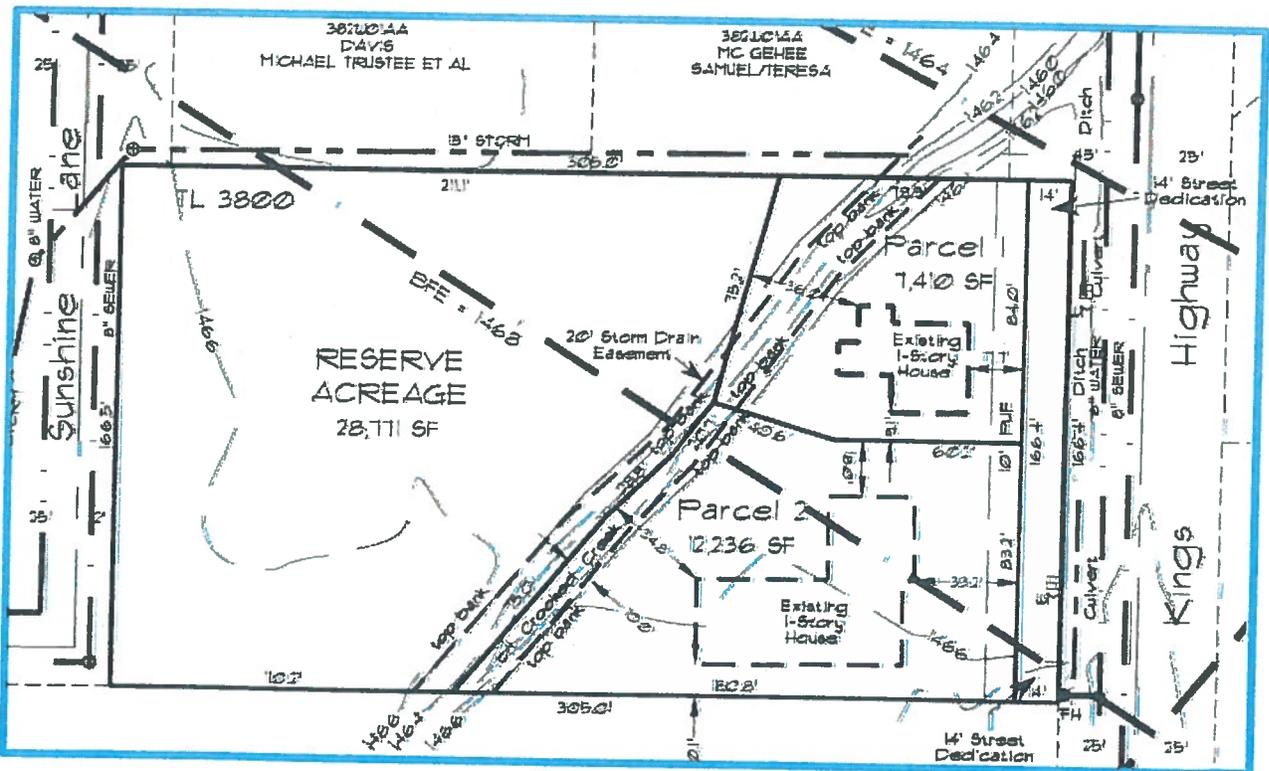
### Background

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).

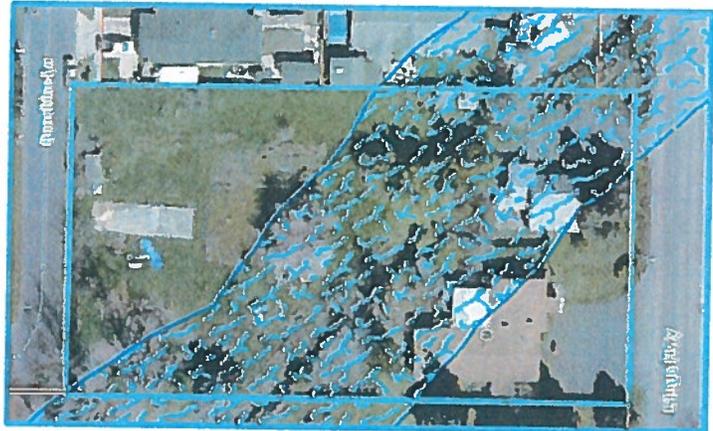
### Flood Plain

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	650'	2,100'
b. Central Business Overlay District	600'	1,800'
c. Transit/Oriented Districts (Except SF Film Area)	600'	1,800'
d. Neighborhood, Community, and Heavy Commercial Zones; and Service Commercial/Professional Office Zones	700'	2,300'
e. Regional Commercial and Industrial Zones	900'	3,700'

**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*

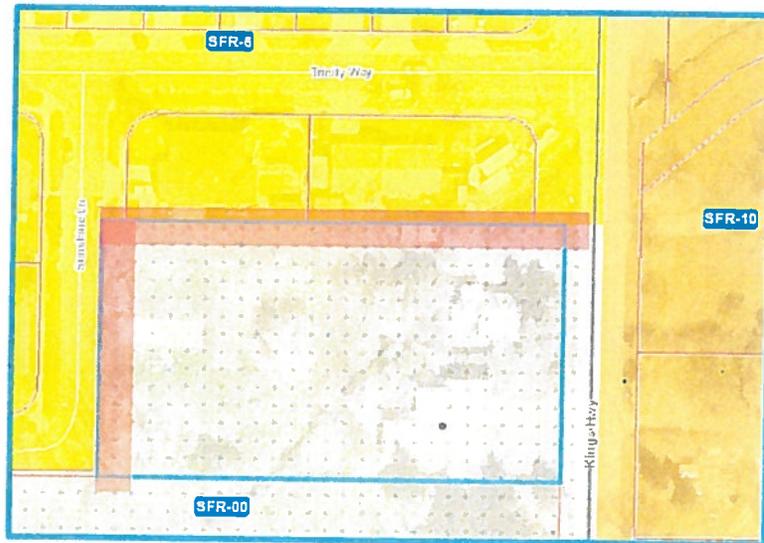
The subject zone change proposal requires an assessment of the locational criteria for the SFR-6 zoning district. The locational criteria for the SFR-6 zone as outlined in MLDC 10.204(b), reads as follows:

*(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 4.0 to 6.0 dwelling units per gross acre	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**

<b>SFR-6</b>	<b>Lot Area</b>	<b>Min. lot Width (Interior)</b>	<b>Min. lot Depth</b>	<b>Min. Lot Frontage</b>
<b>Required</b>	4,500 to 12,500	50 feet	90 feet	30 feet
<b>Shown</b>	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**

	<b>Allowed/Required</b>	<b>Proposed</b>
<b>Setback (front)</b>	10 feet Min.	33 / 17 ft.
<b>Setback (sides)</b>	4 feet Min.	10 / 18 / 9 / 40 ft.
<b>Setback (rear)</b>	4 feet Min.	34 / 17 ft.
<b>Coverage</b>	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.

**DECISION**

**At the public hearing held on October 25, 2018, the Commission voted unanimously to approve the requests while adding one condition of approval, as requested by staff, and removing one requirement that had been recommended by staff.**

Public Works had recommended in their staff report that the applicant be required to remove the two existing driveways and install a single driveway to serve the two residences. Per MLDC 10.550(3)(c)(2), the approving authority has the discretion to require physical improvements to any accesses in accordance with current standards; however, the motion passed by the Commission included the removal of Public Work's requirement that the applicant install the single driveway. Public Works has revised their staff report in accordance with the decision, which has been included as Exhibit F-1.

During the presentation, staff recommended that a 6<sup>th</sup> condition of approval be added, requiring the applicant to submit a revised tentative plat showing a cross-access easement between Parcels 1 and 2, which was approved by the Commission. Condition #6 has been included in the revised conditions of approval (Exhibit A-1).

**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.

**ACTION TAKEN**

Adopted the findings as recommended by staff and directed staff to prepare a Final Order for approval of ZC-18-099 & LDP-18-100 per the Planning Commission report dated October 25, 2018, including Exhibits A through K.

**EXHIBITS**

- A-1 Conditions of approval - Revised dated October 25, 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-1 Revised Public Works Staff Report (Partition) dated October 29, 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**

**November 8, 2018**

**MEDFORD PLANNING COMMISSION**

---

**Patrick Miranda, Chair**

**EXHIBIT A-1**

Nelson Partition/Zone change  
ZC-18-099 / LDP-18-100  
Conditions of Approval  
October 25, 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.
6. **Submit a revised tentative plat showing a cross-access easement between Parcel 1 and 2, consistent with the requirements found in MLDC 10.550(3) (3).**

**CITY OF MEDFORD**  
**EXHIBIT # A-1**  
**FILE # LDP-15-100/ZC-18-099**



Medford – A fantastic place to live, work and play

## CITY OF MEDFORD

LD Date: 10/3/2018  
Commission Update 10/29/2018  
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

---

P:\Staff Reports\LDP\2018\LDP-18-100\_ZC-18-099 2154 Kings Highway (TL 3800) 3-Lot Partition & ZC\LDP-18-100 Staff Report-CU.docx

Page 1 of 6

PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION  
200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

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

CITY OF MEDFORD  
EXHIBIT # F-1  
FILE # LDP-15-100/ZC-18-099

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).

**Commission Update: Constructing a shared driveway is not required and is not a condition of final plat approval for this application. However, a cross access easement shall be provided and noted on the final plat for this partition.**

**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

- **Commission Update:** Constructing a shared driveway is not required and is not a condition of final plat approval for this application. However, a cross access easement shall be provided and noted on the final plat for this partition.

###### 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.

Dustin J. Severs

Exhibit "B"

**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



units, will still meet all applicable criteria of the MLDC. Per the applicant, the wider lots will now be able to accommodate one-story homes which are more compatible with the surrounding neighborhoods.

In addition, Rutherford Drive is proposed to shift to the east by 5 feet. This is necessary to realign Rutherford Drive with a proposed street to the north of Harbrooke Road. The right-of-way dimensions remain the same.

The Public Works Department, Fire Department, Medford Water Commission and Talent Irrigation District were the only agencies with conditions of approval applied to the subject subdivision LDS-14-091. They have reviewed the proposal and have recommended no changes to the conditions of approval.

#### **RECOMMENDED ACTION**

Approve the modifications and find that the proposed revised tentative plat is substantially the same as the previously approved tentative plat for LDS-14-091 per the Staff Report dated October 30, 2018.

#### **EXHIBITS**

- A Narrative, received October 15, 2018
- B Tentative Plat approved February 26, 2015
- C PUD Plan approved February 26, 2015
- D Revised plan for Phase 3, submitted October 15, 2018
- E Revised plan for Phase 3 including distances, submitted October 15, 2018  
Vicinity Map

**RECEIVED**

OCT 15 2018

**PLANNING DEPT.**

October 15, 2018

To: Steffen Roennfeldt, Medford Planning Department  
File No. LDS - 14 - 091

From: Brian Lovett, Lovett Trust  
Rockland Place PUD  
File No PUD-14-074 / LD-14-091 / ZC-14-103

Subject: Road alignment and lot changes

Attached are the following drawings marked exhibits "A", "B", & "C".

**Exhibit "A"** is the tentative plat for 31 lots.

**Exhibit "B"** is the final plat for 16 lots, marked as phase 1 and phase 2 (scheduled for completion in 2018).

**Exhibit "C"** is a CEC engineering drawing showing phase 3 with the re-alignment of Rutherford Drive and the reduction of one lot from 31 lots down to 30 lots. Removing the one lot allows us to widen numerous lots to accommodate one-story homes which are more compatible with the surrounding neighborhoods.

Your approval of these deminimis changes would be appreciated.

Sincerely,



Brian Lovett  
(541)778-6075

CITY OF MEDFORD  
EXHIBIT # A  
File # MINOR MODIFICATION  
LDS-14-091

TENTATIVE PLAT

FOR ROCKLAND PLACE

A PLANNED UNIT DEVELOPMENT SITUATED IN

THE SOUTHEAST QUARTER OF SECTION 34,

TOWNSHIP 37 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN,

CITY OF MEDFORD, JACKSON COUNTY, OREGON

OWNER  
LOVETT TRUST  
P.O. BOX 427  
ASHLAND, OREGON 97520  
(541) 882-0247

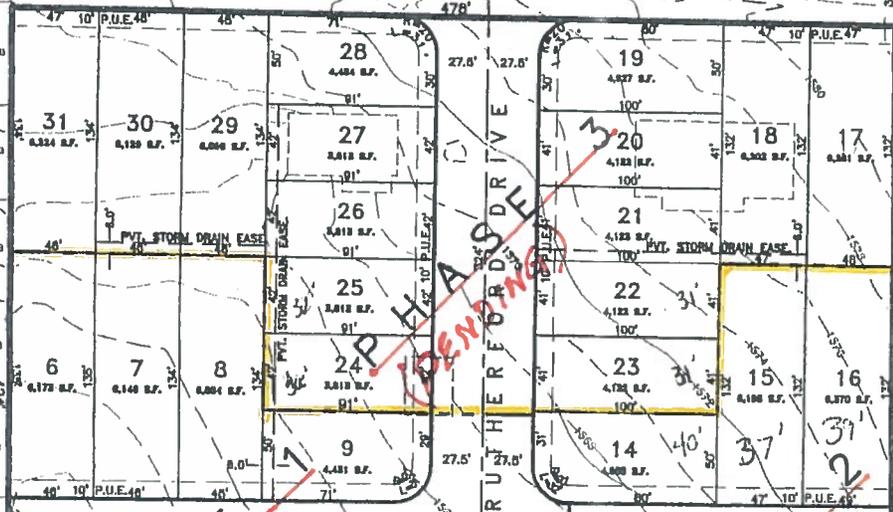
13  
37 1W 34E0  
T.L. 3013  
WASHINGTON FEDERAL

37 1W 34  
T.L. 2800  
WILEY LOVING TRUST

37 1W 34  
T.L. 800  
HARRIDONE, LLC

37 1W 34  
T.L. 900  
HOWARD TRUST

HARBROOKE ROAD



ROCKLAND PLACE, PHASES 1 & 2 (A PLANNED COMMUNITY)

Located In: the Northwest 1/4 of Section 34, Township 37 South, Range 1 West, W.M., in the City of Medford, Jackson County, Oregon

Table with 4 columns: LOT NO., SQUARE FEET, LOT NO., SQUARE FEET. Lists lots 1 through 8 with their respective areas.

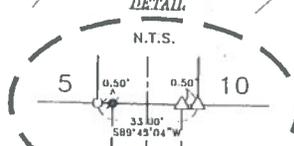
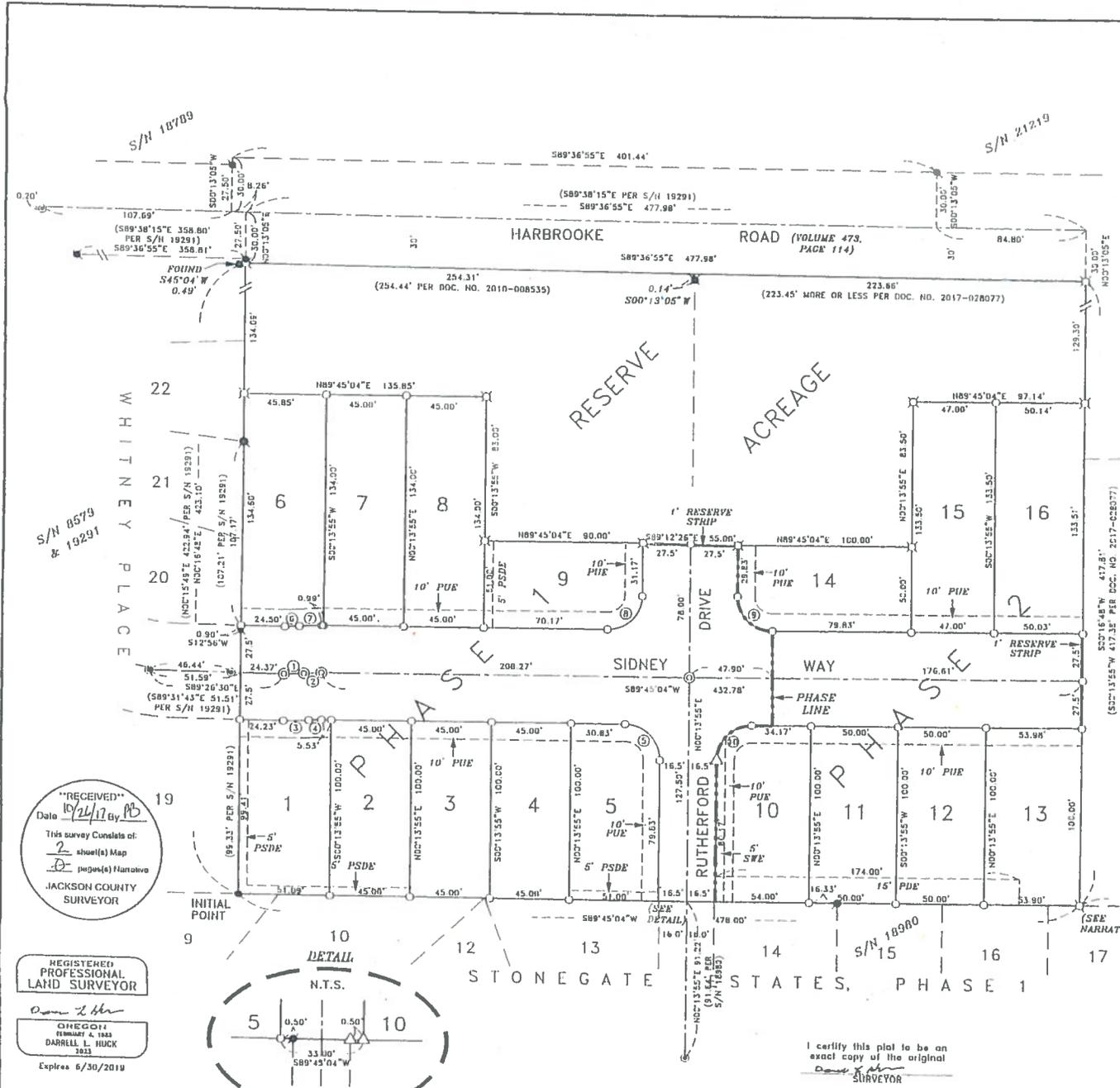
TITLE ITEMS AND EXCEPTIONS.

- 1) THESE PREMISES ARE SITUATED IN THE TALANT IRRIGATION DISTRICT, AND ARE SUBJECT TO THE LEVIES AND ASSESSMENTS THEREOF... 2) THESE PREMISES ARE SITUATED IN THE MEDFORD IRRIGATION DISTRICT, AND ARE SUBJECT TO THE LEVIES AND ASSESSMENTS THEREOF...

- HOFFBUHR & ASSOCIATES, INC. 1890 GOLF VIEW DR., STE. 201 MEDFORD, OREGON (541) 779-4641... SET 5/8" x 24" IRON PIN WITH PLASTIC CAP STAMPED "HOFFBUHR & ASSOC., INC."... SET 5/8" x 30" IRON PIN WITH PLASTIC CAP STAMPED "HOFFBUHR & ASSOC., INC."...

CURVE TABLE with columns: CURVE, DELTA, RADIUS, LENGTH, CHORD, BEARING. Lists curve data for curves 1 through 10.

I certify this plat to be an exact copy of the original SURVEYOR



"RECEIVED" Date 10/24/12 By AB This survey consists of: 2 sheet(s) Map 0 pages(s) Narrative JACKSON COUNTY SURVEYOR

REGISTERED PROFESSIONAL LAND SURVEYOR Darrell L. Huck 3023 Expires 6/30/2019

CITY OF MEDFORD EXHIBIT #

File # M1002 MODFR1001 KDS-14-051

CITY OF MEDFORD

EXHIBIT # D

File # MIPUR Medford

LPS-14-091



Tony BAKKE, P.E.  
 CEC Engineering  
 P.O. Box 1724  
 Medford, OR 97501  
 OCT. 2, 2018

# EXHIBIT "C"

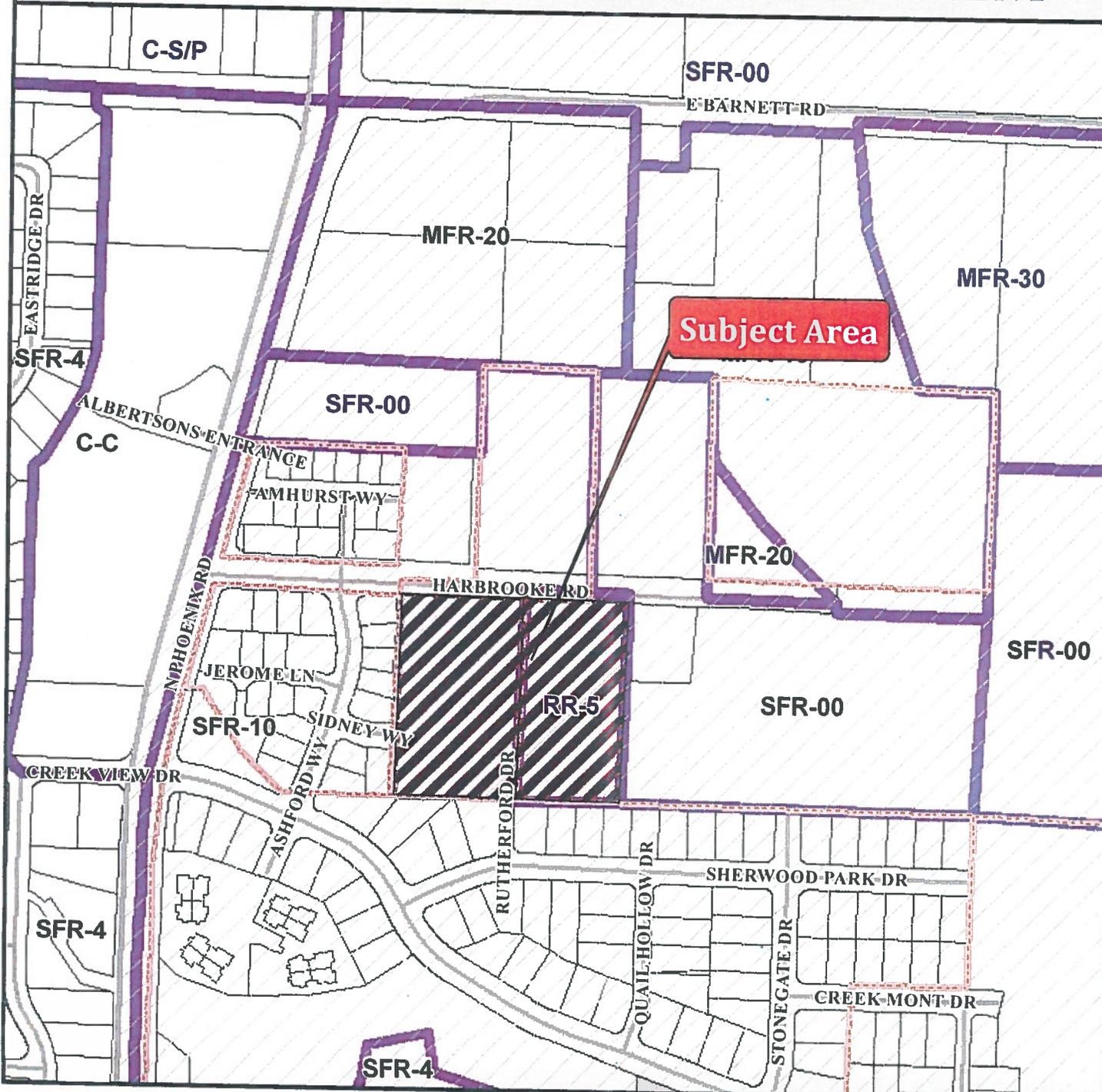


CITY OF MEDFORD  
 EXHIBIT #: E  
 File # MINOR MAP L22-14-871  
CEC ENGINEERING

INITIAL POINT

(NOT TO SCALE)

# Vicinity Map



Application Name/Description:

**Rockland PUD**

Proposal:

**PUD, 31 Lot Subdivision,  
and Zone Change**

File Numbers:

**PUD-14-074, LDS-14-091,  
ZC-14-103**

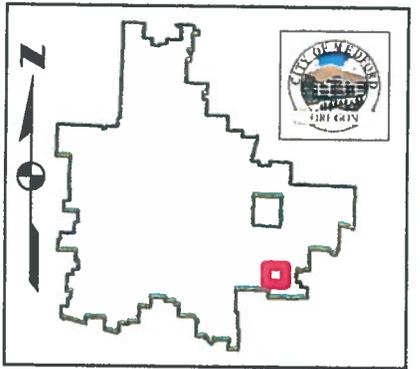
Applicant:

**Lovett Trust**

Map/Taxlot:

**371W34 TL 1600, 1700**

	Subject Area
	Medford Zoning
	UGB
	Tax Lots
<b>Overlays</b>	
	PUD
	SE



10/22/2014



## Planning Commission

# Minutes

From Public Hearing on **October 25, 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  
Joe Foley  
Bill Mansfield  
Mark McKechnie  
E.J. McManus  
Alex Poythress  
Jared Pulver

### Staff Present

Matt Brinkley, Planning Director  
Kelly Evans, Assistant Planning Director  
Eric Mitton, Deputy City Attorney  
Doug Burroughs, Development Services Manager  
Carla Paladino, Principal Planner  
Terri Richards, Recording Secretary  
Sarah Sousa, Planner IV  
Dustin Severs, Planner III

### Commissioner Absent

David Culbertson, Excused Absence

### 10. Roll Call

### 20. Consent Calendar/Written Communications.

**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 Stevens & Associates, Inc.; Planner, Dustin Severs.

**20.2 LDP-18-088 / E-18-127** Final Orders 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.

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 October 11, 2018, were approved as submitted.

40. Oral and Written Requests and Communications. None.

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

50. Public Hearings – 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 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, Principal Planner stated that the Major Type IV Amendment approval criteria can be found in the Medford Land Development Code Section 10.220(B). 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, included in property owner notices and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Paladino gave a staff report.

Vice Chair McFadden stated that staff has mild concerns with the proposed language from CSA Planning Ltd. stating: Urbanization plans that demonstrate coordination and consensus with all the property owners within a planning unit may be prioritized for review. It provides no direction for staff on how to enforce that provision. Does staff plan to develop that before submitting it to the City Council? Ms. Paladino replied that staff included it in the proposal and it is fine. She wants the Planning Commission to know that the language does not add anything if there is not a mechanism to enforce the provision.

Mr. Mitton commented that he reads it as it is currently drafted is that staff would not be in a position to have first come first serve. It would not be enforceable by the applicant.

Ms. Paladino continued the staff report.

Commissioner Foley has a concern with the revised language of slopes greater than 25 percent may be counted, unless the land was deemed unbuildable as part of the UGB

findings, then it shall be counted. If counted there is nothing that means it is going to stay that way. Ms. Paladino reported that the language of 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 will remain.

Commissioner Pulver wondered if the Transportation Planning Sections 5.2.1 and 5.2.2 approval is going beyond what is intended for the Urbanization Plans. It is fine if staff and public works are comfortable making those decisions at this point. Ms. Paladino stated that staff could look at changing the basic approval part. If an applicant proposes something that is a little off of the conventional pattern the Planning Commission and the City Council have a right to review and recognize the change.

Matt Brinkley, Planning Director reported that there is a list that staff does not want to accept with the Urbanization Plans. Staff does not want the level of specificity. There may be some Urbanization Plans that will violate the block length ordinance. This gives flexibility to deal with that.

Vice Chair McFadden stated there are items listed as criteria. Are those the only ones? If there are more this is like requiring a Conditional Use Permit. Mr. Brinkley reported that staff does not want to see details but they need to see street connections off higher order streets.

The record remained opened from the Planning Commission meeting of Thursday, October 11, 2018.

a. Raul Woerner, 4497 Brownridge Terrace, Medford, Oregon 97504. Mr. Woerner was the person that raised the issue of the slopes. The concern he had was if it is mandatory and listed as open space then the proportions are off because there is so much slope land on a property that now the open space allocation is not the same as what the Regional Plan adopted. In recognition that slopes over 25% can be built on under the Code, even though they are not required to be accounted for as buildable land in an Urban Growth Boundary amendment, the DLCDC rule does not prohibit development on slopes over 25%. There needs to be flexibility in the Urbanization Plans that are received to meet the proportions that are in the Regional Plan. They may have enough open space in other categories. That is why he suggested it be optional.

The proportions versus acres on 0.25 acres is that the margin of error is greater than a quarter acre on the lines on the map. It is not a survey level of review. It should be substantially the same as the RPS allocation. If there is a slight deviation the City should have the flexibility of 1%. That would be reasonable.

Commissioner McKechnie asked, is the 0.25% a workable number? Mr. Woerner reported that it is so small. He suggested 1% above or below would be acceptable.

Ms. Paladino reported that staff did the 1% on open space as a guide. It seemed like it was giving people a 2 and 3 acre margin. Staff thinks that is too much. That is why they went with the 0.25%.

There is enough flexibility in the document that if there are slopes on the land one can determine if it is open space or not. Those that were deemed unbuildable as part of the UGB there needs to be findings about what that is, how they are staying and something else has slopes is open space or not.

Commissioner Pulver asked on the open space whether 0.25% or 1% if it is a requirement of 20% one could have 19.75% open space and that would be okay as opposed to 0.25% of the 20%. Those are differences. Ms. Paladino stated that one can deviate 0.25% which would potentially give one an acre or more of deviation, not the actual 20% of open space and one gets 19.75%.

Commissioner McKechnie asked, isn't that 1 acre in 400? That is the deviation at 0.25%. Personally, he thinks 1% would be more workable.

Doug Burroughs, Development Services Manager stated Public Works does not have additional comments on this item unless the Planning Commission has specific questions.

The public hearing was closed.

Main Motion: The Planning Commission based on the findings and conclusions that all of the applicable criteria are either satisfied or not applicable, forwarded 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.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Commissioner McKechnie commended staff for an excellent job on Urbanization Plans. 0.25% is an unworkable number. 1% will give more flexibility especially at the scale that is being discussed.

Friendly amendment: Change the 0.25% to 1%.

Moved by: Commissioner McKechnie

Seconded by: Commissioner Foley

Commissioner Pulver asked, if the planning unit is 200 acres with the 10% requirement of open space, there would have to be 20 acres of open space? Commissioner McKechnie replied yes. Commissioner Pulver stated that Ms. Paladino reported that the 0.25% variation from that would mean taking the 20 acres and times it by 0.25% to see what the

variation would be. He thinks that would have a result of five hundredths of an acre. Even the 1% is not much. He thought if the requirement was 10% that the variation with 0.25% that would go down to 9.75% as opposed to 10%. Which would have a resulting impact of half acre.

Mr. Mitton asked, what page was the open space requirement by planning unit on? Mr. Brinkley stated that it was on page 79 of the agenda packet. Commissioner Pulver's first characterization of what staff is talking about is correct. It would not be a 1% deviation off of the 20%. It would be 1% off the 20% leaving 19%. That is as low as one could go. Mr. Mitton concurred. When varying from the requirement by x% instead of varying from the calculated open space by x%, 20% deviation of 1% would get to 19% or 21% not 20.2% or 19.8%

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

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

#### 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.

Sarah Sousa, Planner IV stated that 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 and hard copies are available at the entrance of Council Chambers for those in attendance. Ms. Sousa gave a staff report.

Commissioner McKechnie is struggling with 40% maximum coverage for SFR-00, which is property annexed into the City and converted to SFR-2 with a home larger it would be nonconforming. SFR-00 and SFR-2 should be the same so there will not be a conflict when going from SFR-00 to SFR-2. He suggested leaving SFR-00 and SFR-2 at 35%, 45% for SFR-4 and SFR-6 and 50% for the rest. He agrees with whatever the zone is the lot coverage for a single family, duplex and townhome should all be the same. He also thinks the side setbacks, regardless of units, should be the same as well.

Vice Chair McFadden commented that if SFR-00 is a holding for properties being annexed into the City the percentage does not have to be listed. It is already what has been built and if they do any building they have to go to a different zoning. Ms. Sousa commented not necessarily. There are properties zoned SFR-00 that would be eligible for a single family home and an ADU.

Commissioner Foley agrees with Commissioner McKechnie on the SFR-00 and SFR-2. It does not make sense making those two different. The 50% makes sense.

Commissioner McKechnie stated that if leaving everything else at 50%, 40% for SFR-00 and SFR-2 makes more sense.

The public hearing was opened.

Mr. Mitton reported that most SFR-00 are properties coming in from the County he has not been able to confirm but he is wondering if the 40% may make the property nonconforming. If adjusting one of the two numbers it would probably be more prudent to bump up SFR-2 than to bump down SFR-00.

Kelly Evans, Assistant Planning Director reported that SFR-2 is only allowed where there are topographical constraints. She is confident that is the reason for the lesser lot coverage.

The public hearing was closed.

Main Motion: The Planning Commission based on the findings and conclusions that all of the applicable criteria are satisfied or not applicable, initiated the amendment and forwarded 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.

Moved by: Vice Chair McFadden

Seconded by: Commissioner Foley

Commissioner Pulver has concerns with single family residential structures that are in commercial zones that have been converted to commercial and be able to be converted back and forth. He recommended a modification to the motion.

Vice Chair McFadden stated that Commissioner Pulver is wanting that particular amendment dropped. He agrees with that.

Friendly Amendment #1: Delete the housekeeping amendment of changing nonconforming section so that SFR's in commercial zones can convert back and forth between commercial and residential uses.

Moved by: Commissioner Pulver

Seconded by: Vice Chair McFadden

Commissioner Poythress shared his thoughts. He does not think it is a surprise that there is a shortage of housing inventory. He appreciates this gesture tries to solve that issue. He agrees with the premise behind what is being discussed about the back and forth. There was some lack of resolution about the question of accessory dwelling units that was not fully answered. There are too many unknowns. He supports Commissioner Pulver's motion.

Roll Call Vote on Friendly Amendment #1: Motion passed, 6-2, with Commissioners Foley and Commissioner Mansfield voting no.

Commissioner Poythress would love to revisit this and thinks the Planning Department could workshop it and it may materialize into something better.

Commissioner McKechnie wanted to revisit the densities for the single family lots.

Friendly Amendment #2: Change SFR-00 and SFR-2 to 40% maximum lot coverage.

Moved by: Commissioner McKechnie      Seconded by: Commissioner Foley

Roll Call Vote on Friendly Amendment #2: Motion passed, 8-0

Friendly Amendment #3: Leave SFR-4 and SFR-6 at 45% on detached homes only.

Moved by: Commissioner McKechnie      Seconded by: Commissioner Poythress

Vice Chair McFadden asked, would this make it harder to put an ADU on? Mr. Brinkley reported ADU's count towards lot coverage. Yes, it will make it harder to do ADU's and RV storage facility. It restricts the property owner's ability to do what they want.

Commissioner Pulver asked, does that include non-livable space as well? Yes, this is lot coverage.

Roll Call Vote on Friendly Amendment #3: Motion failed, 1-7, with Commissioner Foley, Commissioner Mansfield, Commissioner McManus, Commissioner Poythress, Commissioner Pulver, Vice Chair McFadden and Chair Miranda voting no.

Roll Call Vote on Main Motion: Motion passed: 8-0.

**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.

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

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

Dustin Severs, Planner III stated that the Partition Tentative Plat approval criteria can be found in the Medford Land Development Code Section 10.202. 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, included in 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 Foley stated that in the staff report there is discussion about the riparian corridor running through both the houses on the property making them nonconforming. He is concerned that on parcel one could they redevelop? Mr. Severs reported the southeast corner is slightly out of the riparian corridor. There is a potential to do some construction at the far southeast corner. It is possible to expand on the house. It has to be outside the riparian corridor. If they were willingly to demolish the existing home they would not be able to rebuild.

The public hearing was opened.

a. Christian Nelson, 2165 Kings Highway, Medford, Oregon, 97501. Mr. Nelson reported that he owns and is representing the property. He gave a brief history of the property. It was brought in from the County it is current state. His intent is to try and bring the property into conformity as much as possible. Removing and rebuilding the existing driveways is a little excessive. Vehicles are able to pull out face forward. They are not backing out onto Kings Highway. There is sufficient space to turn around in both driveways. The house existed before the riparian right-of-way and there should be the ability to replace the building. There is no foundation under the house. It is on cinder blocks.

Mr. Nelson reserved rebuttal time.

b. Brenda Salem, 876 Archer Drive, Medford, Oregon, 97501-4412. Ms. Salem's concern is there would be a road from Kings Highway to the neighborhood and she would like to not see that happen. The traffic would increase dramatically and it is already an unsafe area. There are not enough sidewalks and children are playing. They would like to see the side street remain sealed off from Kings Highway if possible.

Vice Chair McFadden asked, is Ms. Salem talking about the street west of the subject property? Ms. Salem stated they are concerned there would be a road built in the future that would come in from Kings Highway that would connect with Archer Drive. Vice Chair McFadden stated that with the riparian area there no one will build a bridge.

c. Raoul B. Salem, 876 Archer Drive, Medford, Oregon, 97501-4412. Mr. Salem stated that Archer Drive comes in from west to east and ends at Sunshine that provides a boundary for the west end of the reserve acreage. He has concerns there was a plan either short term or long term to extend Archer Drive to connect with Kings Highway. Apparently that is not going to be a problem. He asked if there was any possibility of developing the reserve acreage or otherwise covering up Crooked Creek and building on it. Mr. Severs reported that it is the applicant's ultimate goal to develop or sell the reserve acreage to be developed. As far as Crooked Creek being covered up it is fish bearing so he does not anticipate that ever going away. Mr. Salem is concerned with the trend to reducing the setbacks and increasing the lot coverage.

Mr. Burroughs does not have additional comments than what they have in the Public Works staff report. They recommend the single shared driveway which would be in accordance with current standards.

Commissioner Mansfield asked, is that a safety measure? Mr. Burroughs replied absolutely.

Vice Chair McFadden stated that the plot plan shows having to dedicate a 14 foot access on the street side. Dedicating that and if the street is further improved in the future will that make the driveway extremely short? Mr. Burroughs reported that it will be that much shorter.

Chair Miranda asked, would that make the right-of-way a few feet from the front porch? Vice Chair McFadden commented that it would be close.

Mr. Mitton touched on the question of whether or not removing and reconstructing the house would be permitted considering the riparian corridor. He has concerns particularly if there is not a foundation it would fall under the limited exceptions that would allow to build in the riparian corridor. The caution is that is not the issue here tonight so the Planning Commission does not have to resolve that issue.

Mr. Nelson stated that the concerns of the neighbors have been addressed. There was a question of the length of the driveway on the north property. That driveway goes back to the creek. There is a bridge that crosses the creek to a structure back there. Bringing the road closer to the house would decrease the length of the driveway but there is still sufficient space to turn around.

Chair Miranda asked, is the bridge a pedestrian or vehicle bridge? Mr. Nelson reported that the previous owners had driven across it but he does not believe it is safe. There are two bridges that cross the creek. The other one is strong enough to drive a small tractor across.

Vice Chair McFadden asked, in the future could the Oregon Department of Fish and Wildlife come in and remove those bridges? Mr. Severs stated that since they are legal nonconforming and grandfathered in he does not think so. Any new structure constructed within the riparian corridor such as bridges, etc., would require a Conditional Use Permit.

Mr. Nelson stated that with part of this partition it reduces and/or removes the need for the bridges.

The public hearing was closed.

Main Motion: The Planning Commission adopted the findings as recommended by staff and directed staff to prepare the Final Orders for approval of ZC-18-099 and LDP-18-100 per the staff report dated October 18, 2018, including Exhibits A through K, and do not require the removal of the two existing driveways; include condition #6, requiring a cross-access easement when the first discretionary condition becomes necessary #6 enables that; disregard the block length in this particular case mainly because of the riparian corridor; and the same thing with the access way through the property. There are people from Sunshine that can walk around the block just as easy as they can cut through this piece of property. The way this property is going to be developed with the creek it does not make sense either.

Moved by: Vice Chair McFadden

Seconded by: Commissioner McKechnie

Amend Motion: Include removal of the two existing driveways.

Moved by: Commissioner Mansfield

There was no second to amend the motion. Motion failed.

Roll Call Vote to Main Motion: Motion passed: 8-0.

## 60. Reports

### 60.1 Site Plan and Architectural Commission.

Ms. Evans reported that the Site Plan and Architectural Commission met Friday, October 19, 2018. They approved plans for a development of a three-story apartment building on the south side of East Barnett Road, approximately 600 feet east of Ellendale Drive within the MFR-30 zoning district.

### 60.2 Planning Department

Ms. Evans reported that the Planning Commission will have a study session on Monday, November 12, 2018. Discussion will be on local Trails Amendment and Wetland Inventory and Wetland Regulations.

There is business scheduled for the Planning Commission on Thursday, November 8, 2018. The meeting on Thursday, November 22, 2018 will be canceled due to Thanksgiving. There will be a meeting on Thursday, November 29, 2018.

Last week there was no Planning business for the City Council.

Next week the City Council will hear an annexation, Natural Hazard Mitigation Plan adoption into the Comprehensive Plan, Transportation System Plan, annual report on the Community Development Block Grant Program and a project to fund purchasing of property on Almond Street.

There is a project moving through Cedar Landing. They had a neighborhood meeting last week and staff has heard a lot of comments from the neighbors. Staff received an email addressed to the Planning Commission but has not been forwarded because it is ex-parte contact and staff has not received an application yet. Ms. Evans has an email that she will send to the Planning Commission regarding how to handle ex-parte communications.

70. Messages and Papers from the Chair. None.

80. Remarks from the City Attorney. None

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 7:19 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

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Terri L. Richards  
Recording Secretary

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Patrick Miranda  
Planning Commission Chair

Approved: November 8, 2018



City of Medford

# Planning Department

*Working with the community to shape a vibrant and exceptional city*

## STAFF REPORT – CONTINUANCE REQUEST

for a Type-C quasi-judicial decision: **Exception**

Project PDK Properties  
Applicant: PDK Properties; Agent: Scott Sinner Consulting Inc.

File no. E-18-137

To Planning Commission *for November 8, 2018 hearing*

From Steffen Roennfeldt, Planner III

Reviewer Kelly Evans, Assistant Planning Director *lv*

Date October 30, 2018

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### BACKGROUND

#### Proposal

Request for an Exception to the lot depth requirement for Lot 10 of Phase 7 of West View Village Subdivision, located north of Lozier Court, approximately 300 feet east of Lozier Lane within the SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre) zoning district (372W26DD900)

#### Request

The applicant has requested that the item be continued to November 29, 2018.

### EXHIBITS

- A Continuance request received October 24, 2018  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**NOVEMBER 8, 2018**

**Steffen K. Roennfeldt**

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**From:** scottsinner@yahoo.com  
**Sent:** Wednesday, October 24, 2018 1:25 PM  
**To:** Steffen K. Roennfeldt  
**Subject:** Continuation

Steffen,

Please use this email as confirmation to continue the E-18-137 for PDK to the 11/29 Planning Commission meeting.

Thank you and feel free to call if you have any questions.

Scott

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

CITY OF MEDFORD  
EXHIBIT # A  
File # E-18-137

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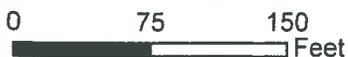


Project Name:

**Lozier Court  
 Exception**

Map/Taxlot:

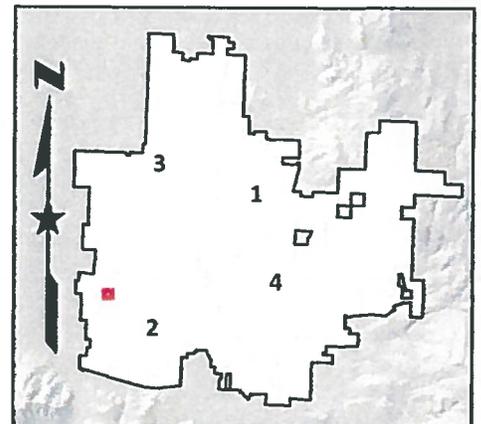
**372W26DD TL 900**



10/04/2018

**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots





## STAFF REPORT

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

Project      Accessory Dwelling Units (ADU) Standards Update

File no.      DCA-18-113

To              Planning Commission *for 11/08/2018 hearing*

From          Kyle Kearns, Planner II

Reviewer     Carla G. Angeli Paladino, Principal Planner

Date          October 25, 2018

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### BACKGROUND

#### Proposal

DCA-18-113 is a development code amendment (Exhibit A) to portions of Chapter 10, the Medford Land Development Code (MLDC) to modify standards for Accessory Dwelling Units (ADUs).

#### History

An accessory dwelling unit (ADU) has been an auxiliary housing option with many names such as outchambers, alley apartments, granny-flats, mother-in-law suites, backyard cottages and most recently an ADU. From Thomas Jefferson’s Monticello<sup>1</sup> to the backyard cottages of Seattle, ADUs have existed in the framework of American housing for centuries. Medford adopted into the land use code standards for allowing ADUs in 1995, however the allowance for boarding tenants, guest homes, and other accessory buildings has been a part of Medford’s housing framework for years before that.

In August of 2017 City Council approved the formation of the Housing Advisory Committee (HAC) to identify policies to address Medford’s housing shortage for a range of income levels. Among those policy recommendations, approved for consideration by Council on February 15, 2018 included two pertaining to ADUs, those being:

- Incentivize construction of Accessory Dwelling Units (ADU) (high priority)
- Expand where Accessory Dwelling Units are permitted (medium priority)

These policy directives provided by the HAC and Council look to enable the construction of more ADUs in areas where single-family development is permitted, reviewed more indepthly in the Analysis section of this Staff Report.

<sup>1</sup> Peter Miller and Charley Miller, Monticello: The Official Guide to Thomas Jefferson’s World (National Geographic, 2016)

## September 24, 2018 Joint City Council & Planning Commission Study Session – Minutes Exhibit B

To gather initial direction from the Planning Commission and the City Council on the proposed text of DCA-18-113 staff presented the initial proposal at a joint study session. Originally the proposed text had the allowance of two ADUs (one attached/one detached), changes to where ADUs are permitted and amendments to site design standards such as parking, permitted ADU size, and front façade limitations. Staff had also provided information on the allowance of a Junior ADU as a potential option. A Junior ADU is the conversion of existing space within a home that doesn't have full kitchen facilities, much like a guest house, and has no additional system development charges.

Staff received direction from both the City Council and Planning Commission to pursue amending the portions of the MLDC pertaining to ADUs (Section 10.821) to revise standards to remove potential barriers to ADU development and to expand where ADUs are permitted. Staff did not receive direction to allow for Junior ADUs or two ADUs per single family dwelling.

**Note:** If the Planning Commission desires the allowance of two ADUs per single-family dwelling staff could incorporate language into the proposed development code amendment for review by City Council that would include the below language with 10.821(B)(2) (See Exhibit A):

- (2) A maximum of two (2) ADUs shall be allowed in conjunction with the following dwelling unit type(s):
  - (a) A detached single-family dwelling
  - (b) A townhouse
  - (c) A manufactured dwelling located on an individual lot

### Authority DCA-18-113

This proposed plan authorization is a Type IV legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.110 and 10.218

## ANALYSIS

For reference, Exhibit A contains the proposed language for DCA-18-113. Additionally, staff has provided the Department of Land Conservation and Development (DLCD) the propose language as reviewed at the September 24 Joint Study Session (Minutes Exhibit B). DLCD's comments on the proposal are provided in Exhibit C. DLCD had concerns regarding conformance with State law and some of the semantics of the original proposal; the most recent proposal (Exhibit A) contains the changes as directed by DLCD.

Lastly, DLCD's model ADU code language can be found in Exhibit D. The DLCD model code language was provided to cities to help implement the language passed in Senate

Bill 1051 which was designed to create more affordable housing options and to require clear and objective standards for the review of housing projects.

The following analysis explains how the proposed language incentivizes construction of ADUs, expands where ADUs are permitted, and seeks legalization of illegal units and how the proposal seeks to align with a recent amendment to an Oregon Revised Statute (ORS 197.312 – Exhibit E).

#### Incentivizing ADU Construction

Generally, there are two ways to incentivize construction of Accessory Dwelling Units. These two methods of incentivizing include either financial incentives or the removal of development standards that create financial barriers. DCA-18-113 seeks to remove development standards that create financial barriers. Generally, current standards for ADU development (Section 10.821) are fairly generous. To further reduce potential cost barriers staff is proposing:

- removing the standard limiting the number of front door entrances
- allowing for the use of nonconforming structures as an ADU
- not requiring additional parking for an ADU

The intent of these changes is to reduce additional cost to ADU construction. For example, the use of nonconforming structures as an ADU allows for the conversion of existing space and not for the construction of a new ADU which is inherently more expensive (by a factor of almost \$100,000). Building in the flexibility for the entrance of an ADU allows for less design constraints to arise, potentially raising the cost of an ADU. Lastly, the average cost of providing surface parking is valued at \$5,000<sup>2</sup> but could be as high as \$10,000. This means that 4-15 percent of the total cost of construction of an ADU can be attributed to parking (using total development cost of \$50,000-\$180,000). For a more detailed analysis of Medford's ADU market see Exhibit F.

#### Expanding Where ADUs are Permitted

Another aspect of DCA-18-113 is to expand where an Accessory Dwelling Unit is permitted. Currently, ADUs are only permitted in areas zoned for detached single-family, with a detached single-family home, one ADU to a parcel. As proposed in Exhibit A, ADUs would be permitted on a per dwelling unit basis for all dwelling types that are either a detached single-family home, an attached single-family home divided by a lot line (duplex and townhouse) and with manufactured homes on their own lot. Additionally, as proposed, the zones in which ADUs would be permitted would be all City zones. ADUs would still only be permitted with single-family dwelling types in commercial, industrial and multi-family zones where currently they are prohibited. Lastly, loosening the parking requirements and expanding lot coverage for ADUs by 10 percent enables smaller,

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<sup>2</sup> Spivak, Jeffrey. "People Over Parking." American Planning Association, American Planning Association, 18 Oct. 2018, [www.planning.org/planning/2018/oct/peopleoverparking/](http://www.planning.org/planning/2018/oct/peopleoverparking/).

older parcels closer to the city center to have an ADU where it may not have otherwise been permitted.

#### Legalization of Illegal ADUs

There are illegal ADUs in existence, each with varying levels of nonconformity whether it be through lack of building permits or missing utility connections. The intent of subsection 10.821(C), as proposed, is to provide a path forward for creating a legal ADU. If the ADU conforms to the MLDC, then it will only be required to meet applicable building, fire, life and safety codes. If, in addition to the lack of building, fire, life and safety code conformance, it also does not meet the MLDC then an illegal ADU will need to follow the Type III Exception process meeting all but the fourth criteria of 10.186(B). If an ADU is converted using the Exception process it would be considered a nonconforming structure/use in perpetuity, assuming no changes to the development pattern.

#### Statutory Changes to ORS 197.312

Recent changes to Oregon Revised Statute 197.312 (Exhibit E) require that "A city with a population greater than 2,500...shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling units for each detached single-family dwelling..."(ORS 197.312(5)(a)). This requires that Medford allow for an ADU for each detached unit, where currently the City limits each parcel to one ADU. Additionally, staff has proposed allowances for ADUs with attached single-family dwellings (i.e. duplexes, townhouses) and with single-family housing types in commercial, industrial and multi-family zones. To conform to the changes in ORS 197.312 the proposal will have to allow for ADUs for each detached single-family unit, regardless of how many are on a parcel; the allowance for ADUs with attached single-family dwellings is not required with the statutory changes.

## **FINDINGS AND CONCLUSIONS**

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

*10.218 Land Development Code Amendment Approval Criteria.*

*The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:*

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

#### Findings

Medford, like much of the West, has struggled with housing affordability and housing supply in many respects. In recent years though, Medford has succeeded in creating a residential market that has supplied affordable, detached single-family homes as 94% of homeowners live in single-family detached housing, 40% of renters

do.<sup>3</sup> According to the Jackson County Assessor there are 19,752 tax lots in Medford with a detached single-family; or in other words 66% of Medford's housing stock is single-family detached.<sup>4</sup> While over the past 20 years the City has only seen the production of just 170 ADUs (0.9% of total housing share). This means that more than 19,000 lots have the potential to add an additional unit, prior to any amendments to the City's ADU standards. Additionally, the average cost of a detached single-family home is around \$280,000 as compared to \$50,000-\$130,000 for an ADU in Medford's market as indicated by ECONorthwest (Exhibit F).

Since 46% of the City's population is considered rent burdened<sup>5</sup>, or spending more than 30% of their income on housing, ADUs present an opportunity to provide an affordable housing option for grandma, the waiter at your favorite restaurant, or for the single parent living down the street while also providing supplemental income to the property owner of the ADU. The amendments to 10.821 (Exhibit A) are intended to reduce potential development barriers, lower cost of ADU development and increase supply (land) where ADUs are permitted.

### Conclusions

With a clear trend in development towards detached, single-family housing the development opportunities for increased housing options are limited in part by land use. As mentioned previously only 40% of renters live in detached single-family housing, yet the majority of renters are considered to be cost burdened. With the cost of multi-family housing around \$200 a square foot<sup>6</sup> and the price of single-family development is approximately \$165 a square foot. ADUs present a more affordable development option than that of traditional renter housing.

While amending the standards alone won't create more ADUs it will make it easier and cheaper to construct ADUs. In addition to simpler standards DCA-18-113 expands the zones and dwelling types in which an ADU are permitted, increasing supply of land for an ADU thus enabling more affordable options for development. Since rents and construction of an ADU are more affordable than their single-family or multi-family counterparts the public receives the benefit of more affordable housing, thus the criterion has been satisfied.

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<sup>3</sup> Census Bureau, 2011-2015 ACS Table B25032

<sup>4</sup> Census Bureau, 2011-2015 ACS Table B25024

<sup>5</sup> Census Bureau, 2011-15 ACS Table B25070, 2011-15 ACS Table B25091

<sup>6</sup> Nicco-Annan, Francisco. "Multifamily Market Commentary – March 2017." [www.fanniemae.com](http://www.fanniemae.com), Fannie Mae, 14 Mar. 2017, [www.fanniemae.com/resources/file/research/emma/pdf/MF\\_Market\\_Commentary\\_031517.pdf](http://www.fanniemae.com/resources/file/research/emma/pdf/MF_Market_Commentary_031517.pdf).

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

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

### Findings

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

**Policy 1:** The City of Medford shall assess the housing needs of current and prospective residents, including the elderly, disabled, active retirees, and other groups with special housing needs, to determine development priorities and to formulate specific strategies and activities to meet those needs.

**Implementation 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;

e) Assuring a mix of income levels and dwelling types, including multifamily, group, affordable, and assisted housing, throughout the City

**Policy 5:** The City of Medford shall provide opportunities for alternative housing types and patterns, such as planned unit developments, mixed-uses, and other techniques that reduce development costs, increase density, and achieve projects that are flexible and responsive to the site and surroundings, including the conservation and enhancement of areas having special scenic, historic, architectural, or cultural value.

### Conclusions

Allowing for ADUs in more zones, with more dwelling types and amending the standards to 10.821 are in direct alignment with the Housing Element of the Comprehensive Plan. Implementation item 1-C states that the City shall "Assess policies, regulations, and standards affecting residential development..." and DCA-18-113 (Exhibit A) does by eliminating design requirements, expanding lot coverage for ADUs and allowing for a reduction in off-street parking requirements valued at \$5,000-10,000.

The Housing Element also requires that the City assures "...a mix of income levels and dwelling types..." (Implementation 1-C) and provides "...opportunities for al-

ternative housing types and patterns, such as....mixed-uses, and other techniques that reduce development costs, increase density, and achieve projects that are flexible and responsive to the site and surroundings..." (Policy 5).

ADUs are a way to increase density within existing neighborhoods while working with the surrounding site in a way that traditional multi-family and affordable housing does not do. Furthermore, it provides opportunities for a mixture of incomes and backgrounds to live within existing neighborhoods; this enables older residents to age in place or for new families to have affordable rent in the earlier stages of their development. By increasing where ADUs are permitted and loosening the design requirements for ADUs DCA-18-113 seeks to encourage the development and mixture of "...alternative housing types and patterns..." (Policy 5) that previously may have been unattainable for particular lots within the City.

The criterion has been satisfied.

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

#### Findings

Staff had a code language review at the Land Development (LD) Committee meeting on September 26, 2018 and received comments from the Medford Fire-Rescue Department (Exhibit G), Public Works (Exhibit H) and the Medford Water Commission (Exhibit I). The majority of the comments were not substantive or did not affect the proposed language in Exhibit A. Additional comments from the Department of Land Conservation and Development can be found in (Exhibit C).

When reviewed at the September 26 LD Meeting and by DLCD, DCA-18-113 had proposed the allowance of two ADUs per lot. Many of the comments reflect this proposal and not the text of Exhibit A.

#### Conclusions

City Staff concluded that the proposal of DCA-18-113 has no effect on general operations or utility services within the City of Medford. Additionally, if directed by the Planning Commission the allowance for two ADUs per dwelling unit would have no substantial effect on providing water, sewer, or other utility services to City lots so long as they meet applicable building, fire, life and safety standards.

Additionally, DLCD provided comments regarding recent amendments to Oregon Revised Statute (ORS) 197.312 and the code language generally. Staff has prepared a proposal (Exhibit A) that conforms to ORS 197.312.

The criterion has been satisfied.

(3) *Public comments.*

Findings

No public comment has been provided.

Conclusions

The criterion does not apply.

(4) *Applicable governmental agreements.*

Findings & Conclusions

Staff could find no applicable governmental agreement. This criterion does not apply.

**RECOMMENDED ACTION**

Based on the findings and conclusions that all of the approval criteria are either met or not applicable, initiate the amendment, and forward a favorable recommendation for adoption of DCA-18-113 to the City Council per the staff report dated October 25, 2018, including Exhibits A through I.

**EXHIBITS**

- A Proposed Amendment DCA-18-113
- B Minutes - Planning Commission and City Council Joint Study Session September 24, 2018
- C Agency Comment – Department of Land Conservation and Development (DLCD) via Laura Buhl October 10, 2018
- D DLCD Model ADU Code
- E ORS 197.312
- F ECONorthwest Memorandum September 14, 2018
- G Agency Comment – Medford Fire-Rescue September 26, 2018
- H Agency Comment – Medford Public Works September 26, 2018
- I Agency Comment – Medford Water Commission September 26, 2018

**PLANNING COMMISSION AGENDA:**

**NOVEMBER 8, 2018**

## Exhibit A

### Proposed Amendment DCA-18-113

(Deleted text is ~~struck-through~~, new text is underlined, ~~moved text~~/ moved text)

#### 10.012 Definitions, Specific.

\* \* \*

**Accessory dwelling unit (ADU).** A detached or attached dwelling unit that is additional and auxiliary to ~~an existing a~~ a single-family dwelling, and is on the same tax lot. ~~A single-family dwelling with an ADU can be distinguished from a duplex through its continuing appearance as a single-family dwelling structure.~~

\* \* \*

**Floor, habitable,** ~~means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".~~

\* \* \*

**Footprint.** ~~The total flat surface area a building covers on land, excluding unenclosed areas and items not considered structures.~~

\* \* \*

**Gross Habitable Floor Area.** ~~The cumulative floor area of space for living purposes including, working, sleeping, eating, cooking, or recreation, or a combination thereof.~~

\* \* \*

**10.314 Permitted Uses in Residential Land Use Classification.**

The following table sets forth the uses allowed within the residential land use classification by zoning district. Uses not identified herein are not allowed. (See Article I, Section 10.012, for the definition of each listed use.)

These symbols indicate the status of each listed use:

- “P” = Permitted Use.
- “C” = Conditional Use; permitted subject to approval of a Conditional Use Permit. (See Article II, Section 10.184.)
- “X” = Prohibited Use.
- “S” = Special Use (See Article V, Sections 10.811- 10.900, Special Use Regulations)
- “EA” = Permitted only when within an EA (Exclusive Agriculture) overlay district.
- “PD” = Permitted Use if in a PD (Planned Unit Development).

\* \* \*

PERMITTED USES IN RESIDENTIAL ZONING DIS- TRICTS	SFR 00	SFR 2	SFR 4	SFR 6	SFR 10	MFR 15	MFR 20	MFR 30	Special Use or Other Code Section(s)
<b>1. SINGLE-FAMILY RESIDENTIAL</b>									
* * *									
(c) Manufactured Home on Individual Lot	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps	10.710, <u>10.821</u> <u>(with ADU)</u> , 10.826 & 10.900
* * *									
<b>2. MULTIPLE-FAMILY RESIDENTIAL</b>									
* * *									
(d) Townhouse/Row-house Dwelling	X	X	X	X	P	P	P	X	10.712 & <u>10.821</u>
* * *									
<b>4. ACCESSORY USES</b>									
(a) Accessory Dwelling Unit (ADU)	Ps	Ps	Ps	Ps	Ps	<u>XP</u> s	<u>XP</u> s	<u>XP</u> s	10.821 & <u>10.826</u>
* * *									
* * *									

**10.337 Uses Permitted in Commercial and Industrial Zoning Districts.**

A. The uses allowed within each commercial and industrial zoning district are based on the Standard Industrial Classification (SIC) Manual, 1987 Edition. This chapter classifies uses by Industry Group Number (3 digits) of the SIC Manual. When necessary to resolve any ambiguity in defining a use classification as per this chapter the Industry Number (4 digit) classification contained in the SIC Manual shall be used as the acceptable reference source.

B. There are four classifications in the following tables that do not appear in the SIC Manual; "Business Offices," (001); Parks, Recreation, and Leisure Facilities" (002); "Marijuana-related businesses" (003); and "Dwelling Units" (881). "Dwelling Units" is in the Services group, but this is not intended to suggest any relationship to the SIC classification scheme. In this context the use classification "Dwelling Units", includes housing types that are allowed in the MFR-30 zoning district.

C. All uses have been identified by zoning district as either permitted, permitted subject to special use standards, conditional, or not permitted.

"P" = Permitted Uses.

"Ps" = Special Use (see Special Use Regulations).

"C" = Conditional uses - permitted subject to approval of a Conditional Use Permit.

"Cs" = Conditional uses permitted subject to approval of a Conditional Use Permit and the applicable Special Use Regulations.

"X" = Uses specifically prohibited.

"\*" = Permitted when within an EA overlay district.

nec = not elsewhere classified

\* \* \*

**88 DWELLING UNITS**

	C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
<b>881 Dwelling Units</b>	Ps	Ps	Ps	Ps	Ps	Ps	Ps	Ps

The special use ~~reference-regulations~~ for commercial zones corresponds with special use section 10.837 and the special use ~~regulations reference~~ for industrial zones corresponds with special use section 10.835. The special use regulations for Accessory Dwelling Units (ADUs) in commercial and industrial zones correspond with special use section 10.821.

\* \* \*

**10.821 Accessory Dwelling Unit (ADU).**

For the purposes of this Chapter, a single-family dwelling with an accessory dwelling unit (ADU), as defined herein, ~~located within a single family residential zone~~ shall not be considered a duplex or multiple-family dwelling. ADUs are defined as either:

**Accessory Dwelling Unit - Attached (ADU-A).** An ADU-A is attached to the primary dwelling unit by a shared wall or as an additional story above the primary dwelling unit.

**Accessory Dwelling Unit - Detached (ADU-D).** An ADU-D shares no common walls with the primary dwelling or the ADU-A.

**(A) ADU General Standards**

The following standards apply to all ADUs and shall be required. They are as follows:

- (1) ADUs shall not be counted in residential density calculations.
- (2) An ADU within the Historic Preservation Overlay shall be subject to applicable reviews as identified in this Code.
- (39) A development's Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument recorded subsequent to the effective date of this ordinance shall not prohibit or limit the construction and use of ADUs meeting the standards and requirements of the City of Medford.

~~In addition to other standards of this code, ADUs shall comply with the following development standards:~~

**(B) ADU Development Standards.** In addition to other applicable standards of this code, ADUs shall comply with the following development standards:

- (1) ADUs shall comply with maximum lot coverage and setback requirements applicable to the parcel containing the primary dwelling.
  - (a) Lot coverage, as determined by the subject parcel's zoning, may be exceeded by up to 10%. The additional coverage allowance is exclusively for the ADU and shall not be used for any other structures.
- (2) ~~One~~ ADUs shall be allowed per dwelling unit and only in conjunction with ~~parcels containing one detached single-family dwelling (the "primary dwelling").~~ the following dwelling unit type(s):
  - (a) A detached single-family dwelling
  - (b) An attached single-family dwelling, divided by a lot line, including:
    - (i) duplexes
    - (ii) townhouses
  - (c) A manufactured dwelling located on an individual lot

The dwelling unit types identified shall be considered the "primary dwelling." Under no circumstance will more than one ADU associated with each primary dwelling be permitted. Only one ADU per parcel is permitted.

- (3) The ADU may be created through conversion of an existing structure, or construction of a new structure that is either attached to the primary dwelling or detached. Existing structures may be nonconforming, meeting the standards of 10.032-10.037 and subject to approval by the Building Official and the Planning Director.
- (4) The maximum gross habitable floor area (GHFA) of the ADU shall not exceed 5075 percent of the GHFA of the primary dwelling on the lot, or shall not exceed a maximum of 900 square feet, whichever is less. ~~The floor area of any garage shall not be included in the~~

~~total GHFA. (5) Conversion of existing habitable space within the primary dwelling to an Attached ADU (ADU-A) may not be subject to the provision of 10.821(B)(4). When deviating from 10.821(B)(4) the ADU-A shall be 50 percent or less in GHFA than the primary dwelling.~~

~~(5) Only one entrance may be located on the front of the existing dwelling unless the existing dwelling contained more than one entrance before the addition of the ADU.~~

~~(6) In order to maintain a consistent architectural character, it is recommended that similar building materials, architectural design and colors be used so that the ADU blends with the general appearance of the primary dwelling.~~

~~(67) A parcel containing a primary dwelling unit and an ADU shall provide a minimum of two off-street parking spaces designed in accordance with City of Medford standards. A primary dwelling shall adhere to the parking standards in Table 10.743-1. No additional parking shall be required for an ADU. When existing primary dwellings do not meet the standards of Table 10.743-1 a reduction of the required off-street parking shall not exceed one space if one of the below conditions is met:~~

~~(a) The subject parcel is within the Central Business (CB) Overlay or other established Transit Oriented Districts (TODs) as established by the Transportation System Plan (TSP); or~~

~~(b) The subject parcel is within a quarter (1/4) mile radius of a transit stop; or~~

~~(c) The subject parcel is within a quarter (1/4) mile radius of an existing bicycle facility including a bicycle lane, multi-use/shared-use path or a neighborhood bikeway; or~~

~~(d) The subject parcel has at least 24 feet of lot frontage with on-street parking available, excluding any area considered to be a part of the driveway width/throat; or~~

~~(e) The subject parcel is unable to comply with off-street parking standards due to existing structures built prior to January 1, 2019.~~

~~(9) A development's Conditions, Covenants, and Restrictions (CC&Rs) or similar legal instrument recorded subsequent to the effective date of this ordinance shall not prohibit or limit the construction and use of ADUs meeting the standards and requirements of the City of Medford.~~

~~(7) When alley access is available, the ADU shall take vehicle access from the alleyway, unless off-street parking need not be constructed to comply with other provisions of this Code.~~

### (C) Siting ADUs in Multi-Family and Commercial Zones

ADUs shall be permitted in multi-family and commercial zones when the following apply:

(1) The primary use on the property is a primary dwelling as in 10.821(B)(2).

(2) A primary dwelling, as in 10.821(B)(2), in the multi-family zones that meets the standards of Section 10.826 shall be permitted an ADU meeting the standards of this Section.

### (C) Illegal ADUs

It is the intent of subsection 10.821(C) to offer a land use review process to convert illegal ADUs to, nonconforming structure or use. Any such ADU shall adhere to the following:

(1) Illegal ADUs seeking conversion to a nonconforming structure or use shall have been constructed prior to January 1, 2019. The owner, not the City, has the burden of proving that any illegal ADU structure or use was occupied, constructed and/or used prior to January 1, 2019.

(2) All applicable permits and utility connections required by Medford Municipal Code for the illegal ADU shall be obtained prior to the issuance of any Certificate of Occupancy or other required licensed for occupancy of the ADU.

(3) All building, fire, life and safety codes shall be met.

(4) If the standards of Article V of the Medford Land Development Code otherwise cannot be met, the land use approval for an illegal ADU shall be subject to the land use review procedures of the Type III, Exception land use review (Section 10.186). The applicable Exception criteria for converting an illegal ADU shall be 10.186(B)(1-3).

(5) An illegal ADU converted to a legal structure or use per 10.821(C)(4) in this subsection shall be considered a nonconforming ADU once all standards of 10.821(C)(1-4) have been met.

\* \* \*

**10.826 Single-Family Dwelling in Multiple-Family Residential Zones.**

A single-family dwelling may be constructed in an MFR-15, MFR-20 or MFR-30 zone when either of the following two conditions exist:

(1) The existing tax lot is nonconforming because it has less than the minimum lot area, lot width or lot depth.

(2) The existing tax lot would be made nonconforming as a result of a required street dedication that would come from review of a multi-family project on the site.

(3) Accessory Dwelling Units may be constructed on lots that have a primary dwelling(s) meeting the standards of Section 10.821.

\* \* \*

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## Exhibit B

# Minutes - Planning Commission and City Council Joint Study Session September 24, 2018

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The City Council and Planning Commission Study Session was called to order at 6:00 p.m. in the Prescott Room of the Medford Police Department on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Kay Brooks, Tim D'Alessandro, Dick Gordon, Tim Jackle, Kevin Stine, Kim Wallan, and Michael Zarosinski; Planning Commissioners Dave Culbertson, Joe Foley, Bill Mansfield, David McFadden, Mark McKechnie, E.J. McManus; Patrick Miranda, Alex Poythress, and Jared Pulver

Acting City Manager Ryan Martin; City Attorney Lori Cooper; Planning Director Matt Brinkley; Principal Planner Carla Paladino; Planner III Seth Adams; Deputy City Recorder Winnie Shepard

\* \* \*

### Accessory Dwelling Units

Principal Planner Carla Paladino spoke regarding Accessory Dwelling Units (ADU)

- Currently half the square footage of the residence or 900 square feet, whichever is less
- Built behind or within an existing SFR home
- One ADU allowed per lot; code could be revised to allow two units
- 50 ADUs built in the last 10 years; 170 in the last 20 years
- o Possible incentives could be waiving or reducing SDC fees or offering financing options
- Potential regulation revisions
- o Increasing ADUs from one to two units per lot

- o Permit in multi-family and commercial zones
- o Reduce off street parking requirements
- o Increasing the percentage of the home accounted in determining ADU size
- o Remove limitation of one door on front façade
- o Require alley access be used for vehicular access to ADU
- Junior ADU
- o Conversion of existing space within a SFR
- o Generally less than 500 square feet and generally lack one utility such as a kitchen or bathroom
- o Possible incentives could be waiving or reducing SDC fees, offering low-interest loans and/or providing permit ready designs

Council/Planning Commission Comments and Questions

- Junior ADUs are conversions of existing space within the home; not separate from the structure
- SDC fees can be somewhat prohibitive; Councilmember Gordon noted two constituents reported SDC fees of \$7,000 and \$10,000 for their ADUs
- Temporary changes on the regulatory side may make sense
- Handle issues relating to affordable housing through a separate process
- Commissioner Culbertson advised that construction could run as inexpensive as \$75 per square foot
- Economic incentives should be regulated
- o Could have different regulations for existing and new ADUs
- o Should look at expense of the SDC fees
- Allowing two ADU units on one property
- o Commissioners McKechnie and Pulver were against two units
- o Councilmember Bearson and Commissioner Poythress weren't against two ADUs on a lot, but it should depend on the lot size

Ms. Paladino clarified that staff would look at incentives for building, including SDC incentives, looking at the CET program, expanding ADUs to other zones, and provide more information on one versus two units.

\* \* \*

## Exhibit C

# Agency Comment – Department of Land Conservation and Development (DLCD) via Laura Buhl October 10, 2018

---

**From:** LeBombard, Josh  
**To:** Kyle W. Kearns, Buhl, Laura  
**Subject:** RE: Comments on Medford ADU ordinance proposal  
**Date:** Thursday, October 11, 2018 11:29 01 AM

---

Yes, I think the comments should be part of the record. Also, Kyle you can let the commission and council know that little Talent allows 2 ADUs. Sometime peer pressure works

Josh



**Josh LeBombard**  
Southern Oregon Regional Representative | Community Services Division  
Cell (541) 414-7932  
[josh.lebombard@state.or.us](mailto:josh.lebombard@state.or.us) | [www.oregon.gov/CD](http://www.oregon.gov/CD)

**From:** Kyle W. Kearns [mailto:[Kyle.Kearns@cityofmedford.org](mailto:Kyle.Kearns@cityofmedford.org)]  
**Sent:** Thursday, October 11, 2018 10:46 AM  
**To:** Buhl, Laura <[lbuhl@dlcd.state.or.us](mailto:lbuhl@dlcd.state.or.us)>  
**Cc:** LeBombard, Josh <[jlebombard@dlcd.state.or.us](mailto:jlebombard@dlcd.state.or.us)>  
**Subject:** RE: Comments on Medford ADU ordinance proposal

I hear ya on allowing two...but our Planning Commission and City Council aren't interested in doing that unfortunately.

More to come though.

Thanks again!

Kyle Kearns | Planner II  
City of Medford Planning Department

Phone: 541-774-2380

**From:** Buhl, Laura [mailto:[laura.buhl@state.or.us](mailto:laura.buhl@state.or.us)]  
**Sent:** Thursday, October 11, 2018 8:56 AM  
**To:** Kyle W. Kearns <[Kyle.Kearns@cityofmedford.org](mailto:Kyle.Kearns@cityofmedford.org)>  
**Cc:** LeBombard, Josh <[josh.lebombard@state.or.us](mailto:josh.lebombard@state.or.us)>  
**Subject:** RE: Comments on Medford ADU ordinance proposal

Hi Kyle,

Yes, I do think you're right that barriers to development (parking requirements being one of the biggest ones) will have a greater impact than allowing two ADUs. But why not both lower barriers and allow two, as various cities have done? 🤔

Josh, can you weigh in on whether you want the comments to be part of the record?

I'm still not convinced that the code should address non-conforming ADUs. It seems like the situation you describe in your email is as simple as someone having an illegal development – which should be dealt with the same as any other illegal development. ADUs aren't special in that regard. We do recommend that codes specifically allow ADUs to be established in *legal* non-conforming structures (e.g., an outbuilding or house that doesn't meet current setback or other development requirements), but beyond that, I can't think of any other provisions for non-conformities that would be added for ADUs. Illegal structures are different from legal non-conforming structures.

Sure. I'd be happy to take a look at another draft.

All the best,  
Laura

**Laura Buhl, AICP, CNU-A** | Land Use & Transportation Planner  
Planning Services Division | Transportation & Growth Management  
Oregon Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540  
Direct: (503) 934-0073 | Main: (503) 373-0050  
[laura.buhl@state.or.us](mailto:laura.buhl@state.or.us) | [www.oregon.gov/LCD/TGH/](http://www.oregon.gov/LCD/TGH/)

From: Kyle W. Kearns [<mailto:Kyle.Kearns@cityofmedford.org>]  
Sent: Thursday, October 11, 2018 7:31 AM  
To: Buhl, Laura <[lbuhl@dccd.state.or.us](mailto:lbuhl@dccd.state.or.us)>  
Cc: LeBombard, Josh <[jlebombard@dccd.state.or.us](mailto:jlebombard@dccd.state.or.us)>  
Subject: RE: Comments on Medford ADU ordinance proposal

Thank you Laura.

We've been directed to move away from the two ADU allowance and to focus on barriers to development. We'll be working on incentive programs later in the year/2019 as we suspect this would have a greater impact than allowing two.

I assume you'd like these comments as a part of the record? If not please let me know.

As far as the nonconforming section goes we had a local example of a property owner who was using a shed converted to ADU. My understanding is it had a lot of the things a typical habitable space has but was missing building code compliance and wasn't adequately hooked up to City utilities but otherwise met our land use code (except for the lack of review/permit). This is more our intent here. I'll make some edits and then send them back your way next week if you'd like to take a second look at it.

Best,

Kyle Kearns | Planner II  
City of Medford Planning Department

Phone: 541-774-2380

**From:** Buhl, Laura [<mailto:laura.buhl@state.or.us>]  
**Sent:** Wednesday, October 10, 2018 6:16 PM  
**To:** Kyle W. Kearns <[Kyle.Kearns@cityofmedford.org](mailto:Kyle.Kearns@cityofmedford.org)>  
**Cc:** LeBombard, Josh <[josh.lebombard@state.or.us](mailto:josh.lebombard@state.or.us)>  
**Subject:** Comments on Medford ADU ordinance proposal

Hi Kyle,

Josh asked me to take a look at your ADU ordinance proposal. I've attached my comments. Please let me know if you have any questions.

Take care,  
Laura

**Laura Buhl, AICP, CNU-A** | Land Use & Transportation Planner  
Planning Services Division | Transportation & Growth Management  
Oregon Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540  
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[laura.buhl@state.or.us](mailto:laura.buhl@state.or.us) | [www.oregon.gov/LCD/TGM](http://www.oregon.gov/LCD/TGM)

\* \* \*

Attached Word Document (Comments) referenced in Email:

**Comments on Medford ADU ordinance: (Laura Buhl)**

This is generally a good ordinance that should lower some barriers to developing ADUs and creating more housing. However, there are some improvements that can be made, some of which are required in order for the ordinance to meet state law.

DEFINITION SECTION

The following sentence in the first paragraph should be deleted: "A single-family dwelling with an ADU can be distinguished from a duplex through its continuing appearance as a single-family dwelling structure." It's not clear what the purpose of this sentence is, since many duplexes also look like single-family dwellings. Also, and more importantly, it requires discretion to determine what constitutes "appearance as a single-family dwelling" and, therefore, violates the statutory "clear and objective" requirement for all housing. ADUs and duplexes are distinguished by the standards to which they are subject, not opinions about their appearance.

10.033 CONTINUATION OF NONCONFORMING DEVELOPMENT

Section 10.033(8) is confusing and raises a red flag in regards to clear and objective standards. I'm not sure it's necessary to specifically call out ADUs, since all types of nonconforming development fall under the provisions for nonconformities, including ADUs. The only reason to mention ADUs (or any other use) specifically would be if there would be some sort of exception or special standard applied in relation to their non-conformity, and I don't really see that.

It appears as though the code is intended to allow legal nonconforming ADUs as well as ILLEGAL nonconforming ADUs, legal or not. Legal nonconforming ADUs would have all the required permits (otherwise they wouldn't be legal) for the time they were built, so the only reason to state that "applicable building, fire, life and safety permits" are required would be if the City was intending to legalize currently illegal ADUs. However, it's confusing because even though subsection (8) doesn't specify "legal" nonconforming ADUs, the introduction to the section (10.033) does. This should be cleared up.

Last, the part of subsection (8) that refers to 10.034(4) is confusing and potentially problematic. The provision says "the nonconforming ADU, attached or detached, shall not increase or aggravate existing adverse impacts as described in section 10.034(4)." The wording implies that it refers to existing nonconforming ADUs, but section 10.034(4) deals with expansions or changes to nonconformities "to serve another use," not nonconformities that are continuing as is. Additionally, several of the standards in section 10.034(4) are not clear and objective. The safest way for the City to make sure that it is complying with state statutes that require clear and objective standards for housing would be to ensure that even nonconforming housing not be subject to discretionary standards. A couple of suggestions for ways to do this are: 1) remove subsection (8) and let non-conforming ADUs follow the provisions for nonconforming development just like any other nonconformity; or 2) remove the discretionary standards from 10.034(4).

#### 10.821 ACCESSORY DWELLING UNIT (ADU)

##### (A)(1)

Lot coverage: The 10% bonus for ADUs in certain zones is a good step, but consider applying it to all the zones. Also, you might try some measurements on common lot sizes in various zones in the city to make sure that the standards aren't making barriers to developing in real life scenarios. Older lots might be smaller than what is allowed today in some zones.

##### (A)(2)

This subsection says that ADUs are allowed only on lots with "one 'primary dwelling.'" However, state law requires subject cities to allow at least one ADU per detached single-family dwelling. So, according to Medford's proposed code, if a lot had two single-family dwellings or a multi-family dwelling and a single-family dwelling, an ADU wouldn't be allowed even though state law requires it to be allowed. This section should be amended in order to conform to state statute. One aspect of this section that isn't required by state law, but that is good to have is the allowance of an ADU in conjunction with townhomes.

##### (A)(3)

It's good to allow existing legal nonconforming accessory structures to be converted to ADUs, as this section does. However, it would be a good idea to remove "accessory" so that it's clear that even a legal nonconforming primary dwelling could have an internal ADU. In addition, please refer to the discussion above, on the discretionary standards in 10.034. Section 10.821(A)(3) should be amended to address any changes that are made to Section 10.033(8) to resolve the "clear and objective" issue.

(A)(4)

Applying size standards in terms of gross habitable floor area isn't really a barrier to ADU development, but it will make application review more difficult for staff, encourage applicants to lie on their applications, and present enforcement issues when storage space is (inevitably) converted to living space. It also makes one question the reason for size limits. If storage space and garages aren't included in size calculations and someone could build a huge structure with a small living space and a large storeroom and large garage, then why have size limits at all? Why does it matter what the interior space is used for? I recommend having a size limit on the total size of the structure and remove all references to habitable floor area.

(A)(6)

Consider not requiring additional off-street parking for ADUs – or only require one additional space when there are two ADUs. That said, the reductions provided in subsection (7) are probably generous enough that nearly everyone could avoid having add additional off-street parking.

(A)(7)

Take a look at syntax and redundancies in this subsection. For example, the introductory sentence says, "reduction in the off-street parking requirements may be reduced." Also, (7)(a) and (7)(b) both say "the subject parcel may reduce the requirements . . ." The parcel doesn't reduce requirements, the City (or the code) reduces requirements. That said, once reworded, this section will be quite good and should relieve the burden of off-street parking requirements in most cases.

(B)(1)

This section contains a requirement that is not clear and objective: "The ADUs shall be subordinate to the primary dwelling." If clear and objective standards are included that define what "subordinate" means, this sentence can stay. If not, then it violates state statute and must go.

(C)

State law requires one ADU per single-family dwelling to be allowed in zone that allow single-family dwellings. This subsection (C) doesn't appear to be needed and possibly conflicts with state law. Medford must allow "in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling" (ORS 197.312[5][a]). That means that if the zone allows single-family dwellings and there is a single family dwelling on the lot, an ADU must be allowed ("subject to reasonable standards relating to siting and design"). Whether or not the predominate use of the property is a single-family dwelling doesn't relate to siting and design, and requiring the existing primary dwelling to meet certain standards isn't doesn't relate to siting and design of the ADU. I would recommend removing this subsection (10.821[C]) entirely because it isn't needed and also seems to conflict with state law.

#### 10.826 SINGLE-FAMILY DWELLING IN MULTIPLE-FAMILY RESIDENTIAL ZONES

(3)

Similar to the discussion on 10.821(C), above, I recommend removing subsection (3) because it's not needed and could conflict with state law. If single-family dwellings are allowed in the zone,

and there's a single-family dwelling on the lot, then ADUs have to be allowed. (Plus, the last cross reference looks wrong.) The zoning table is all that's needed to say where ADUs are allowed. Make sure that they're clearly allowed in every zone that allows single-family dwellings.

## Exhibit D

# DLCD Model ADU Code

### Accessory Dwellings (model code)

**Note:** ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section \_\_\_\_\_,] and shall conform to all of the following standards:

**[A. One Unit.** *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

**A. Two Units.** *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

#### **B. Floor Area.**

- I.** *A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller.*

2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

**C. Other Development Standards.** Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and
2. No off-street parking is required for an Accessory Dwelling.

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**Definition** (This should be included in the "definitions" section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

**Accessory Dwelling** – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

## Exhibit E

### ORS 197.312

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**197.312 Limitation on city and county authority to prohibit certain kinds of housing; zoning requirements for farmworker housing; real estate sales office.** (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. [1983 c.795 §5; 1989 c.964 §7; 2001 c.437 §1; 2001 c.613 §3; 2011 c.354 §4; 2017 c.745 §6]

**Note:** The amendments to 197.312 by section 6, chapter 745, Oregon Laws 2017, become operative July 1, 2018. See section 12, chapter 745, Oregon Laws 2017. The text that is operative until July 1, 2018, is set forth for the user's convenience.

**197.312.** (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

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## Exhibit F

# ECONorthwest Memorandum

## September 14, 2018

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### **ECONorthwest**

ECONOMICS • FINANCE • PLANNING

DATE: September 14, 2018  
TO: Angela Durant, City of Medford  
FROM: Becky Hewitt, ECONorthwest  
SUBJECT: PRELIMINARY FINDINGS FROM ANALYSIS OF FINANCIAL INCENTIVES FOR ACCESSORY DWELLING UNITS

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### Background and Context

ECONorthwest (ECO) is working with the City of Medford on an analysis, funded by a grant from the Oregon Department of Land Conservation and Development (DLCD), of various financial incentives to support and implement the City's housing strategies. Separately, the City also has a contract with another consultant to evaluate potential development code amendments related to housing. ECO's contract is focused on evaluating measures the City could take outside the development code, and will evaluate a range of housing incentives and topics including ways to encourage production of Accessory Dwelling Units (ADUs), tax abatements to encourage greater multifamily housing density and production, and administration of the City's new Construction Excise Tax revenue. This memorandum is an interim product that provides results of an analysis of one of the potential components of the housing strategy: the potential for various financial incentives to encourage production of ADUs.

The City currently allows ADUs as permitted uses in low density residential zones subject to special standards. ADUs can be created through several mechanisms:

- Conversion of existing building space within or an addition to an existing home – referred to in this document as an attached ADU retrofit
- Conversion of an existing detached structure (e.g. a garage or large shed) – referred to in this document as a detached ADU retrofit
- Construction of a new detached structure – referred to in this document as a new detached ADU
- Construction of a new home with an integrated ADU within the home – referred to in this document as a new attached ADU

Based on the best available building permit data, the City has seen over 50 ADUs built in the last 10 years, and at least 170 built in total over the last 20 years. The units built include a mix of detached ADU retrofits (one of the most common situations), attached ADU retrofits, and new detached ADUs.

ADUs are typically added by a homeowner, though an investor may consider adding one to an existing or new rental home to increase revenue. Homeowners may have a variety of motivations for adding an ADU on their property, including generating rental income, providing a place for family members or a live-in caretaker to live, having additional space available for guests, etc. Some may aspire to downsize and live in the ADU while renting out the main home. Not all of these motivations demand a financial return on the investment, but cost can be an obstacle regardless of the intended use of the ADU.

While there may be a variety of reasons for homeowners to add an ADU, from the City's perspective, ADUs can be most beneficial to increasing the supply of lower-cost housing options if they are available for rent. In this case, being able to generate enough income to offset the cost or make payments on a loan is a key element of the decision to add an ADU.

Some Oregon jurisdictions, including Portland and Springfield, have made efforts to encourage production of ADUs, including adopting development code changes and providing SDC waivers for ADU projects. Both communities have seen an increase in SDC production, with Portland's annual ADU numbers growing from under 100 per year in 2010 to over 600 per year in 2018. Springfield reports having gone from one ADU permit every few years to three in six months since the code amendments went into effect (the SDC waiver had been adopted about nine months earlier but no ADU permits were received until the code amendments were also complete). This shows the potential for increased up-take as well as the importance of combining code amendments with financial incentives in encouraging ADU production.

## Approach to Analysis and Key Assumptions

There is significant variability in the situation of homeowners within the City, including lot size, size and location of existing home on the lot, zoning, presence of accessory structures (e.g. a detached garage or shed), presence of an alley, home value, existing mortgage balance, access to cash or other financing options, etc. While it is challenging to predict how each individual homeowner would think about the decision to build an ADU,<sup>1</sup> ECO has developed three hypothetical scenarios to test for financial feasibility and the potential impact of financial incentives:

- **Detached ADU retrofit:** Assumes conversion of an existing 380 square foot detached garage or shed. This is approximately the size of one-car garage.

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<sup>1</sup> ECONorthwest has developed a statistical model to predict ADU production for the City of Seattle based on a range of property-specific factors and the presence of those factors for existing housing in Seattle (available online at [http://www.seattle.gov/Documents/Departments/Council/ADU\\_DEIS\\_2018.pdf](http://www.seattle.gov/Documents/Departments/Council/ADU_DEIS_2018.pdf)); however, this type of effort requires extensive data and analysis and was outside the scope for the current project.

- **Attached ADU retrofit:** Assumes conversion of a 750 square foot unfinished or semi-finished daylight basement in an existing home. This would represent somewhat less than a full floor for a hypothetical 1,700 square foot two-story home.
- **New detached ADU:** Assumes construction of a new 550 square foot detached ADU on a lot with an existing home. This is on the larger end of the common range for new detached ADUs in the experience of some local builders.

These assumptions, along with the financial assumptions that follow, are meant to capture relatively typical cases, while acknowledging that individual homeowners' situations, costs, and financial considerations may vary widely.

In all cases, the existing home was assumed to be roughly 1,700 square feet and valued at roughly \$280,000 (near the median home value for Medford). The home was assumed to have an existing mortgage of \$150,000, in order to test a situation where the homeowner has a fair amount of equity in the home but still has a current mortgage.

ECONorthwest has gathered information regarding construction costs, rents, and financing options related to ADUs from interviews with local industry professionals, past reports on ADUs in Oregon, and online data sources. Key general assumptions as well as assumptions for each of the three hypothetical scenarios are summarized below.

## General Assumptions

### Fees

All three hypotheticals assume System Development Charges (SDCs), building permit fees, school taxes, and Construction Excise Taxes (CET) based on the city's fee schedules for ADUs /

Fee	Assumed Amount	Basis / Notes
Street SDC (City)	\$1,943.82	ADU rate, assuming no direct access to an arterial or collector street
Parks SDC (City)	\$1,851.00	ADU rate, assuming property located outside the Southeast Plan Area
Sewer SDC (City)	\$466.02	ADU rate, assuming City sewer service
Regional Sanitary Treatment SDC (City)	\$1,008.62	ADU rate, assuming City sewer service
Water SDCs (Medford Water Commission)	\$0	Medford Water Commission does not charge SDCs for an ADU unless a new water meter is required. This analysis assumes a new water meter is not required, and that utilities are billed together with those for the main house.
<b>SDC Subtotal</b>	<b>\$6,881</b>	
Building Permit and Review fees	\$2,000 for remodels, \$2,200 for new construction	Includes mechanical, electrical, plumbing, structural, planning department, and driveway permit and review fees (somewhat less than the example published by the City for a new 2 bedroom single family home)
City of Medford Affordable Housing Construction Excise Tax	\$150-\$400 depending on the permit value	Tax is applied based on the permit valuation (applies to remodels and new construction)
School District Construction Excise Tax	\$550 to \$800 depending on the size of the ADU	Tax is applied per square foot (assumes this would apply to remodels of existing space)

residential construction, as summarized below.

### Financing

While there are various ways an ADU could be financed, the most likely include:

- Home equity loans, which are available from most lenders who offer primary mortgages. These typically provide a lump sum up front and can be fixed-rate or adjustable rate loans with a typical payoff period of 10-15 years. Typical fixed rate, 10- year home equity loans are being advertised at interest rates of 5-6.5%, with higher rates from national banks and a lower rate from local credit unions.
- Home equity lines of credit, which are also typically provided by banks and other mortgage lenders, and are generally adjustable rate loan products that may be drawn against and repaid somewhat flexibly, with an initial draw period and a repayment period. Advertised interest rates range from about 5-7% today.
- Refinancing the primary home, which typically incurs higher financing costs, but may offer a lower interest rate and a longer amortization period (e.g. 30 years) than home equity loans, lowering the additional monthly payment.
- Cash / savings – depending on where people would otherwise have this money invested, the forgone interest / earnings on this money could be modest (e.g. <1% for a savings account) or more significant.
- Loans or other funds from friends or family – this could be low or no interest, an agreement to share some of the revenue from the ADU, or a contribution because the ADU will house the family member with no expectation of repayment, depending on the situation.

The first three options require that the homeowner have sufficient equity in their home to borrow against, and generally limit the total loan amount (including the primary mortgage) to 85% of the value of the home, though some local credit unions may allow loans up to 95% of the home's value. The last two options are, of course, very dependent on the homeowners' personal financial and family situations.

Our financial analysis assumes a 10-year, fixed rate home equity loan limited to 85% of the primary home's value with an interest rate of 6%. This financing option is likely to be available to many homeowners and suitable for adding an ADU, but it is important to keep in mind that some homeowners may have lower cost financing options.

### Rental Options and Assumptions

All three hypotheticals were tested with both long-term rental and short-term rental revenue and operating cost assumptions. Short-term rentals were tested to see whether or in what circumstances they might financially outperform long-term rentals. The purpose of testing

short-term rentals was to see whether they might make ADUs financially viable without incentives, and whether the City should be concerned about people using incentives to build ADUs that would then be used as short-term rentals rather than adding to the supply of available rental housing.

#### Long-Term Rentals

We assumed that vacancy rates for long-term rentals are similar across the hypotheticals at just over 6% (about 3 weeks per year of down time). An additional 1% "credit loss" was assumed to account for the possibility that the property owner may not always be able to collect on rents.

In all cases, management and listing of the unit was assumed to be done by the homeowner (not a third-party management company), with no value assigned to the homeowner's time spent on those activities, and no listing fees.

Rents were assumed to vary based on the situation, as described in the scenario-specific assumptions. Rent assumptions came primarily from Craig's List listings for the most similar properties currently listed.

#### Short-Term Rentals

Occupancy rates for short-term rentals were derived from hotel occupancy rates for southwestern Oregon, which have averaged between 52% and 62% since 2011 with significant seasonal fluctuation. A comparison of Airbnb and hotel occupancy<sup>2</sup> found that Airbnb occupancy rates in the US markets studied tended to run between 20 and 45 percentage points lower than those of hotels in the same market. Even in large cities, Airbnb occupancy rates were nearly all found to be below 50%. Based on these two data points, we have assumed an average annual occupancy rate of 35% for short-term rentals in Medford. Note that this is 35% of all 365 days a year; a host may not make the property available every night and have a higher occupancy rate on the days the property is listed as available, but the total annual revenue would be the same.

Nightly rental rates were based primarily on listings in Airbnb for the most similar current "guesthouse", "cottage" or similar listings in Medford and are assumed to vary based on the situation and how appealing the unit is likely to be.

Management was assumed to be done by the homeowner (not a third-party management company), with no value assigned to the homeowner's time spent on those activities. Listing fees of 3% were assumed, based on current rates for Airbnb. An additional \$3,000 in up front cost was assumed to account for the cost of providing a furnished rental with cooking equipment, linens, etc. An additional \$100 per year in annual replacement costs was assumed to account for damage to or loss of furnishings beyond what would be recoverable from the renter.

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<sup>2</sup> "Airbnb & Hotel Performance: An analysis of proprietary data in 13 global markets" by STR Global.  
[http://www.str.com/Media/Default/Research/STR\\_AirbnbHotelPerformance.pdf](http://www.str.com/Media/Default/Research/STR_AirbnbHotelPerformance.pdf)

## Other Costs

### Parking

Our analysis assumes that the existing home already has two required parking spaces as required under the code. For homes where this is not the case, enlarging a driveway to add parking could add somewhere between \$5,000 and \$10,000 to development costs, depending on the situation. The physical obstacles to adding more parking may be greater than the costs, and preclude the possibility of adding an ADU. This potential added cost and physical constraint is not accounted for in our analysis.

### Transportation Improvements

Another significant cost item that could arise for some properties is a need to improve sidewalks and/or alleys when adding an ADU. These costs can be substantial – thousands or even tens of thousands of dollars. While they will not apply to every property and are not included in the assumed costs for the three hypothetical scenarios, they can be an obstacle for properties where City standards would require these improvements.

## Scenario-Specific Assumptions

### Attached ADU retrofit

- **Construction costs:** Assumed at \$50,000, based on a number of sources, including average cost for attached ADU construction from a survey of Portland ADU owners from 2014 (accounting for some increase in construction costs), building permit data from the City of Medford for attached ADUs, and online home remodel and ADU cost guides.
- **Design costs:** \$3,000 based on input from local industry professionals.
- **Rents:** Assumed at \$750 per month for long-term rentals and \$55 per night for short-term rentals, because this example assumes a basement remodel, which would likely command rents in the middle or towards the lower end of the range for units of similar size in duplexes, ADUs, or apartments.
- **Operating expenses:** Assumed to be modest – about \$600 per year in additional upkeep (e.g. appliance repairs in the additional kitchen and maintenance between tenants); assumes most systems (e.g. hot water heater, roof) are shared with the main house and maintenance costs do not increase. Also assumes about \$70 per month in increased utility bills and homeowners' insurance costs that may not be passed on to tenants.
- **Increase in property value:** Assumed to be negligible, since there is no increase in square footage, and while some people may value having a second independent unit, others may prefer more living space associated with the main house.

### Detached ADU retrofit

- **Construction costs:** Assumed at \$60,000, assuming relatively similar costs for interior work as the attached ADU remodel (despite the smaller size, since most of the cost is in kitchen and bathroom) and additional cost to extend water and sewer services to an accessory structure.
- **Design costs:** \$3,000 based on input from local industry professionals.
- **Rents:** Assumed at \$825 per month for long-term rentals and \$60 per night for short-term rentals, despite the smaller size, since other research by ECONorthwest suggests that detached units tend to be more desirable and command higher rents than basement units, but since it would be a converted space, it might still not be the most desirable unit.
- **Operating expenses:** Assumed to be modest but slightly higher than the attached ADU – about \$650 per year in additional upkeep (e.g. appliance repairs in the additional kitchen, a second hot-water heater, and maintenance between tenants); assumes exterior maintenance costs do not increase much if at all because the structure was existing. Also assumes about \$80 per month in increased utility bills and homeowners' insurance costs that may not be passed on to tenants (utility costs may be higher than with an attached ADU since the space likely would not have been heated prior to conversion).
- **Increase in property value:** Assumed to be modest (about \$8,000 in year 1), since it would increase the habitable square footage of the property, but having a second unit on the property may not appeal to all buyers.

### New Detached ADU

- **Construction costs:** Assumed at \$130,000, based on input from industry professionals. Costs for new construction of a small detached unit tend to be much higher on a per square foot basis than a larger home, because the expensive items (kitchens and bathrooms) vary less than the total size of the unit.
- **Design costs:** Assumed at \$6,000 based on input from local industry professionals.
- **Rents:** Assumed at \$1,100 per month for long-term rentals and \$85 per night for short-term rentals since a new detached ADU is likely to be a relatively desirable place to live and be able to command rents near the top of the market for 1-bedroom units.
- **Operating expenses:** Assumed to be higher than other options – about \$1,300 per year in additional upkeep to account for maintenance on both interior systems and the exterior of the new structure. Also assumes about \$80 per month in increased utility bills and homeowners' insurance costs that may not be passed on to tenants, plus an additional roughly \$380 per year in property taxes since the property value might be assessed higher with the new structure.

- **Increase in property value:** Assumed at about \$25,000 in year 1, since it would increase the habitable square footage of the property and might increase value more than conversion of an existing structure, but having a second unit on the property may not appeal to all buyers.

## Potential Incentives

This analysis looked at the impact of three different potential measures the City could take to encourage ADUs:

- **Waive all City SDCs.** Because the City cannot waive SDC fees from other service providers (e.g. Medford Water Commission), this would not entirely eliminate SDC costs, but would reduce them by \$5,270 for the examples tested.
- **Offer a low-interest loan product.** This assumes the City would offer a 10-year fully amortizing loan with an interest rate of 3.5-4% and an 85-95% loan (plus mortgage) to value limit. How the City would operationalize such a program and the details of how it might work require further discussion and study, but the intent for this analysis was to determine how beneficial it would be to encouraging ADUs.
- **Offer permit-ready plans for new detached ADUs.** This assumes that the City would work with industry professionals to develop one or more standard sets of plans that could be used for new detached ADUs. This would reduce or eliminate design costs by removing the need for an architect and an engineer in most cases and could potentially offer some savings in permit review time and costs. For the hypothetical example, this was assumed to eliminate the assumed design costs and to offer a 10% savings on building permit and review fees.

## Results

Figures 1 through 3 illustrate the results of the financial analysis for each of the hypothetical examples with the base case assumptions and with each of the relevant incentives, as well as with all of the incentives combined.

Figure 1 illustrates how total development costs vary among the hypothetical examples, and how the incentives impact development costs. (Note that the loan interest loan does not reduce the total development cost and is not shown here.)

**Figure 1: Total Development Costs by Scenario**

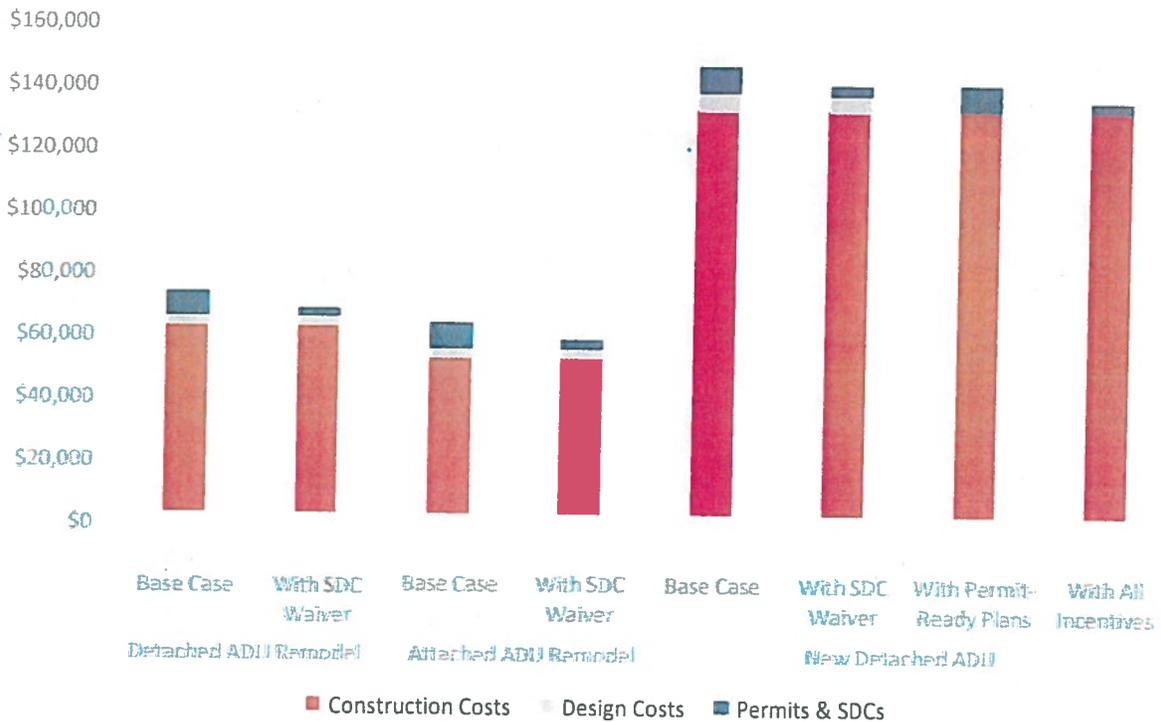


Figure 2 illustrates how short-term rental income is estimated to compare to long-term rental income for each of the three hypothetical ADU situations. Revenue from short-term rentals (like hotel rooms) tends to be highly variable over the course of the year, with strong occupancy and revenue in the summer and very low occupancy and revenue during the winter. While the annual total net operating income (rental revenue less operating expenses) is projected to be lower for short-term rentals, households that prefer to manage a rental only part of the year or intermittently may still prefer a short-term rental.

Figure 2: Net Operating Income for Long-term vs. Short-term Rental

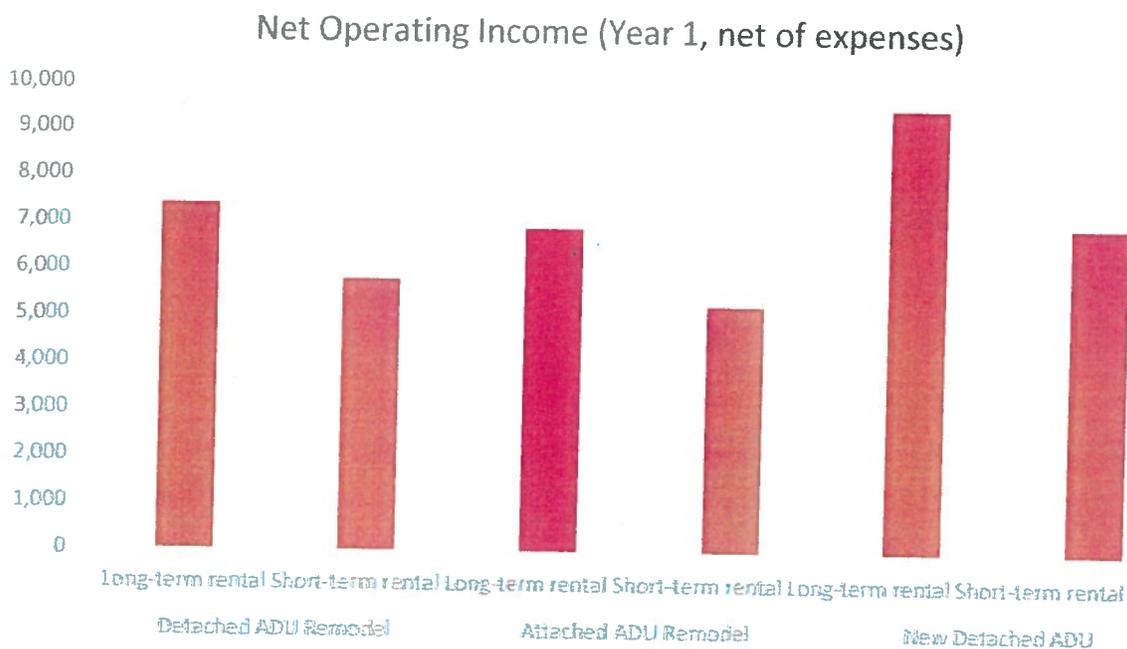


Figure 3 illustrates how net rental revenue, loan payments, and the net cash flow remaining after making loan payments (or the additional cash needed to make the loan payments, where this number is negative) vary among the hypothetical examples and how the incentives change these results. Note that none of the incentives change the net rental revenue. Also note that the rental revenue is projected to grow in future years as rents gradually increase, while loan payments would remain constant. Thus, some scenarios that show a negative cash flow in the first year ultimately have a positive cash flow within the 10-year loan period. For the new detached ADU, because the total development costs exceed the amount of equity assumed to be available in the home, cost savings in total development costs would reduce the cash required up front, but would not reduce the loan payments.

Figure 3: Revenue, Loan Payments and Net Cash Flow after Loan Payments by Scenario

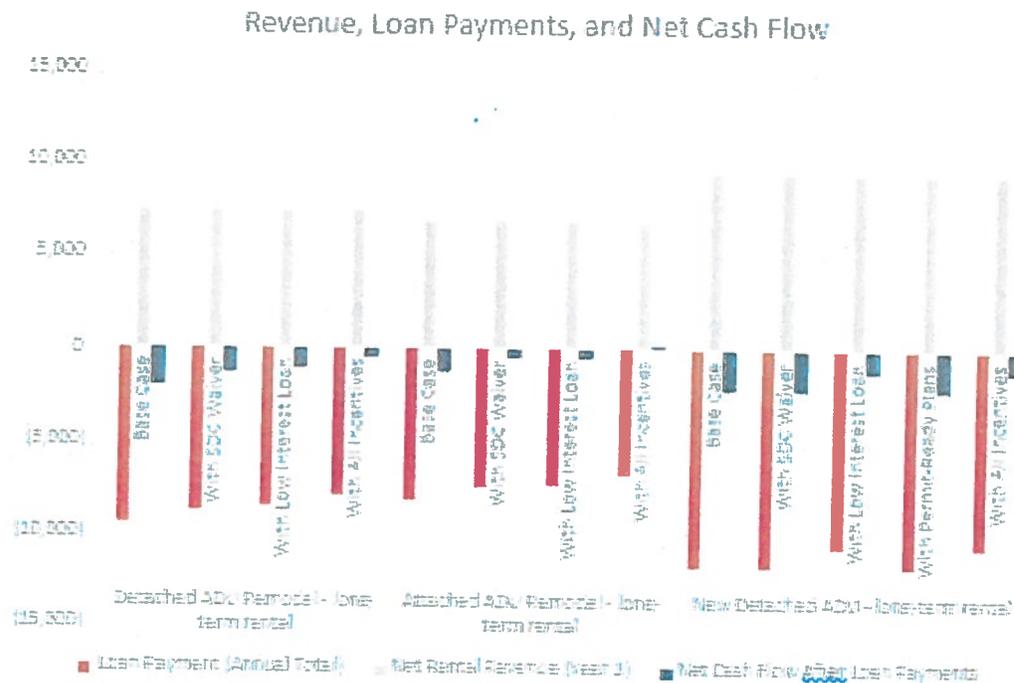
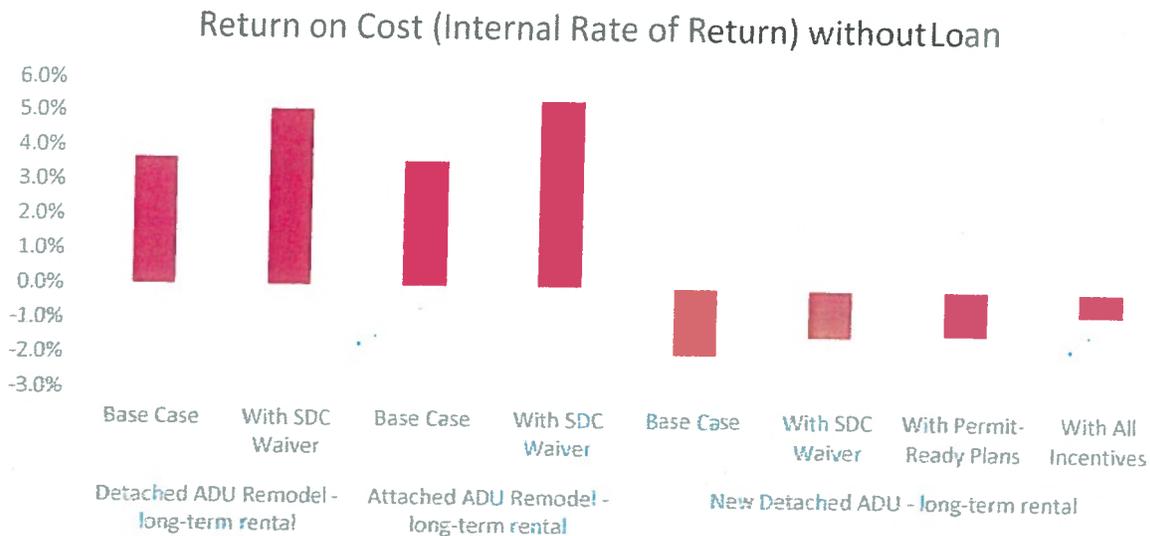


Figure 4 illustrates the internal rate of return over 10 years (the overall return on cost, given the amount and timing of costs and revenues) if a homeowner were able to self-finance the improvements. Note that the low interest loan does not come into play if the homeowner is self-financing, so it is not included below.

Figure 4: Internal Rate of Return Without Loan by Scenario



## Preliminary Findings

- **Adding an ADU can be a very costly undertaking, with total development costs ranging from about \$30,000 to over \$180,000 depending on the situation.** This level of financial investment will be daunting for many homeowners, regardless of any actions the City might take. Those with existing structures or basements that lend themselves to ADU conversion are likely to have lower costs.
- **Development fees (permit fees, CET, and SDCs) can total roughly \$10,000 or more for an ADU, accounting for anywhere from 5% to more than 20% of total development cost.** For remodel projects that have lower construction costs, these fees are especially significant. Within this group, System Development Charges as a whole are the largest single item, though streets, water, parks and sewer SDCs are each individually under \$2,000 – likely less than building permit fees. It is worth noting that the

affordable housing CET adds only a few hundred dollars to the cost of creating an ADU, which is minor in comparison to the total development cost.

- **Financing can be a challenge.** Loan to value limits for home equity loans, home equity lines of credit, and refinancing may prevent some homeowners from being able to get a loan to cover the full costs of the project, depending on how much equity they currently have in the existing home. Most homeowners likely do not have tens of thousands or even over \$100,000 available from savings or family members, though some will. Homeowners who have to make loan payments may have a greater need to reliably generate income from the ADU than those that can self-finance and be more flexible about the payback period.
- **The value of the property remains in the primary home, and the cost of the ADU addition will likely not be fully captured in increased value of the home.** This is especially true where demand for and interest in ADUs is relatively low. As interest builds, the value they add to a property may increase.
- **Net income from an ADU in Medford could be roughly \$7,000 to \$10,000 per year (using current rents) after accounting for operation and maintenance costs.** Even with relatively low rents that would be affordable to households earning 80-100% of Jackson County's area median income, and even after accounting for maintenance and operations costs that homeowners may not fully account in their own evaluation, there is a significant potential income stream from long-term ADU rentals.
- **Short-term rentals create highly variable income, but generally will not out-compete long-term rentals in Medford's market.** Generally speaking, homeowners with an ADU are likely to find long-term rentals to be a more consistent and generally higher revenue stream than short-term rentals in Medford's market. Even so, some people may want to use an ADU for short-term rentals in order to use it for guests when needed or to accommodate a family member who lives there part-time. In addition, highly successful short-term rental listings may significantly out-perform long-term rentals for revenue generation. The addition of financial incentives that could reduce development costs would not change the relative revenue potential from short-term versus long-term rental.
- **Annual net income may not cover the loan payments to finance construction of an ADU unless a homeowner has lower construction costs or access to lower cost financing than the examples considered.** In all

three examples tested, without incentives, the net income generated by the ADU was insufficient to cover the home equity loan payments that would be required to finance it. For those who might be able to self-finance, the remodel options without incentives would offer just over a 3% return on investment over 10 years, while the new detached ADU would still not have paid for itself by the end of 10 years.

## Impacts of Potential Financial Incentives

### SDC Waivers

**If Medford were to waive all City SDCs for ADUs, it would save over \$5,000 in up-front costs.** This would particularly benefit homeowners with properties where construction costs are likely to be lower based on the ability to remodel existing space. For the three examples tested, this by itself did not reduce costs enough that rental revenue would fully cover loan payments, but it resulted in roughly \$700 per year in annual savings on loan payments, and increased the return on investment for those who could self-finance from roughly 3% to roughly 4.5% for remodels. For a new detached ADU, this by itself was only enough to make the investment roughly break even by the end of 10 years, but would still not generate a positive return.

The fiscal impacts to the City of this loss of revenue would need to be considered, along with the legal considerations of waiving SDC fees for specific product types.

### Low-Interest Loans

**If Medford were to offer a low-interest loan program for homeowners seeking to add an ADU, it could remove a barrier to construction while also reducing the rents required to cover the loan payments.** While there would be many details to consider, this type of loan product could offer a meaningful cost savings and tip the balance towards financial feasibility for some lower cost ADUs even without other incentives. For the examples tested, it was not enough on its own to reduce loan costs such that rental revenue would fully cover them, but at 4% interest it would offer \$740 to \$1,030 per year in savings on loan payments (more for the more expensive examples). A rate of 3.75% would increase savings to between \$830 and \$1,160 per year.

The City would need to consider its risk tolerance and the potential administrative costs of operating such a program, but if it were established as a revolving loan fund, it might become self-sustaining over time as the loans were repaid.

### Permit-Ready Designs

**If the City offered permit-ready designs for new detached ADUs, it could save thousands of dollars on design costs and potentially also streamline the permitting process, resulting in further savings.** The total savings for the new detached ADU example was estimated at roughly \$6,200 in up-front costs, greater than the value of waiving City SDCs. This tool would only benefit those building new detached ADUs, which tend to be on the more expensive end of ways to create an ADU. However, since not every home has an existing space that can be converted, this could potentially benefit a broader range of properties. (Local industry professionals noted that level sites with existing alley access may be the best candidates for this type of standard plans.) It would also help remove a non-financial barrier by providing homeowners with better, more readily accessible information about what an ADU might look like and how it might fit on their property.

Creating appropriate plans (presumably through a contract with one or more architects and engineers) would have a one-time cost to the City, but would not result in an on-going loss of revenue, except to the extent that permit fees would be reduced. However, any reduction in permit fees would be due to less staff time being required to review the plans, and should generate savings for the City as well.

### Conclusions

While none of the financial incentives alone was enough to tip the balance into financial feasibility for the specific examples tested, a combination of all of the incentives did significantly improve the viability of all of the examples, and made the lowest-cost retrofit example feasible financially. Since not all homeowners will have the same circumstances and many have non-financial motivations or do not expect to fully recoup their costs, any reduction in costs and obstacles can be expected to encourage some additional ADU production, regardless of whether there is a strong financial return or not. All of the potential incentives tested are impactful enough to merit further consideration, especially as part of a broader effort and package of changes to encourage ADUs. Especially when relying on individual homeowners to take action, creating interest in ADUs and making it seem do-able are also important elements of encouraging ADU production.

# Exhibit G

## Agency Comment – Medford Fire-Rescue September 26, 2018



### Medford Fire-Rescue Land Development Report

#### Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 8/28/2018  
Meeting Date: 9/26/2018

LD #: DCA18113

Planner: Kyle Kearns

Applicant: N/A

Project Location: N/A

Project Description: ADU Standards Update in Medford Code

#### 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](http://www.medfordfirerescue.org)

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# Exhibit H

## Agency Comment – Medford Public Works

### September 26, 2018

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*Medford – A fantastic place to live, work and play*

**CITY OF MEDFORD**

LD Date: 9/26/2018  
File Number: DCA-18-113

#### **PUBLIC WORKS DEPARTMENT STAFF REPORT**

##### **Development Code Amendment Accessory Dwelling Unit (ADU) Standards Update**

**Project:** DCA-18-113 is a development code amendment to portions of Chapter 10, the Medford Land Development Code (MLDC) to create more permissive standards for Accessory Dwelling Units (ADUs) and to allow for one attached and one detached ADU where ADUs are permitted per the MLDC.

**Applicant:** City of Medford

**Planner:** Kyle Kearns, Planner II, Long Range Division

---

Master planning of the sanitary sewer system does not take into account more than one residence on a Single Family Residential lot. However, considering ADU installations average five to six per year for the last 10 years, I do not see the potential code change as a concern to sanitary sewer capacity at this time. Future Sanitary Sewer Master Planning may need to adjust flow factors if we see a significant increase in the construction of ADU's.

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# Exhibit I

## Agency Comment – Medford Water Commission September 26, 2018

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BOARD OF WATER COMMISSIONERS

### *Staff Memo*

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**TO:** Planning Department, City of Medford

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

**SUBJECT:** DCA-18-113

**PROJECT:** DCA-18-113 is a development code amendment to portions of Chapter 10, the Medford Land Development Code (MLDC) to create more permissive standards for Accessory Dwelling Units (ADUs) and to allow for one attached and one detached ADU where ADUs are permitted per the MLDC. Planner: Kyle Kearns

**DATE:** September 26, 2018

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

**CONDITIONS**

1. No Conditions.

**COMMENTS**

1. No Comments

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

IN THE MATTER OF TENTATIVE PLAT APPROVAL OF

ROSS LANE SUBDIVISION

[LDS-18-123]

)  
) **ORDER**  
)

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

A tentative plat for a 15 lot subdivision on approximately 2.11 acres located on the south side of Maple Park Drive and west of North Ross Lane within the SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre) zoning district (372W23DC1600).

WHEREAS:

1. The Planning Commission has duly accepted the application filed in accordance with the Medford Land Development Code, Section 10.202; and
2. The Medford Planning Commission has duly held a public hearing on the request for tentative plat for *Ross Lane Subdivision*, as described above, with the public hearing a matter of record of the Planning Commission on November 8, 2018.
3. At the public hearing on said tentative plat, evidence and recommendations were received and presented by the developer and Planning Department Staff; and
4. At the conclusion of said hearing, after consideration and discussion, the Medford Planning Commission, upon a motion duly seconded granted tentative plat for *Ross Lane Subdivision*, as described above and adopted 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 *Ross Lane Subdivision*, stands approved per the Staff Report dated October 30, 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 30, 2018.

BASED UPON THE ABOVE, the Planning Commission determined that the tentative plat is in conformity with the provisions of law and Section 10.202(E) Land Division Criteria of the Land Development Code of the City of Medford.

Accepted and approved this 8th day of November, 2018.

CITY OF MEDFORD PLANNING COMMISSION

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Planning Department Representative



Subject Site Characteristics

Zoning	SFR-10	Single Family Residential – 6 to 10 dwelling units per gross acre
GLUP	UR	Urban Residential – 1 to 10 dwelling units per gross acre
Use		One detached residential structure

Surrounding Site Characteristics

<i>North</i>	Zone:	SFR-10
	Use:	detached single family residential
<i>South</i>	Zone:	SFR-10
	Use:	detached & attached single family residential
<i>East</i>	Zone:	SFR-10
	Use:	attached single family residential
<i>West</i>	Zone:	SFR-10
	Use:	detached single family residential

Related Projects

LDS-04-187	A tentative plat for 14 lots was approved in 2005, and is now expired.
LDS-14-102	A tentative plat for 15 lots was approved in 2014, and is now expired.

Applicable Criteria

**LAND DIVISION APPROVAL CRITERIA  
FROM SECTION 10.202(E) OF THE MEDFORD LAND DEVELOPMENT CODE**

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

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

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

*(3) Bears a name that has been approved by the approving authority and does not use a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in the City of Medford; except for the words*

*"town", "city", "place", "court", "addition", or similar words; unless the land platted is contiguous to and platted by the same applicant that platted the land division bearing that name; or unless the applicant files and records the consent of the party who platted the land division bearing that name and the block numbers continue those of the plat of the same name last filed;*

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

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

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

#### Corporate Names

According to the Oregon Secretary of State Business Registry, Ray M. Knapp is listed as the Registered Agent and President of River Lane Homes, Inc. Laura Knapp is listed as Secretary.

According to the Oregon Secretary of State Business Registry, John L. Hardy is listed as the Registered Agent and President of Hardey Group, Inc. Vicki D. Hardey is listed as Secretary.

#### **ISSUES AND ANALYSIS**

##### Background

The subject property was originally part of the Heber Subdivision, approved by the Planning Commission in May of 2005 (LDS-04-187). The tentative plat never received final plat approval and therefore expired.

In 2014 (LDS-14-102), the subject property received tentative plat approval again, this time for a 15 lot subdivision. The tentative plat never received final plat approval and expired, again.

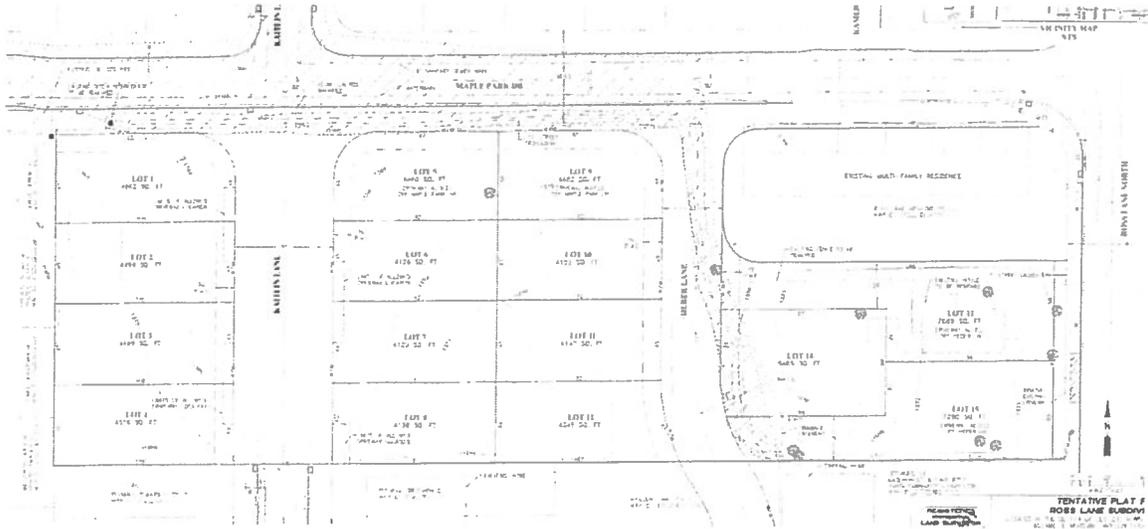


Figure 2: Expired Tentative Plat (LDS-14-102)

Project Summary

The purpose for this application is to revive the tentative plat expired on December 8, 2017. The submitted tentative plat is exactly the same as previously approved with LDS-14-102 subdivision application.

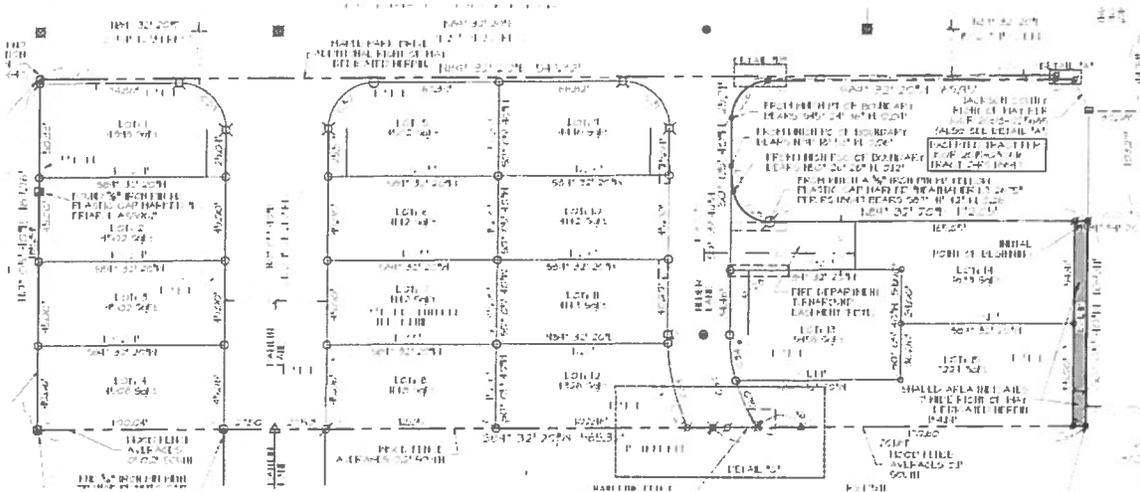


Figure 3: Submitted Tentative Plat

Density

**Density Table**

SFR-10	Allowed	Proposed
372W23DC1600	13 d.u. min 21 d.u. max	15 d.u. (67% of maximum)

Based on a total of 2.19 gross acres of land, the creation of 15 lots, as identified on the submitted tentative plat, falls within the minimum/maximum range permitted for the SFR-10 zoning district as per MLDC 10.710.

### Circulation/Access

The subdivision lies between Maple Park Drive to the north and Dahlia Way to the south. The tentative plat shows connections through the subdivision with the extension of both Kaitlin Lane and Heber Lane. The two proposed flag lots (Lots 13 and 15) will not have direct access onto Ross Lane as it is a Major Collector Street which is consistent with the requirements in MLDC 10.550(3)(a)(1).

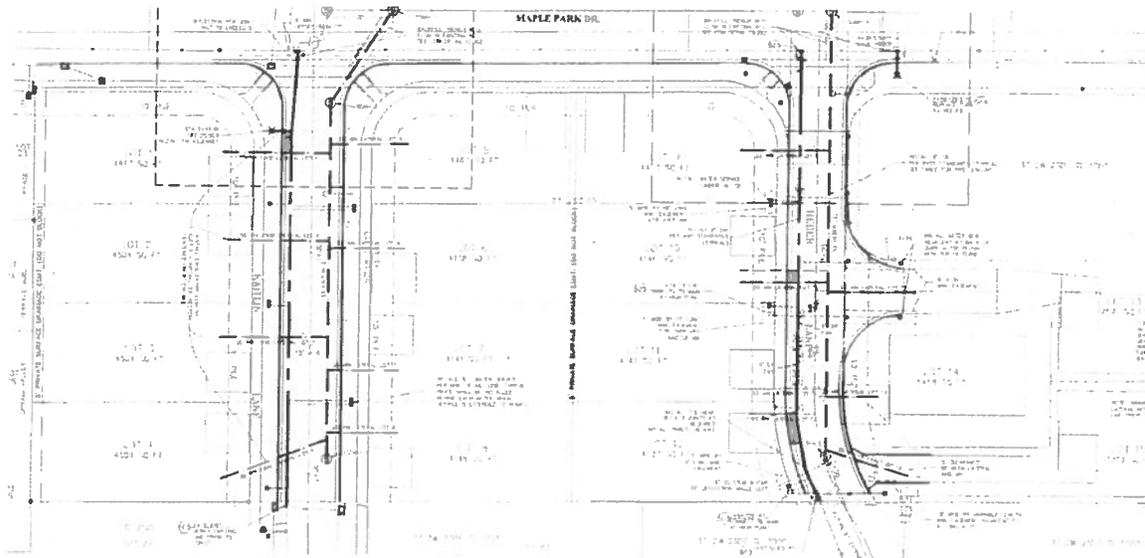


Figure 4: Proposed Driveway Locations

As can be seen in Figure 4 above, the previously approved Civil Plans for the subdivision (which were approved as part of LDS-14-102 application), shows lots 1 through 4 and 6 through 8 will take vehicular access off of Kaitlin Lane. Lots 5 and 9 will have access from Maple Park Drive. Lots 10 through 15 will all have vehicular access off of Heber Drive. Having Lot 9 taking access from Maple Park Drive will preserve additional capacity for vehicular access off of Heber Drive, a Residential Lane.

### Development Standards

All proposed lots conform to the standards of the Medford Land Development Code for all applicable requirements.

[Space Intentionally Left Blank]

Site Development Table

SFR-10	Lot Area (square feet)	Min. Lot Width (Interior)	Min. Lot Width (Corner)	Min. Lot Depth	Min. Lot Frontage
Required	3,600 to 8,125	40 feet	50 feet	90 feet	30 feet (Regular) 20 feet (Flag Lot)
Proposed	4,142 to 7,633	40.20 feet (shortest)	50.33 feet (shortest)	92.05 feet (shortest)	45 feet (shortest) 25.91 feet (Flag Lot)

As shown on the site development table above, it can be found that all proposed 15 lots meet all the dimensional standards for the SFR-10 zoning district as found in Article V of the Medford Land Development Code.

*Flag Lot*

Lots 14 and 15 are shown to be developed as Flag Lots per MLDC 10.450(3). The Commission can find that the flag lots can be permitted based on MLDC 10.450(1)(b) which states that *cul-de-sacs, minimum access easements and flag lots shall only be permitted when the approving authority finds that any of the following conditions exist: (b) It is not possible to create a street pattern which meets the design requirements for streets.*

MLDC 10.426(D) limits the intersection spacing to at least 200 feet. The distance between Maple Park Drive and Dahlia Way is less than 400 feet and constructing an additional street connection will not meet the intersection spacing standards per MLDC 10.426(D). Alternatively, constructing a cul-de-sac would eliminate at least one lot from the subdivision.

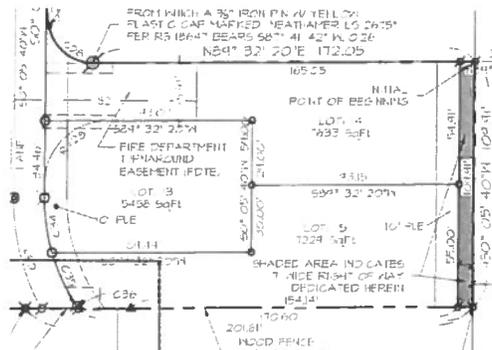


Figure 5: Proposed Flag Lots (Lots 14 and 15)

### Temporary Vehicle Turnaround

The tentative plat identifies a proposed location for a temporary vehicle turnaround on Heber Lane within the flag pole of lot 14. The turnaround will be established by easement with the recorded document number reflected on the Final Plat.

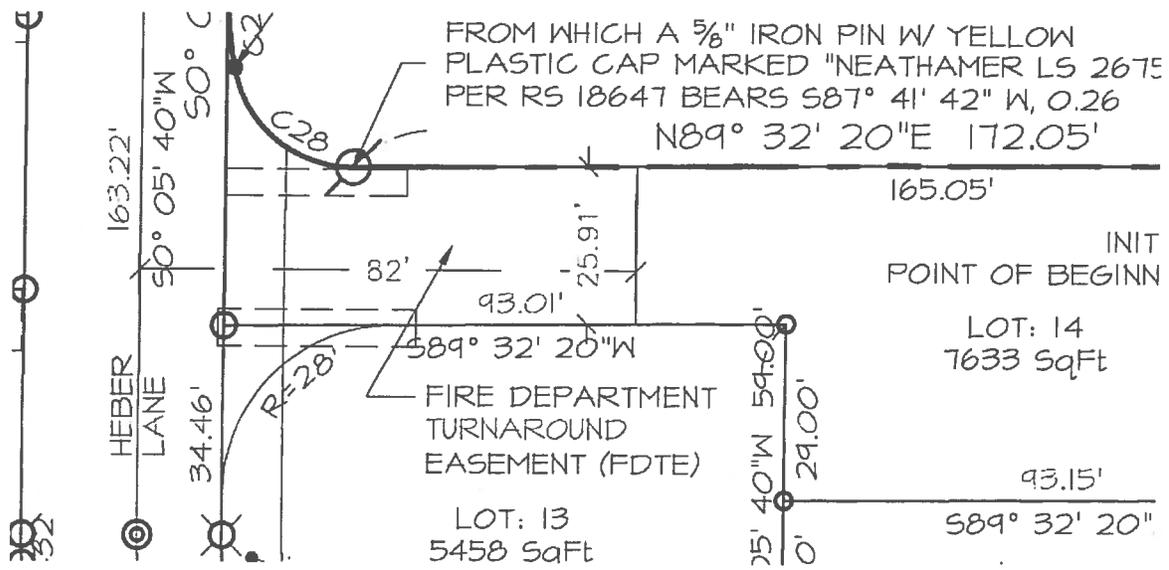


Figure 6: Temporary vehicle turnaround location

### Phasing

A Phasing Plan was not submitted with this application. The entire subdivision will be developed as one phase.

### Facility Adequacy

Per the agency comments submitted to staff (Exhibits L and M) it can be found that there are adequate facilities to serve the future development of the site.

### FINDINGS AND CONCLUSIONS

Staff has reviewed the applicant's findings and conclusions (Exhibit F) and recommends the Commission adopt the findings as presented with one change: On page 5 of 6 of the applicant's findings, delete 'Approval Criterion 6' and associated 'Findings of Fact' and 'Conclusion of Law' and change 'Approval Criterion 7' and associated 'Findings of Fact' and 'Conclusion of Law' to new 'Approval Criterion 6.'

### RECOMMENDED ACTION

Adopt the findings as recommended by staff and adopt the final order for approval of LDS-18-123 per the staff report dated October 30, 2018, including Exhibits A through O.

**EXHIBITS**

- A Conditions of Approval, dated October 30, 2018
- B Tentative Plat, received September 19, 2018
- C Expired Tentative Plat for LDS-14-102, dated August 9, 2014
- D Expired Preliminary Grading and Drainage Plan, dated August 9, 2014
- E Assessor Map
- F Applicant's Findings of Fact and Conclusions, revised October 15, 2018
- G Public Works Department Staff Report, revised October 24, 2018
- H Board of Water Commissioners Staff Memo, dated October 10, 2018
- I Building Department Memo, dated October 9, 2018
- J Medford Fire-Rescue Land Development Report, dated October 2, 2018
- K E-mail between applicant and Deputy Chief – Fire Marshal clarifying driveway locations, dated October 24, 2018
- L Jackson County Roads Memo, dated October 2, 2018
- M Rogue Valley Sewer Services Memo, dated September 28, 2018
- N Floodplain Coordinator Memo, dated October 1, 2018
- O Density Calculation, produced October 29, 2018  
Vicinity map

**PLANNING COMMISSION AGENDA:**

**NOVEMBER 8, 2018**

## **EXHIBIT A**

LDS-18-123  
Conditions of Approval  
October 30, 2018

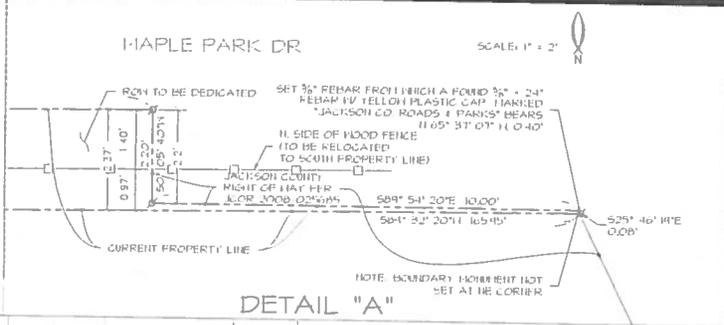
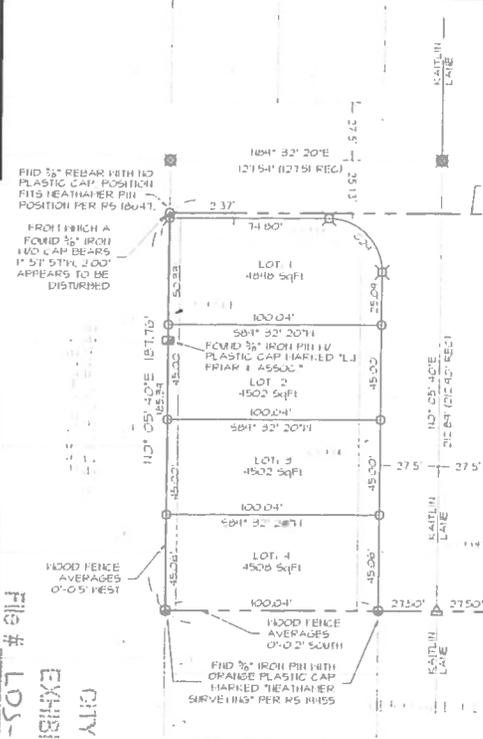
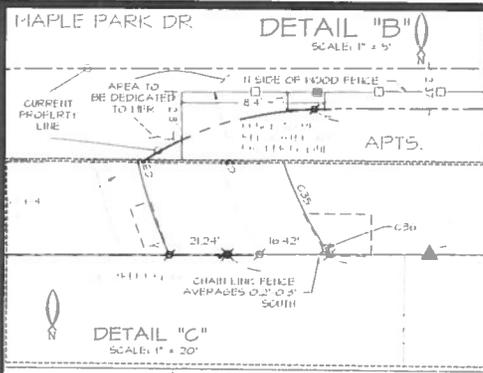
### **CODE REQUIREMENTS**

1. Prior to Final Plat approval, the applicant shall comply with the:
  - a. Public Works Department Staff Report revised October 24, 2018 (Exhibit G)
  - b. Medford Water Commission Memo dated October 10, 2018 (Exhibit H)
  - c. Medford Fire Department Land Development Report, dated October 10, 2018 (Exhibit J)
  - d. Rogue Valley Sewer Services Memo, dated September 28, 2018 (Exhibit M)

# TENTATIVE PLAT

## ROSS LANE SUBDIVISION

CITY OF MEDFORD PLANNING ACTION  
LDS-14-102  
LOCATED IN  
S.E. 1/4 OF SECTION 23, T37S, R2W, W.M.  
IN THE CITY OF MEDFORD  
JACKSON COUNTY, OREGON  
September 19, 2018



Curve Table					Curve Table						
Curve #	Length	Radius	Delta	Chord Direction	Chord Length	Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	20.00	87° 50' 41.02"	544° 01' 09.74"	2.775	C2	4.80	111.00	2° 18' 21.74"	51° 03' 40.76"	4.00	
C2	72.50	10° 43' 18.00"	55° 15' 54.76"	13.55	C3	46.53	111.00	22° 24' 13.03"	514° 25' 06.76"	46.24	
C3	20.00	71° 50' 02.00"	550° 32' 34.76"	25.07	C4	24.25	86.00	16° 33' 11.21"	58° 11' 00.76"	24.76	
C4	25.00	10° 35' 20.00"	1145° 11' 00.74"	35.53	C5	26.01	86.00	17° 18' 48.20"	525° 01' 33.76"	25.41	
C5	25.00	84° 26' 40.00"	544° 41' 00.74"	35.16	C6	1.75	111.00	0° 52' 04.43"	1133° 21' 25.74"	1.73	
C6	34.54	25.00	40° 35' 20.00"	1145° 11' 00.74"	35.53	C7	51.24	100.00	21° 42' 04.84"	544° 45' 22.76"	51.26

- LEGEND:**
- FOUND BRASS CAP
  - FD 3/4" IRON PIN W/ YELLOW PLASTIC CAP MARKED "HEATHIER LS 2675"; PER RS 18047
  - FD 3/4" IRON PIN W/ CAP NORTH 0.04' OF BOUNDARY; FITS PIN FOUND PER RS 18047
  - FD 3/4" IRON PIN W/ ALUMINUM CAP MARKED "LJ FRIAR 1 A 5500"
  - SET 3/4" x 24" IRON REBAR W/ PLASTIC CAP MARKED "HARDET LS 1140" (DEFERRED)
  - SET 3/4" x 30" IRON REBAR W/ ALUMINUM CAP MARKED "HARDET LS 1140" (DEFERRED)
  - SET 3/4" x 30" IRON REBAR W/ PLASTIC CAP MARKED "HARDET LS 1140" (DEFERRED)
  - SET 3/4" x 30" IRON REBAR W/ PLASTIC CAP MARKED "HARDET LS 1140" (DEFERRED)
  - FD 3/4" x 24" REBAR W/ YELLOW PLASTIC CAP MARKED "JACKSON CO. ROADS & PARKS"; PER RS 20442
  - △ FD 3/4" IRON PIN W/ ALUMINUM CAP MARKED "HEATHIER SURVEYING"
  - ▲ FD 3/4" IRON PIN W/ YELLOW PLASTIC CAP MARKED "4200"; PER RS 17341; 11.00' OF BOUNDARY.
- E = Public Utility Easement to include electric, telephone, cable television, sanitary sewer, water and storm drain.  
 RS = Jackson County Survey No.  
 L&C = Lateral & later Commission  
 JCOR = Official Record of Jackson County Oregon  
 PC = Point of Curvature - Start Horizontal Curve  
 PT = Point of Tangency - End Horizontal Curve  
 MCC = Point of Compound Curvature
- 114C EASEMENTS (RECORDING OF DOCUMENTS PER 114C)  
 --- SUBDIVISION LOTS LATER 5-LOTS  
 --- IS THE BOUNDARY OF THE  
 --- FENCELINE



RECEIVED

DATE \_\_\_\_\_ BY \_\_\_\_\_

This survey consists of \_\_\_\_\_ sheet(s) Map \_\_\_\_\_ page(s) Narrative \_\_\_\_\_

JACKSON COUNTY SURVEYOR

I HEREBY CERTIFY THIS PLAT TO BE AN EXACT COPY OF THE ORIGINAL PLAT

JOHN HARDEY, P.L.S. 1990

**PRELIMINARY ONLY  
NOT FOR RECORDING**

REGISTERED PROFESSIONAL LAND SURVEYOR

John Hardey

9 2018

OREGON REGISTERED PROFESSIONAL LAND SURVEYOR

RENEWED 10-2019



**HARDET GROUP, INC.**

P.O. BOX 1825  
MEDFORD, OREGON 97501-0063  
VOICE 541-772-6880  
EMAIL info@hardetgroup.com

SHEET 2 OF 2

CITY OF MEDFORD EXHIBIT # 104-18-0002

# ROSS LANE SUBDIVISION

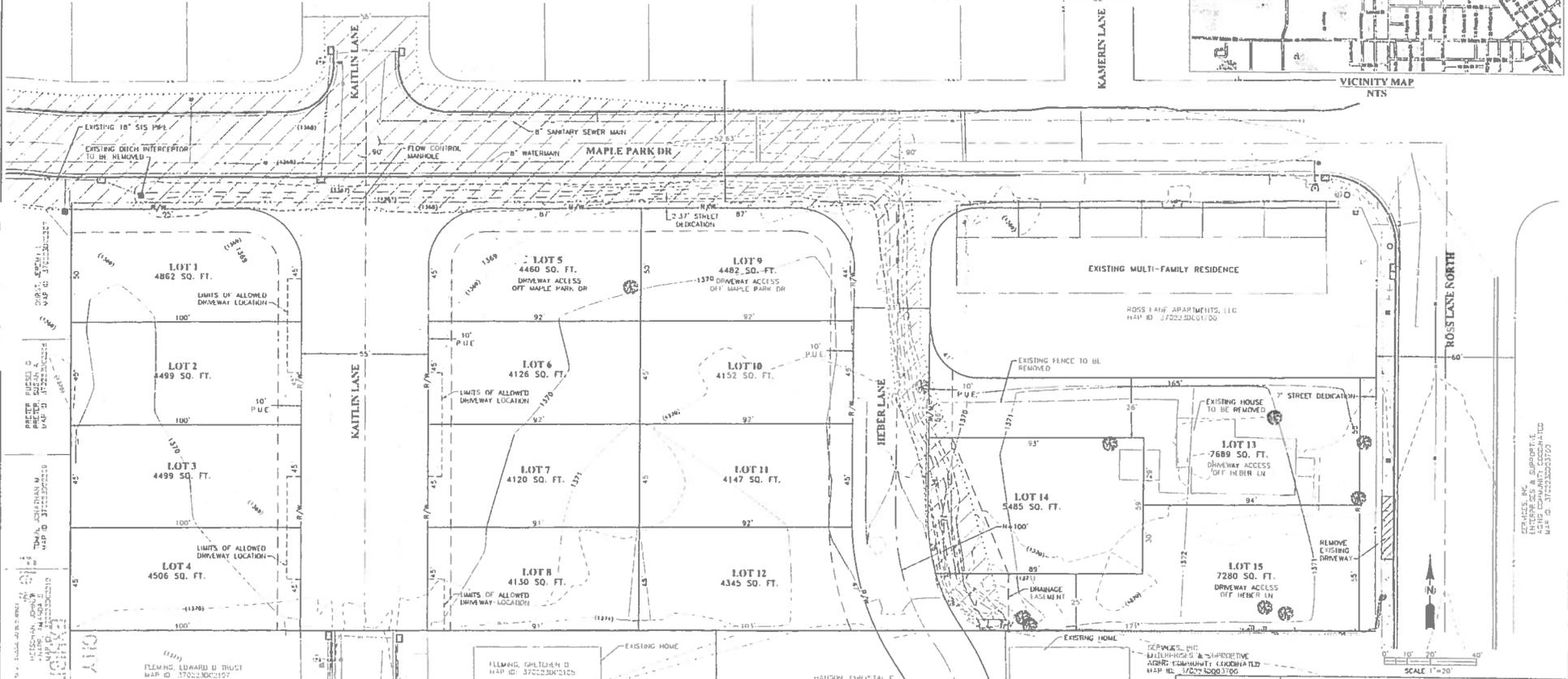
MAP ID: 37 ZW 23DC 1L#1800  
 GROSS ACREAGE: 2.502 AC  
 NET ACREAGE: 2.112 AC  
 ZONE: SFR-10  
 COMP. PLAN: URBAN RESIDENTIAL  
 PROPOSED USE: RESIDENTIAL  
 SCHOOL DISTRICT: MEDFORD  
 IRRIGATION DISTRICT: MEDFORD  
 SANITATION DISTRICT: RVSS

**SURVEYOR:**  
 BRETT KNAPP (LSW 81118)  
 i.e. ENGINEERING, INC.  
 809 SE PINE STREET  
 ROSEBURG, OR 97470  
 (541) 673-0166

**OWNER/DEVELOPER:**  
 UMPQUA COMMUNITY DEVELOPMENT CORP.  
 ONE HUGHBOURNES UMPIQUA  
 805 KANE STREET  
 ROSEBURG, OR 97470  
 (541) 673-4909

**CIVIL ENGINEER:**  
 ERK RANGER (EA 72878)  
 i.e. ENGINEERING, INC.  
 809 SE PINE STREET  
 ROSEBURG, OR 97470  
 (541) 673-0166

LEGEND	
(ELEV.)	EXISTING ELEV.
(NEW ELEV.)	NEW ELEV.
(EASEMENT)	EASEMENT
(CLEARING)	CLEARING
(NEW RIGHT-OF-WAY)	NEW RIGHT-OF-WAY
(EXISTING RIGHT-OF-WAY)	EXISTING RIGHT-OF-WAY
(EXISTING CABLE TV)	EXISTING CABLE TV
(EXISTING EDGE OF AC OR GRAVEL)	EXISTING EDGE OF AC OR GRAVEL
(EXISTING POWER (OVERHEAD))	EXISTING POWER (OVERHEAD)
(EXISTING POWER (UNDERGROUND))	EXISTING POWER (UNDERGROUND)
(EXISTING CONCRETE)	EXISTING CONCRETE
(APPROXIMATE BOUNDARY OF FEMA FLOODPLAIN (LABELLED 500-YEAR PER MAP NUMBER 4102AC1209))	APPROXIMATE BOUNDARY OF FEMA FLOODPLAIN (LABELLED 500-YEAR PER MAP NUMBER 4102AC1209)
(C)	EXISTING CURB INLET (CI)
(CB)	EXISTING CATCH BASIN (CB)
(C)	CLEAROUT
(C)	CUT WIRE
(C)	GAS METER
(C)	EXISTING FIRE HYDRANT
(C)	EXISTING VALVE
(M)	EXISTING MANHOLE (MH)
(M)	POWER POLE
(M)	PHONE POLE
(M)	EXISTING LIGHT POLE
(M)	MAIL BOX
(M)	EXISTING WATER SERVICE
(M)	DITCH
(M)	CABLE TV PED (TV)



Page 105

105-18-123

**TENTATIVE PLAT FOR ROSS LANE SUBDIVISION**  
 LOCATED IN THE SE 1/4 OF SEC. 24, TOWNSHIP 37, RANGE 2 W, WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON

**REGISTERED PROFESSIONAL LAND SURVEYOR**  
 BRETT KNAPP (LSW 81118)  
 i.e. ENGINEERING, INC.  
 809 SE PINE STREET  
 ROSEBURG, OREGON 97470  
 PHONE (541) 673-0166  
 FAX (541) 673-0166  
 EMAIL bknapp@ieeng.com

**SURVEYED FOR:** NEIGHBORWORKS UMPQUA  
**SURVEYED BY:** BRETT KNAPP (LSW 81118)  
**DATE:** 9/8/2014

**SCALE:** 1"=20'

**JOB NO:** 973-35  
**DATE:** 9/8/2014  
**SCALE:** 1"=20'

**DWG. BY:** ANW  
**DATE:** 9/8/2014  
**SCALE:** 1"=20'

**PAGE 1 OF 2**

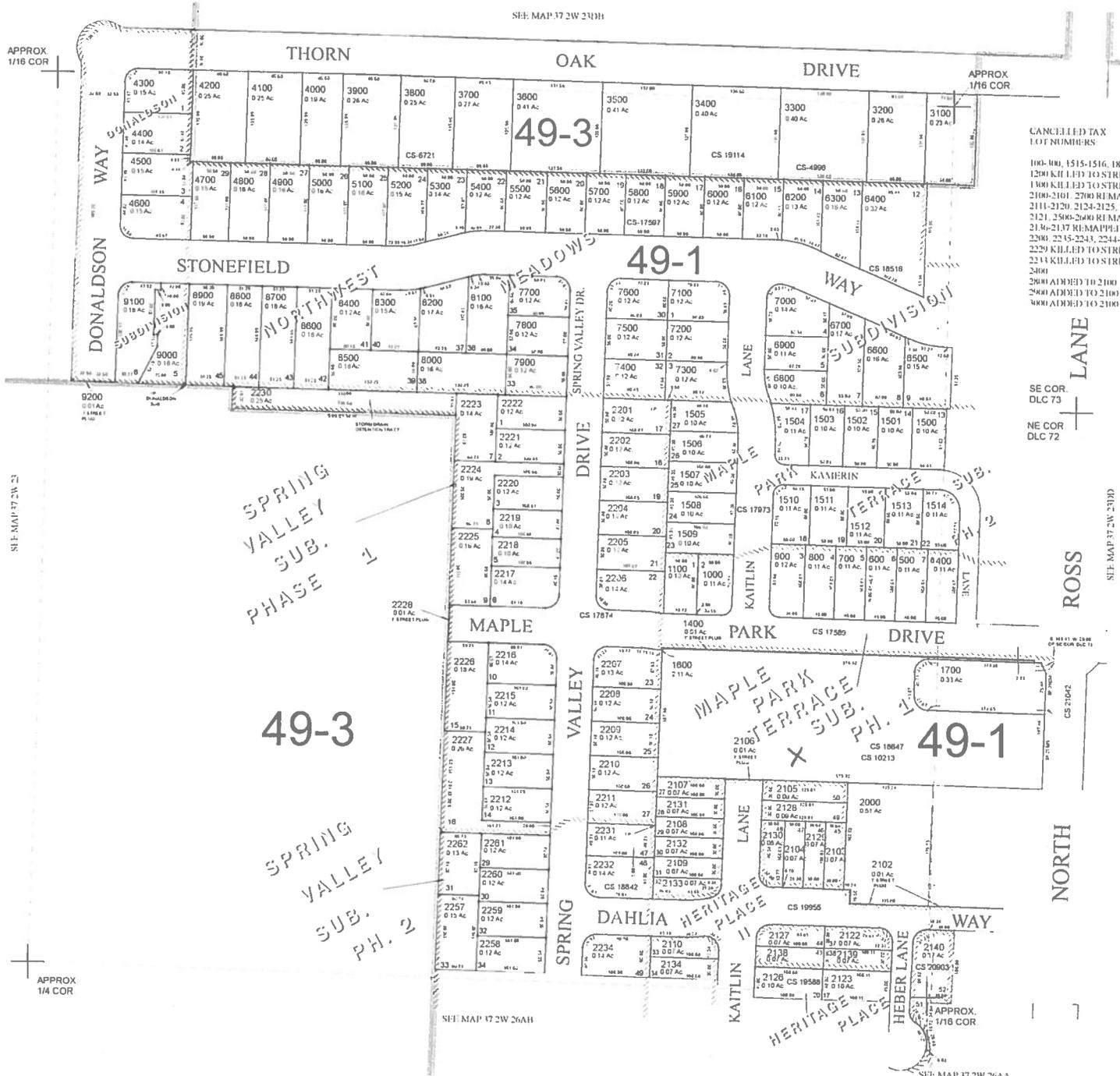


FOR ASSESSMENT AND TAXATION ONLY

S.W.1/4, S.E.1/4, SEC.23, T.37S., R.2W., W.M.  
JACKSON COUNTY  
1" = 100'

37 2W 23DC  
MEDFORD

SEE MAP 37 2W 2301H



CANCELLED TAX LOT NUMBERS

100-100, 1515-1516, 1800-1900 REMAPPED TO 372W210D  
 1200 KILLED TO STREET  
 1300 KILLED TO STREET  
 2100-2101, 2700 REMAPPED TO 372W230D  
 2111-2120, 2124-2125, 2564-2572 REMAPPED TO 372W26AH  
 2121, 2500-2600 REMAPPED TO 372W26AA  
 2136-2137 REMAPPED TO 372W26AH  
 2200, 2235-2241, 2244-2256 REMAPPED TO 372W26AH  
 2229 KILLED TO STREET  
 2233 KILLED TO STREET  
 2400  
 2600 ADDED TO 2100  
 2600 ADDED TO 2100  
 4000 ADDED TO 2100

SE COR.  
DLC 73

NE COR.  
DLC 72

SEE MAP 37 2W 2300D

0.0041 = 2000  
OF SECUR. DLC 71

NORTH

SEE MAP 37 2W 260AA

37 2W 23DC  
MEDFORD

NEW MAP FEBRUARY 09, 2010  
REV APRIL 01, 2012

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FIG # 105-18-123  
CITY OF MEDFORD  
PLAT # 105-18-123

18

RECEIVED  
OCT 15 2018  
PLANNING DEPT.

FINDINGS OF FACT

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

IN THE MATTER OF AN )  
APPLICATION FOR A TENTATIVE )  
SUBDIVISION PLAT AFFECTING )  
THE PROPEPTY IDENTIFIED AS )  
T37-R2W-23DC-TL 1600. )  
)

FINDINGS OF FACT  
AND  
CONCLUSIONS OF LAW

Applicant / Owner:

River Lane Homes, Inc.  
Ross Lane, LLC.  
.1070 Plaza Ave,  
Ashland, OR 97520

Agent of Record:

Hardey Group Inc.  
PO Box 1625  
Medford, OR 97501

Narrative

This purpose of this application is for Neighborworks Umpqua to seek approval for a Land Division to create a 15 lot, single-family residential subdivision. The property is 2.50 gross acres within the SFR-10 zoning district. Previous tentative plat application,s by different applicants (LDS-04-187 & LDS-14-102) were approved for the property. These approvals have expired, and a new applicant has submitted this application.

The property has an existing home and structures that will be removed as part of this development. The property has frontage on Ross Lane North and Maple Park Drive. As part of this land division, there will be a seven-foot wide street dedication along Ross Lane and a 2.37-foot wide street dedication along Maple Park Drive to the City. The entire property will be devoted to a standard single family residential development. Two new streets will be developed and dedicated to the City of Medford. The new streets will align with existing streets. Each lot will be individually owned and comply with all standards of the Medford Land Development Code (MLDC).

Ross Lane Subdivision  
Findings of Fact  
October 10, 2018

Le Engineering  
re. Job # 0973-35

CITY OF MEDFORD  
EXHIBIT # F  
FILED LDS-18-123 57

## Relevant Approval Criteria

The criteria under which the application for Land Division must be approved on in **Section 10.202 , (E),** of the MLDC. The relevant criteria are shown below:

- (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.

### **Approval Criterion 1**

*(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;*

#### **Findings of Fact**

The tentative Plat submitted with this application has been designed to be consistent with the Comprehensive Plan, the General Land Use Plan, the Transportation System, all applicable design standards and applicable plans.

The proposed subdivision is not located within one of Medford's adopted circulation plans, so this does not apply.

The proposed subdivision is zoned SFR-10. With an estimated 2.50 gross acres and a proposed 15 lots, the subdivision meets the density requirements of the zone.

All lots meet the required design standards for all dimensions including: width, length, square footage, and frontage. All of lots will meet access requirements and are to be developed as detached single family residential dwellings meeting setback and lot coverage requirements.

There are two proposed flag lots that will be through lots, with streets abutting both the front and rear yards. The lots will abut Ross Lane, a major collector, and Heber Lane. Lot access will only be allowed off of Heber Lane.

All streets and public improvements will meet the design standards. Kaitlyn Lane is a proposed Minor Residential classified street with 55-feet of right-of-way and 28-feet of paved width. Clustered, staggered driveways are proposed for Kaitlyn Lane to maintain required fire clearance. Heber Lane is a proposed Residential Lane classified street with 33-feet of right-of-way and 28-feet of paved width. Heber Lane will be less than 450-feet in length, with six dwelling units taking access off of the street.

#### **Conclusion of Law**

The Planning Commission concludes that the proposed tentative plat 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.

### **Approval Criterion 2**

*(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;*

#### **Findings of Fact**

The entire property under the same ownership will be developed as part of this subdivision. The owner does not own any abutting properties. Therefore, the subdivision will not prevent development of or access to the remainder of the property under the same ownership. The proposed road patterns will ensure that all adjoining land under other ownership will be able to be accessed and developed.

### **Conclusion of Law**

The Planning Commission concludes that the subdivision 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.

### **Approval Criterion 3**

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

### **Findings of Fact**

The Jackson County Surveyor's Office has approved the name "Ross Lane Subdivision" as not being similar to other developments in the City of Medford.

### **Conclusion of Law**

The Planning Commission concludes that the name "Ross Lane Subdivision" meets requirements of Approval Criterion number 3.

### **Approval Criterion 4**

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

### **Findings of Fact**

The subdivision will create two new streets. The streets are laid out to be consistent with the existing streets and potential streets.

### **Conclusion of Law**

The planning commission concludes that the streets of "Ross Lane Subdivision" are laid out to be consistent existing streets and with the plats of land divisions already approved for the adjoining property.

### **Approval Criterion 5**

(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;

**Findings of Fact**

The development includes two public streets, but the land divisions does not include any private streets.

**Conclusion of Law**

The Planning Commission concludes that there will be no private streets

**Approval Criterion 6**

(6) Contains streets, if applicable, and lots which are oriented to make maximum effective use of passive solar energy; exceptions to this provision may be granted whenever it is impractical to comply due to:

- a. The configuration or orientation of the property;
- b. The nature of surrounding circulation patterns, or other existing physical features of the site such as topography;

**Findings of Fact**

The proposed streets are laid out to match the existing street and circulation patterns of the developed neighborhood. The street patterns dictate the lot orientation when considered in context of the SFR-10 lot development and design standards.

**Conclusion of Law**

The Planning Commission concludes that the nature of the surrounding circulation patterns makes it impractical to comply with Approval Criterion 6 and grants an exception to this provision.

**Approval Criterion 7**

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

**Findings of Fact**

There are no abutting EFU lands.

**Conclusion of Law**

The Planning Commission concludes that the subdivision will not cause an unmitigated land use conflict between the land division and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district because there are no abutting EFU lands.

Ultimate Conclusions

Based upon the preceding findings of fact and conclusions of law, the Planning Commission concludes that this subdivision request for "Ross Lane Subdivision" is consistent with all of the relevant criteria in the Medford Land Development Code.

Respectfully Submitted,

Ray M. Knapp  
River Lane Homes, Inc  
Ross Lane LLC



Medford – A fantastic place to live, work and play

**CITY OF MEDFORD**

LD Date: 10/10/2018  
Revised Date: 10/24/2018  
File Number: LDS-18-123

**PUBLIC WORKS DEPARTMENT STAFF REPORT  
Ross Lane Subdivision  
(TL 1600)**

**Project:** Consideration of a tentative plat for a 15 lot subdivision on approximately 2.11 acres within the SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre) zoning district.

**Location:** Located on the south side of Maple Park Drive and east of North Ross Lane (372W23DC1600).

**Applicant:** Applicant/Agent: Ross Lane Homes LLC; Planner: Steffen Roennfeldt.

**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**

**Ross Lane North** is classified as a Major Collector street within the Medford Land Development Code (MLDC) 10.428. The Developer shall dedicate for public right-of-way, sufficient width of

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PUBLIC WORKS DEPARTMENT  
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET  
MEDFORD, OREGON 97501  
[www.ci.medford.or.us](http://www.ci.medford.or.us)

Page 1 of 11  
CITY OF MEDFORD  
TELEPHONE (541) 774-2100  
FAX (541) 774-2552  
File # LDS-18-123

land along the frontage to comply with the half width (37-feet) of right-of-way. **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 **Ross Lane North**, 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.**

**Maple Park Drive** is classified as a Minor Residential Street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the half width of right-of-way, which is 27.5-feet. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

There seems to be a discrepancy regarding the 1 foot "street plug" (TL1400) as platted with Maple Park Subdivision, Phase 1. The Developer shall rectify any remaining land remnants so that a "sliver" parcel is not created.

**Kaitlin Lane** is proposed as Minor Residential Street within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 55-feet.

**Heber Lane** is proposed as a Residential Lane within the MLDC 10.430. The Developer shall dedicate for public right-of-way, sufficient width of land along the frontage to comply with the full width of right-of-way, which is 33-feet.

**Corner radii** shall be provided at the right-of-way lines of all intersecting streets per MLDC 10.445.

Streets, as shown on the Tentative Plat, in which any portion terminates to a boundary line of the Development shall be dedicated to within one foot of the boundary line, and the remaining one foot shall be granted in fee simple, as a non-access reserve strip to the City of Medford. Upon approved dedication of the extension of said streets, the one-foot reserve strip shall automatically be dedicated to the public use as part of said street without any further action by the City of Medford (MLDC 10.439).

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

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

recordation by the applicant. Releases of interest shall be obtained by holders of trust deeds or mortgages on the right-of-way and PUE area.

## 2. Public Improvements

### a. Public Streets

**Ross Lane North** – All street section improvements, with the exception of a planter strip, have been completed in close conformance with current standards, including pavement, curb and gutter, and sidewalks with P1740D. **No additional public improvements are required as street light as noted below.**

**Maple Park Drive** – All street section improvements, have been completed in close conformance with current standards, including pavement, curb and gutter and street lights. **However, a 5-foot wide sidewalk with a planter strip will be required along this developments frontage.**

**Kaitlin Lane** shall be constructed to Minor Residential Street standards, in accordance with MLDC 10.430.

**Heber Lane** shall be constructed to Residential Lane standards, in accordance with MLDC 10.430.

### b. Street Lights and Signing

The Developer shall provide and install in compliance with Section 10.495 of the Medford Municipal Code (MMC). Based on the preliminary plan submitted, the following number of street lights and signage will be required:

#### Street Lighting – Developer Provided & Installed:

- A. 1 – Type C-250
- B. 3 – Type R-100

#### Traffic Signs and Devices – City Installed, paid by the Developer:

- A. 1 – Dead End Sign
- B. 1 – Dead End Barricade
- C. 2 – Street Name Signs

Numbers are subject to change if changes are made to the plans. All street lights shall be installed per City standards and be shown on the public improvement plans. Public Works will provide preliminary street light locations upon request. All street lights shall be operating and turned on at the time of the final “walk through” inspection by the Public Works Department.

The Developer shall pay for City installed signage required by the development. City installed signs include, but are not limited to, street name signs, stop signs, speed signs, school signs,

dead end signs, and dead end barricades. Sign design and placement shall be per the Manual on Uniform Traffic Control Devices (MUTCD). All signs shall be shown on the public improvement plans and labeled as City installed.

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 a no pavement cutting moratorium currently in effect along this frontage to North Ross Lane or Maple Park Drive.

The Developer shall be responsible for notifying by certified letter all utility companies, as well as all current property owners of parcels which are adjacent to any Public Street being constructed or paved as part of this project. The letter shall inform the utility companies and property owners of the City's street moratorium policy with respect to pavement cutting for future utility services. The utility companies and property owners shall be given the opportunity to install utility services within the right-of-way prior to paving and the subsequent moratorium. Notifications shall be mailed by the Developer at least 6 months before a street is resurfaced or rebuilt per Medford Municipal Code (MMC), Section 3.070. Copies of the certifications shall be submitted to the City Engineer with the submittal of the preliminary construction drawings.

#### **d. Access and Circulation**

Driveways shall comply with MLDC 10.550. No driveway access shall be allowed to Ross Lane North.

#### **e. Easements**

All public sanitary sewer or storm drain mains shall be located in paved public streets or within easements. A 12-foot wide paved access shall be provided to any public manholes which are not constructed within the street section.

Easements shall be shown on the final plat and the public improvement plans for all sanitary sewer and storm drain mains or laterals which cross lots, including any common area, other than those being served by said lateral. The City requires that easement(s) do not run down the middle of two tax lot lines, but rather are fully contained within one tax lot.

### **3. Section 10.668 Analysis**

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

## 10.668 Limitation of Exactions

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

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

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

### **1. Nexus to a legitimate government purpose**

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

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

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

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

**Ross Lane North** is classified as a Major Collector street per the adopted Circulation Plan. Ross Lane North is the primary connector to Rossanley Drive and West McAndrews Road from the development. As a Major Collector, Ross Lane North will have one travel lane in each direction, a center-turn median, bike lanes in each direction, and sidewalks. It will provide safe travel for vehicles, bicycles, and pedestrians. As a higher order streets, they are eligible for street SDC credits for both the right-of-way and roadway improvements, per MMC, Section 3.815 (5). Street SDC credits offset costs to the Developer and is the mechanism provided by the City of Medford to fairly compensate the applicant for the excess burden of dedicating for and

constructing higher order streets.

**Maple Park Drive, Kaitlin Lane, Heber Lane:** In determining rough proportionality, the City averaged the lineal footage of roadway per dwelling unit for road improvements and averaged square footage of right-of-way per dwelling unit for dedications. The proposed development has 15 lots and will improve approximately 370 lineal feet of roadway which equates to 24 lineal feet per dwelling unit. Also the development will dedicate approximately 17,584 square feet of right-of-way, which equates to approximately 1,172 square feet per dwelling unit.

To determine proportionality a neighborhood with similar characteristics was used. The development used was Orchard Court Subdivision which is south of this development between Diamond Street and Orchard Home Court and consisted of 7 dwelling units. The previous development improved approximately 430 lineal feet of roadway and dedicated approximately 10,800 square feet of right-of-way (GIS data used to calculate, approximations only). This equates to approximately 61 lineal feet of road per dwelling unit and approximately 1,543 square feet of right-of-way per dwelling unit.

- a. Dedication will ensure that new development and density intensification provides the current level of urban services. This development will create an additional 15 new Lots within the City of Medford and increase vehicular traffic by approximately 141 average daily trips. The proposed street improvements will provide a safe environment of all modes of travel (vehicular, bicycles, & pedestrians) to and from this development.
- b. Dedication will ensure adequate street circulation is maintained. The street layout and connectivity proposed in this development will provide alternate route choices for the residents that will live in this neighborhood.
- c. Dedication will provide access and transportation connections at urban level of service standards for this development. Each Lot in this development will have direct access to a public street with facilities that will allow for safe travel for vehicles, bicycles and pedestrians. There is also sufficient space for on-street parking. The connections proposed in this development will enhance the connectivity for all modes of transportation and reduce trip lengths. As trip lengths are reduced, it increases the potential for other modes of travel including walking and cycling.
- d. Dedication of connecting streets will decrease emergency response times and provide emergency vehicles alternate choices in getting to an incident and reducing miles traveled.
- e. Dedication of PUE will benefit development by providing public utility services, which are out of the roadway and more readily available to each Lot being served.

The additional traffic of all modes of travel generated by this proposed development supports the dedication and improvements for all modes of travel and utilities. As indicated above, the area required to be dedicated and improved for this development is necessary and roughly

proportional to that required in previous adjacent developments to provide a transportation system that meets the needs for urban level services.

## **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. Hydrology**

The Design Engineer shall provide an investigative report of the off-site drainage on the subdivision perimeter, a distance not less than 100 feet in all directions. All off-site drainage affecting the subdivision shall be addressed on the subdivision drainage plan. A hydrology map depicting the amount of area the subdivision will be draining shall be submitted with hydrology and hydraulic calculations. The opening of each curb inlet shall be sized in accordance with ODOT design standards. These calculations and maps shall be submitted with the public improvement plans for approval by the Engineering Division.

### **2. Stormwater Detention and Water Quality Treatment**

This development shall provide stormwater detention in accordance with MLDC, Section 10.486, and water quality treatment in accordance with the Rogue Valley Stormwater Quality Manual per MLDC, Section 10.481.

Upon completion of the project, the developer's design engineer shall provide written certification to the Engineering Division that construction of the water quality and detention facilities were constructed per plan. This letter shall be received by the City of Medford Public Works Engineering Department prior to acceptance of the subdivision.

### **3. Grading**

A comprehensive grading plan showing the relationship between adjacent property and the proposed subdivision will be submitted with the public 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.

### **4. Mains and Laterals**

The Developer shall show all existing and proposed Storm Drain mains, channels, culverts, outfalls and easements on the Conceptual Grading and Drainage Plan and the final Construction Plans.

In the event the lot drainage should drain to the back of the lot, the developer shall be responsible for constructing a private drain line, including a tee at the low point of each lot to provide a storm drain connection. All roof drains and foundation drains shall be connected directly to a storm drain system.

A storm drain lateral shall be constructed to each tax lot prior to approval of the Final Plat. Easements shall be shown on the Final Plat for storm drain laterals crossing lots other than the one being served by the lateral.

All public storm drain mains shall be located in paved public streets or within easements. All manholes shall be accessible by paved, all-weather roads. All easements shall be shown on the Final Plat and the public improvement plans.

### **5. Erosion Control**

Subdivisions of one acre and greater require a run-off and erosion control permit from DEQ. The approved permit must be submitted to the Engineering Division prior to public improvement plan approval. The erosion prevention and sediment control plan shall be included as part of the plan set. All disturbed areas shall have vegetation cover prior to final inspection/"walk-through" for this subdivision.

### **D. SURVEY MONUMENTATION**

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

### **E. GENERAL CONDITIONS**

#### **1. Design Requirements and Construction Drawings**

All public improvements shall be constructed in accordance with the "Engineering Design Standards for Public Improvements", adopted by the Medford City Council. Copies of this document are available in the Public Works Engineering office.

#### **2. Construction Plans**

Construction drawings for any public improvements for this project shall be prepared by a professional engineer currently licensed in the State of Oregon, and submitted to the Engineering Division of Medford Public Works Department for approval. Construction drawings for public improvements shall be submitted only for the improvements to be constructed with each phase. Approval shall be obtained prior to beginning construction. Only a complete set of construction drawings (3 copies) shall be accepted for review, including plans and profiles for all streets, minimum access drives, sanitary sewers, storm drains, and street lights as required by the governing commission's Final Order, together with all pertinent details and calculations. A checklist for public improvement plan submittal can be found on the City of Medford, Public

Works web site (<http://www.ci.medford.or.us/Page.asp?NavID=3103>). The Developer shall pay a deposit for plan review and construction inspection prior to final plan approval. Public Works will keep track of all costs associated with the project and, upon our acceptance of the completed project, will reconcile the accounting and either reimburse the Developer any excess deposit or bill the Developer for any additional amount not covered by the deposit. The Developer shall pay Public Works within 60 days of the billing date or will be automatically turned over for collections.

**Please Note:** If Project includes one or more Minor Residential streets, an additional Site Plan shall be submitted, noting and illustrating, one of the following design options to ensure fire apparatus access per MLDC 10.430(2):

- Clustered driveways,
- Building to have sprinklers, or
- 33-foot paved width,

In order to properly maintain an updated infrastructure data base, the Surveyor of Record shall submit an as-built survey prior to the Final Inspection and, the Engineer of Record shall submit mylar "as-constructed" drawings to the Engineering Division within sixty (60) calendar days of the Final Inspection (walk through). Also, the engineer shall coordinate with the utility companies, and show all final utility locations on the "as built" drawings.

### **3. Phasing**

The proposed plans do not show any phasing.

### **4. Draft of Final Plat**

The Developer shall submit 2 copies of the preliminary draft of the final plat at the same time the public improvement plans (3 copies) are submitted. Neither lot number nor lot line changes shall be allowed on the plat after that time, unless approved by the City and all utility companies.

### **5. Easements**

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

### **6. 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.

### **7. System Development Charges (SDCs)**

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

This development is also subject to storm drain system development charges, the Developer is eligible for storm drain system development charge credits for the installation of storm drain pipe which is 24-inches in diameter or larger and is not used for storm drain detention in accordance with Medford Municipal Code (MMC), Section 3.891. The storm drain system development charge shall be collected at the time of the approval of the final plat.

### **8. 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

Ross Lane Subdivision (TL 1600)

LDS-18-123

### A. Streets

#### 1. Street Dedications to the Public:

- Ross Lane North – Dedicate additional right-of-way.
- Maple Park Drive – Dedicate additional right-of-way.
- Dedicate full width right-of-way on Kaitlin Lane and Heber Lane.
- Dedicate 10-foot public utility easements (PUE).

#### 2. Improvements:

##### Public Streets

- Ross Lane North – Street improvements have been completed.
- Maple Park Drive – Street improvements have been completed, with the exception of sidewalk.
- Construct Kaitlin Lane to Minor Residential Street standards.
- Construct Heber Lane to Residential Lane standards.

##### Lighting and Signing

- Developer supplies and installs all street lights at own expense.
- City installs traffic signs and devices at Developer's expense.

##### Access and Circulation

- Driveways shall comply with MLDC 10.550. No driveway access shall be allowed to Ross Lane North.

##### Other

- There is no pavement moratorium in effect along North Ross Lane or Maple Park Drive.
- Provide pavement moratorium letters.

### 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.
- Provide water quality and detention facilities.
- Provide Engineers certification of stormwater facility construction.
- Provide a comprehensive grading plan.
- Provide storm drain laterals to each tax lot.
- Provide Erosion Control Permit from DEQ.

### D. Survey Monumentation

- Provide all survey monumentation.

### E. General Conditions

- Provide public improvement plans and drafts of the final plat.
- Additional Site Plan to ensure fire apparatus access per MLDC 10.430(2) if project includes Minor Residential streets.
- = 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:** LDS-18-123

**PARCEL ID:** 372W23DC TL 1600

**PROJECT:** Consideration of a tentative plat for a 15 lot subdivision on approximately 2.11 acres within the SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre) zoning district located on the south side of Maple Park Drive and east of North Ross Lane (372W23DC1600). Applicant/Agent: Ross Lane Homes LLC; Planner: Steffen Roennfeldt.

**DATE:** October 10, 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. Installation of an 8-inch water line is required in the Kaitlin Lane between the existing 8-inch water line in Maple Park Drive and the existing 8-inch water line which is currently stubbed to the south property line of this subdivision in the existing section of Kaitlin Lane.
3. Installation of an 8-inch water line is required and Herber Lane between the existing 8-inch water line in Maple Park Drive and the south property line of this proposed subdivision where the water line is required to stubbed for "future" extension to Dahlia Way.
4. The existing water meter currently serving the existing home at 733 Ross Lane North is in the sidewalk along the west side of Ross Lane North. This water meter is required to be abandoned per MWC Standards.
5. Applicant or their civil engineer shall coordinate with Medford Fire Department for proposed Fire Hydrant locations.
6. The water meters for proposed Lots 14 & 15 are required to be installed along the east side of Herber Lane per MWC Standards. Water meters shall not be located in proposed driveways.
7. Static water pressure is expected to be 95 psi. See attached document from the City of Medford Building Department on "Policy on Installation of Pressure Reducing Valves".

*Continued to Next Page*

CITY OF MEDFORD  
EXHIBIT # H  
File # LDS-18-123  
Page 1 of 2



*Continued from Previous Page*

**COMMENTS**

1. Off-site water line installation is not required.
2. On-site water facility construction is required. (See Conditions 2 and 3 above)
3. MWC-metered water service does exist to this property. There a ¾-inch water meter along the west side of Ross Lane North approximately mid-lot that serves the existing home at 733 Ross Lane North. (See Condition 2 above)
4. Access to MWC water lines is available. There is an existing 8-inch water line in Maple Park Drive, a 12-inch water line in Ross Ln North, and an 8-inch water main stubbed to the south property line in Kaitlin Lane.



0 25 50 100 Feet  
Scale: 1"=100'

**Water Facility Map  
City of Medford  
Planning Application:  
LDS-18-123**

October 10, 2018

**Legend**

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

**Water Meters:**

- Active Meter
- On Well
- Unknown
- Vacant

**Water Valves:**

- Butterfly Valve
- Gate Valve
- Tapping Valve

**Water Mains:**

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

**Boundaries:**

- Urban Growth Boundary
- City Limits
- Tax Lots

**MWC Facilities:**

- Control Station
- Pump Station
- Reservoir



This map is based on a digital database compiled by Medford Water Commission from a variety of sources. Medford Water Commission does not assume responsibility for errors, omissions, or potential liability. There are no warranties, expressed or implied.

# Memo



**To:** Steffen Roennfeldt, Planning Department  
**From:** Mary Montague, Building Department  
**CC:** Ross Lane Homes, LLC, Applicant/Agent  
**Date:** October 9, 2018  
**Re:** LDS-18-123; Ross Lane Subdivision

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## **Building Department:**

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

1. Applicable Building Codes are 2017 ORSC; 2017 OPSC; and 2014 OMSC. For list of applicable Building Codes, please visit the City of Medford website: [www.ci.medford.or.us](http://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](http://www.ci.medford.or.us) Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.
3. Site Excavation permit required to develop, install utilities.
4. Demo Permit is required for any buildings being demolished.
5. Any properties located within the 100 year Flood Plain requires a permit. All buildings will require a flood elevation certificate. This property appears to have been removed from the 100 year Flood Plain with a LOMAR on file. Consult with planning.



## Medford Fire-Rescue Land Development Report

### Review/Project Information

**Reviewed By:** Kleinberg, Greg

**Review Date:** 10/2/2018  
**Meeting Date:** 10/10/2018

**LD #:** LDS18123

**Planner:** Steffen Roennfeldt

**Applicant:** Ross Lane Homes LLC

**Project Location:** South side of Maple Park Drive and east of North Ross Lane (372W23DC1600)

**Project Description:** Consideration of a tentative plat for a 15 lot subdivision on approximately 2.11 acres within the SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre)

### Specific Development Requirements for Access & Water Supply

#### Conditions

Reference	Comments	Description
OFC 505	Minimum access address signs are required for lot #14 and lot #15.	The developer must provide a minimum access address sign. A pre-approved address sign can also be utilized. A brochure is available at:  <a href="http://www.ci.medford.or.us/Files/Minimum%20Access%20Address%20Sign.pdf">http://www.ci.medford.or.us/Files/Minimum%20Access%20Address%20Sign.pdf</a>
OFC 508.5	One new fire hydrant will be required near the corner of Maple Park Drive/Hebber Lane by lot #9.	Fire hydrants with reflectors will be required for this project.  The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.  Plans and specifications for fire hydrant system shall be submitted to Medford Fire-Rescue for review and approval prior to construction. Submittal shall include a copy of this review (OFC 501.3).
MMC 10.430	The developer must choose one of these options.	Section 10.430 of the Medford Code states the following:  In order to ensure that there is at least twenty (20) feet of unobstructed clearance for fire apparatus, the developer shall choose from one of the following design options:  (a) Clustered, offset (staggered) driveways (see example) (design approved by Fire Department), and fire hydrants located at intersections with the maximum fire hydrant spacing along the street of 250-feet.  (b) All dwellings that front and take access from minor residential streets to be equipped with a residential (NFPA 13D) fire sprinkler system, and fire hydrants located at intersection with the maximum fire hydrant spacing along the street of 500-feet.  (c) Total paved width of 33-feet with five-and-a-half (5 ½) foot planter strips.  The Oregon Fire Code requires; "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and unobstructed vertical clearance of not less than 13 feet 6 inches" (OFC 503.2.1). "The required width of a fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established in Section 503.2.1, shall be maintained at all times." (OFC 503.4).  When the clustered-offset driveway option is chosen, a note indicating driveway locations shall be included on the final plat. In areas where the clustered-offset option cannot be utilized because of lot layout, parking restrictions may apply in certain areas and no parking signs may be required.

### Construction General Information/Requirements

CITY OF MEDFORD

File # LDS-18-123

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](http://www.medfordfirerescue.org)

**Steffen K. Roennfeldt**

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**From:** Greg G. Kleinberg  
**Sent:** Wednesday, October 24, 2018 11:14 AM  
**To:** Steffen K. Roennfeldt  
**Subject:** RE: LDS-18-123

Steffen,

I spoke to John Hardy and he clarified that Heber Lane is a 26' wide street. With this information, I am removing the condition of the clustered/offset driveways on Heber Lane. There will be some parking restrictions that we can deal with later.

Thank You,

Greg Kleinberg  
Deputy Chief - Fire Marshal  
Medford Fire-Rescue  
541-774-2317

**From:** Greg G. Kleinberg  
**Sent:** Wednesday, October 17, 2018 4:08 PM  
**To:** Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>; 'Nick Bakke' <nbakke@rvss.us>; Douglas E. Burroughs <Douglas.Burroughs@cityofmedford.org>; 'Rodney L. Grehn' <rodney.grehn@medfordwater.org>  
**Subject:** RE: LDS-18-123

Steffen,

Lots 9/10 and 11/12 do not show clustered/offset driveways which we want for Heber Lane.

Thank You,

Greg Kleinberg  
Deputy Chief - Fire Marshal  
Medford Fire-Rescue  
541-774-2317

**From:** Steffen K. Roennfeldt  
**Sent:** Monday, October 15, 2018 1:33 PM  
**To:** 'Nick Bakke' <nbakke@rvss.us>; Douglas E. Burroughs <Douglas.Burroughs@cityofmedford.org>; Greg G. Kleinberg <John.Kleinberg@cityofmedford.org>; 'Rodney L. Grehn' <rodney.grehn@medfordwater.org>  
**Subject:** FW: LDS-18-123

Hi all,  
See below for comments from the applicant regarding LDS-18-123.  
Please let me know if you have any comments!

CITY OF MEDFORD  
EXHIBIT # K  
File # LDS-18-123

Thank you  
Steffen

**From:** Ray Knapp [<mailto:RiverLaneHomes@outlook.com>]  
**Sent:** Monday, October 15, 2018 1:03 PM  
**To:** Steffen K. Roennfeldt <[Steffen.Roennfeldt@cityofmedford.org](mailto:Steffen.Roennfeldt@cityofmedford.org)>  
**Subject:** LDS-18-123

Steffen –

Attached are revised Findings with Applicant changed to River Lane Homes, Inc., agent's name, added prior LDS-14-102 to note regarding history, updated reference to code section number change, and removed 'relevant approval criteria, #6' from application.

We reviewed various agency reports, and make comment as follows:

#### PUBLIC WORKS

On page 4, a note (D) called for a soils report. Although it was noted in the land development meeting that a soils report would not be required, the record does contain evidence provided by agent Hardey Group to Public Works in connection with street design. It appears that all requests by Public Works have been met with the signed P1848D Project Plans.

#### FIRE DEPARTMENT

Existing plans demonstrate selection of clustered offset driveway option for fire equipment separation. Signage will be provide as requested, and is noted on the approved civil plans.

#### MEDFORD WATER COMMISSION

This report is boiler plate requesting typical systems and easemnets. All have been properly noted on the P1848D project plans, and have been approved by MWC.

#### ROGUE VALLEY SEWER SERVICE

Plans have been created, as requested, by our civil engineer. These plans have been approved by RVSS, and associated fees have been paid.

Thank you so much for your help in 'renewing' the plat approval. This has been a long battle trying to get that little subdivision built!

*Ray M. Knapp, Pres.*

**RIVER LANE  HOMES**  
INC.

1070 Plaza Ave, Ashland, OR 97520 CCB# 91267  
Phone: (541) 210-8490 Email: [riverlanehomes@outlook.com](mailto:riverlanehomes@outlook.com)



# 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

October 2, 2018

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

RE: Subdivision off Maple Park Drive and N Ross Lane – city maintained sections of the roads.

Planning File: LDS-18-123.

Dear Steffen:

Thank you for the opportunity to comment on the consideration of a request to create 15 lots on approximately 2.11 acres located on the southwest corner of Maple Park Drive and N. Ross Lane within the SFR-10 zone district. Jackson County Roads has no comment.

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

Sincerely,

Chuck DeJanvier  
Construction Engineer



# 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 28, 2018

City of Medford Planning Department  
200 S. Ivy Street  
Medford, Oregon 97501

**Re: LDS-18-123 (Map 372W23D, TL 1600)**

ATTN: Steffen,

The subject property is within the RVSS sewer service area. The property is currently served by one existing 4 inch sewer service connection into the 30 inch mainline in Ross Lane. This service will not be affected if the existing home is to remain. If the home is to be removed this connection must be abandoned within 5 feet of the property line per RVSS standards.

Sewer service to lots 1 through 8 can be obtained through an 8 inch mainline extension from the existing 8 inch mainline in Maple Park Drive. Sewer service to lots 9 through 15 can be obtained by an additional 8 inch mainline extension from the existing 8 inch mainline in Maple Park Drive.

Rogue Valley Sewer Services requests the following conditions apply to the subdivision:

1. Sewer for the project must be designed and constructed in accordance with RVSS standards.
2. If required, existing services must be abandoned per RVSS standards. This will require a no cost abandonment permit form RVSS.
3. The sanitary sewer system must be accepted as a public system by RVSS prior to the issuance of any building permits.
4. Developer must pay the System Development Charges due to RVSS prior to acceptance of the sewer main.

Feel free to contact me with any questions.

Sincerely,

*Nicholas R. Bakke*

Nicholas R. Bakke, P.E.  
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNING\LAND SUB\2018\LDS-18-123\_ROSS LANE SUBDIVISION.DOC

CITY OF MEDFORD  
EXHIBIT # M  
File # LDS-18-123



**MEMORANDUM**

Subject Ross Lane Subdivision (372W23DC1600)  
 File no. LDS-18-123  
 To Steffen Roennfeldt  
 From Liz Conner, Planner II, Floodplain Coordinator  
 Date October 1, 2018

**SITE CHARACTERISTICS**

- Single Family Residential – 10 (SFR-10), Urban Low Density Residential (UR) General Land Use Plan designation
- Ross Lane Drainage
- No Base Flood Elevations established
- No riparian corridor established
- The northern portion of the property is located within the 0.2% Annual Chance Flood Hazard Area (previously known as the 500-year floodplain) – Unregulated
- FIRM panel 41029C 1959F effective May 3, 2011
- LOMR 11-10-1570P effective November 7, 2011

**FLOODPLAIN PERMIT REQUIREMENTS**

Project Proposal

Consideration of a tentative plat for a 15 lot subdivision on approximately 2.11 acres within the SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre) zoning district located on the south side of Maple Park Drive and east of North Ross Lane (372W23DC1600).

Floodplain Regulations

The subject parcel does not have a regulated Special Flood Hazard.

CITY OF MEDFORD  
 EXHIBIT # N  
LDS-18-123

## DENSITY CALCULATION FORM

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

SQ FT 91912 91911.6  
 AC 2.11 2.11

File No.	LDS-18-123
Planner	Steffen Roennfeldt
Date	October 29, 2018

GROSS ACREAGE	
Tax Lot Numbers	
372W23DC1600	2.11 AC
	AC
	AC
	AC
	AC
Existing ROW to Centerline	0.08 AC
Gross Acres	2.19 AC
Effective Acres (Gross - Subtracted)	<b>2.19</b>

SUBTRACTED ACREAGE	
Large Lots for Existing Development	AC
Reserved Acreage	AC
Other <sup>1</sup>	AC
	AC
	AC
	AC
	AC
Subtracted Acres	AC

DENSITY RANGE	
Zoning District	SFR-10
Density Range	
Minimum	6
Maximum	10
<b>No. DU Proposed</b>	<b>15</b>
No. DU Permitted Min.	<b>13</b>
No. DU Permitted Max.	<b>21</b>
Minimum	13.11
Maximum	21.86
Percentage of Maximum	<b>68.63%</b>

EXISTING R-O-W CALCULATION				
Street Name	LF	Width	SF	Acreage
Ross Lane	110.00	30.00	3,300.00	0.08
			-	-
			-	-
			-	-
			<b>3,300.00</b>	<b>0.08</b>

Page 136

File # LD5-18-123  
 EXHIBIT # 0  
 CITY OF MEDFORD

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



Project Name:

**Ross Lane  
 Subdivision**

Map/Taxlot:

**372W23DC TL 1600**



09/12/2018

**Legend**

-  Subject Area
-  Zoning Districts
-  Tax Lots

