PLANNING COMMISSION AGENDA

NOVEMBER 29, 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

Agenda

Public Hearing
November 29, 2018
5:30 PM
Council Chambers, City Hall, Room 300
411 West Eighth Street, Medford, Oregon

10. Roll Call

20. Consent Calendar/Written Communications (voice vote)

30. Minutes

30.1 Consideration for approval of minutes from the November 8, 2018, hearing.

40. Oral and Written Requests and Communications
Comments will be limited to 3 minutes per individual or 5 minutes if representing an organization. **PLEASE SIGN IN.**

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

Old Business

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

New Business

50.2 **ZC-18-132 / CP-18-133** Request for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land, totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC); and a change of zone of the subject parcels from SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre) and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W13CA 2400, 4903, 4904 & 5000); Applicant: Housing Authority of Jackson County; Agent: Scott Sinner Consulting, Inc.; Planner: Steffen Roennfeldt.

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

50.3 **LDP-18-140 / ZC-18-141** Consideration of a request for tentative plat approval of a proposed two-lot partition, along with a request for a change of zone from C-C (Community Commercial) to, in part, MFR-30 (Multi Family Residential, 20 to 30 dwelling units per gross acre) on a 4.31-acre parcel located at 59, 75 & 101 Lozier Lane and 2267 & 2287 W Main Street within the C-C zoning district (372W26DA1000); Applicant: Manjoh LLC; Agent: Scott Sinner Consulting; Planner: Steffen Roennfeldt.

50.4 **CP-17-117 / DCA-17-118** A Comprehensive Plan Amendment to incorporate by reference the 2016 Urban Reserve Local Wetlands Inventory report into the Comprehensive Plan and amend applicable sections of the Environmental Element. This is filed in conjunction with a Development Code Amendment to revise applicable sections of Chapter 10 of the Municipal Code related to wetlands. Applicant: City of Medford; Planner: Carla Paladino.

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

From Public Hearing on **November 8, 2018**

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

Commissioners Present
Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
E.J. McManus
Alex Poythress
Jared Pulver (left at 6:22 p.m.)

Staff Present
Kelly Evans, Assistant Planning Director
Eric Mitton, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Carla Paladino, Principal Planner
Terri Richards, Recording Secretary
Kyle Kearns, Planner II
Steffen Roennfeldt, Planner III

10. Roll Call

Commissioner Foley requested staff discussion regarding agenda item 20.2.

Kelly Evans, Assistant Planning Director reported that the property owner requested to remove one lot on the west side of the future Rutherford Drive. The purpose is that the lots are small removing the one lot will increase the size of the lots. Adjusting the center line five feet to the east will accommodate development proposed on the north side. The code states that there needs to be substantial consistency between the tentative and final plats. Losing a lot staff could not find consistent. The question to the Planning Commission is it consistent? If it is, the request can move forward for final plat as shown on page 34 of the agenda packet.

20. Consent Calendar/Written Communications.

20.1 ZC-18-099 / LDP-18-100 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.

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

Moved by: Vice Chair McFadden Seconded by: Commissioner Foley

Voice Vote: Motion passed, 9-0.

30. Minutes

30.1 The minutes for October 25, 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 – **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 district (372W26DD900); Applicant: PDK Properties; Agent: Scott Sinner Consulting; Planner: Steffen Roennfeldt. **The applicant has requested to continue this item to the Thursday, November 29, 2018, Planning Commission meeting.**

Chair Miranda inquired if anyone in the audience would like to testify that would not be able to make the November 29, 2018, Planning Commission meeting. There was no testimony.

Motion: The Planning Commission continued E-18-137, per the applicant's request, to the Thursday, November 29, 2018, Planning Commission meeting.

Moved by: Vice Chair McFadden Seconded by: Commissioner McKechnie

Roll Call Vote: Motion passed, 9-0.

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.

Kyle Kearns, Planner II 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. Mr. Kearns gave a staff report and reported that the recommended action refers to the staff report as October 25, 2018 and it should read November 1, 2018.

The public hearing was opened.

Commissioner McKechnie asked, does allowing ADU's in MFR-15, MFR-20 and MFR-30 zoning districts due to the comment from DLCD? Mr. Kearns reported partially. If there is a detached single home in the multifamily zone the code allows for that. When it is on a nonconforming lot that cannot meet MFR standards it would have to be allowed.

The public hearing was closed.

Motion: The Planning Commission based on the findings and conclusions that all of the approval criteria are either met or not applicable, initiated the amendment and forwarded a favorable recommendation for adoption of DCA-18-113 to the City Council per the staff report dated November 1, 2018, including Exhibits A through I.

Moved by: Vice Chair McFadden Seconded by: Commissioner Foley

Commissioner McKechnie recommended not allowing ADU's on multifamily lots where there are single family homes. Mr. Mitton reported that under Senate Bill 1051 it is required to allow an ADU per single family dwelling anywhere that single family dwelling would be. He is not sure it can be prohibited in MFR zones. Mr. Kearns added that on page 62 of the agenda packet it states: "*Subsection (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.*"

Commissioner Pulver asked, if there is a single family residence on a commercial lot, does the state regulation allow ADUs? Mr. Mitton stated that Senate Bill 1051 will require ADUs where there is a permitted single family residence in a commercial zone. Mr. Kearns reported that it is explicit to the nonconforming lots for multifamily zones. Commercial lots do not have that standard.

Commissioner Pulver asked, is Mr. Kearns stating that DLCD indicated that they would be supportive of an appeal if an ADU was proposed and turned down on a commercial zoned

lot with a single family residence on it? Mr. Kearns replied only detached single family residences. This does not apply to duplexes and townhouses.

Commissioner Pulver stated that this is getting a lot of attention for an issue that the code is favorable to begin with. He understands complying with the law. He would rather react to problems on a case by case basis. The City is pushing for small lots and more density. He does not see how that falls in line with that. These play better on a bigger lot. Unless the City starts allowing bigger lots he does not see the reason advocating so hard for ADUs. He does not understand that ADUs are allowed in SFR-6 or dense zones and not require more parking. The Transportation System Plan showed inadequate funding for the transportation system. He believes there is inadequate funding for parks. He would be more receptive to the cottage concept. There is no credit in density calculations for ADUs. Affordability is cited and he believes that is invalid. He is opposed to not requiring additional parking for what is being forwarded to the City Council.

Amend Motion: Remove the ability to not require additional parking for Accessory Dwelling Units (ADUs).

Moved by: Commissioner Pulver Seconded by: Commissioner Poythress

Mr. Kearns reported that it is not a direct allowance to remove parking. It is for the older lots that have one off-street parking. This does not exempt from what is required for single family development by the code. Mr. Kearns read: *"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."*

Commissioner Pulver stated that it appears to him that no additional parking shall be required for an ADU. The addition of the ADU and associated square footage does not create additional parking requirement. If creating additional residence it should have additional parking. Mr. Kearns reported that a parcel containing a primary dwelling unit and an ADU shall provide a minimum of two off-street parking spaces in accordance with the City of Medford standards.

Mr. Mitton stated that it is required to have two off-street parking spaces whether there is just a single family home or a single family home with an ADU. That is not changing. The change is for legacy homes that do not have two off-street parking spaces. This amendment allows for certain legacy homes that one off-street parking space to add an ADU.

Commissioner Culbertson agrees with Commissioner Pulver. This is compounding an existing problem.

Commissioner McManus stated that having an older generation relying on the tenants in the primary residence would not be adding additional vehicles. The legacy lots would not be meeting the parking standards. He would not be in favor of the amended motion.

Commissioner Culbertson reported that currently there are no rules that prohibit Airbnbs. What if someone has an ADU and decides they want to Airbnb it. Airbnb people are not going to bike to the property.

Mr. Mitton stated that there is no rule prohibiting someone from doing an Airbnb in an ADU. There is no rule of someone having an Airbnb in a spare bedroom and having the guests bring their various guests with vehicles day in and day out to the residence.

Vice Chair McFadden reported that Mr. Kearns mentioned a date at the end of his presentation of January 1, 2019. Is the problem the date? Older neighborhoods have single car garages where the streets are wider. Newer neighborhoods have narrow streets. Mr. Kearns reported that the date was to have a point in time. Staff would entertain an earlier date but it would take research that would be time consuming.

Mr. Mitton stated the reason for the January 1, 2019 date is so that people cannot try and use it for new development. It was chosen to be a date somewhat contemporaneous with this amendment going into action. Choosing a date in history he would be hesitant to put anything like that in the code without research to support it. It would be a lot of research to figure out what date would be the boundary. It is to prevent any sort of intentional chicanery with future development.

Commissioner Poythress believes that the issue of the low number of ADUs having been built in the last ten or twenty years. He has spoken to a number of councilors and commissioners from other cities around the state. A phenomenon they found to be true as they simplify and reduce the costs of developing ADUs for residences. At the same time doing a diligent job of communicating the inventory need of homes in their community. There has been a substantial surge in the development of ADUs as the accessibility becomes lower and easier.

The parking issue is conflicting because on one hand the City and community is saying there needs to be more housing inventory and on the other hand the City and community is saying here is a way to it but it comes with a cost of mobility. Reading through the notes on this and the intention of removing that parking space requirement is so that somebody does not have to pay to expand their driveway or to incur further costs to develop an ADU. He struggles with that. Maybe not requiring some form of parking is not the way to do it. Maybe one of the ways to go about this is for Council to take a look at some of the prohibitive costs are for building an ADU outside of parking. He does not know the solution to reducing the costs and increasing accessibility to decrease mobility around town. The solution may lie elsewhere.

Commissioner McKechnie stated that it is a flat fee for building an ADU regardless of size. Working on a developed lot is more expensive than developing on a new lot. Being more allowable on ADUs will not reduce the cost to make it attractive for someone.

There should be one off-street parking space per ADU per lot. If two are required for a single family home and an ADU is added that gets one per unit per home. In areas where houses are dense and parking is tight people manage to live with one car instead of four or five.

Roll Call Vote for Amended Motion: Motion failed: 3-6, with Commissioner Foley, Commissioner Mansfield, Commissioner McKechnie, Commissioner McManus, Vice Chair McFadden and Chair Miranda voting no.

Roll Call Vote for Main Motion: Motion passed: 9-0

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.

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

Commissioner Pulver left at 6:22 p.m.

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

Steffen Roennfeldt, Planner III stated that the Subdivision Tentative Plat approval criteria can be found in the Medford Land Development Code Section 10.202. 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. Roennfeldt gave a staff report. Staff received a letter from a neighbor stating her concerns with storm drain and run off issues as well as fencing that will be entered into the record as Exhibit P. The applicant addressed the concerns of the letter and will be entered into the record as Exhibit Q. Those exhibits were forwarded to the Planning Commissioners.

Commissioner Foley asked, is the flag lot the reason why there is a Fire Department turnaround? Mr. Roennfeldt reported that it is part of the flag pole on one flag lot and it is required because Heber Lane does not continue through.

Vice Chair McFadden asked, did Ms. Hanson get a copy of the applicant's answers to her concerns? Mr. Roennfeldt stated that he received the letter today and had not sent a copy to Ms. Hanson before the meeting.

The public hearing was opened.

a. John Hardy, P. O. Box 1625, Medford, Oregon, 97501. Mr. Hardy is the agent for the project. He has spoken to Ms. Hanson a number of times. They have made provisions to take care of her concerns. The storm drain will be connected through. Provisions have been made for the drainage and he understands Ray Knapp will be developing a new cedar fence along the property line.

b. Gary Hill, 2362 Kamerin Lane, Medford, Oregon, 97501. Mr. Hill has concerns with street parking of visibility and accessibility. The street is narrow and there is one side of off-street parking. The new development will make it more congested and dangerous for the children. He wants provisions put in place to mitigate mobility and the safety of the children.

c. Carole Nilson, 771 Kaitlin Lane, Medford, Oregon, 97501. Ms. Nilson did not see anything about a requirement for open space for children to play. There are many school age children that live in the neighborhood with no place to ride their bicycles, skate boards, scooters or electric scooters, and no place to play any kind of ball except the street. She is asking that before more population is added to this neighborhood some more consideration be given to some nearby open space for kids in this area either as part of this subdivision or other nearby site.

d. Rebecca Giannikos, 2320 Kamerin Lane, Medford, Oregon, 97501. Ms. Giannikos has the same concern as Ms. Nilson regarding the safety of the children.

e. Christina Ruby, 1550 Upper Applegate Road, Jacksonville, Oregon, 97530. Ms. Ruby has concerns with the drainage. She wants to make sure the drainage issues are being taken into account with the new road being proposed.

Vice Chair McFadden reported that the agricultural drainage is not really an agricultural drainage. It is part of Elk Creek the goes down through the neighborhood and collects near Rossanley Road. The City has been working at improving the drainages. The reason the water drains there now is that there has not been a connection through the property to get the water south to flow to the north.

Ms. Ruby asked, is Vice Chair McFadden saying that what is being proposed actually improve some of the concerns that they are seeing right now with the drainage issues? Vice Chair McFadden stated that he would expect that. If they experience drainage issue after that the Engineering Department would be happy to chat with the neighborhood about it.

f. Rosemary Stover, 1480 Honeysuckle Avenue, Medford, Oregon, 97504. Ms. Stover has concerns with access to North Ross Lane. Is there any thought about getting a traffic light at Maple Park and Ross Lane?

Vice Chair McFadden reported that the Planning Commission is not charged with having any say so in terms of that kind of traffic action. There is a city of Medford Traffic Committee that would listen and work towards that issue. The cost of traffic lights are extremely high.

Ms. Stover commented that even stop signs on Maple Park and Dahlia would be good.

Vice Chair McFadden recommended that a lot of the issues that the Commission has heard tonight the neighbors should take to their City Councilman. For parks and their locations they should speak with the City's Parks Department.

Ms. Evans reported that she heard comments about parks and open space. There is the West Howard Memorial Sports Park at the corner of North Ross Lane and Highway 238. That has gone through a County Planning process because she participated in that process. That is a facility in the area.

Alex Georgevitch, City Engineer stated that Maple Park is a minor residential street, 28 feet curb to curb with 55 foot right-of-way. There are connections to the north and eventually to the south that will have standard residential streets. The entire street connectivity needs developments like this to continue to build out. This project will add one of those streets that will connect. Further south it will have connections to West McAndrews that will come out to a traffic signal. These interim situations are always a challenge until further development moves forward there is a lot of stress at any single location like Maple Park. Maple Park continues east and is a popular street to go to East McAndrews. This a point of concern for the neighborhood and a challenging location for the City Transportation Manager. He recommended that anyone in the neighborhood

that has concerns contact the City's Engineering Department and fill out a citizen request form. The City will take a look at signage, speed signs, any type of traffic control like stop signs. Unfortunately, this Commission does not have authority over those. Those are left to the Transportation Manager and the Public Works Director.

There is parking on both sides of a minor residential street if the driveways are staggered. If not then the houses would need to have a fire sprinkler system or they would have parking eliminated on one side. Any location where people are parking close to an intersection is an issue for the Transportation Manager to review and potentially the Transportation Commission to see if there needs to be additional restrictions.

Mr. Hardy reported that he is also the engineer on the project. The applicant is providing 60 off-street parking spaces with their project.

There is a large 36 inch pipe that comes out at the south end of Heber. The applicant is picking that pipe up and draining it. Each lot will have storm drainage piping. The large pipe is part of a bypass system.

The public hearing was closed.

Motion: The Planning Commission adopted the findings as recommended by staff and adopted the Final Order for approval of LDS-18-123 per the Planning Commission report dated November 8, 2018, including Exhibits A through Q.

Moved by: Vice Chair McFadden Seconded by: Commissioner Foley

Roll Call Vote: Motion passed: 8-0.

60. Reports

60.1 Site Plan and Architectural Commission.

Commissioner Culbertson reported that the Site Plan and Architectural Commission did not meet on Friday, November 2, 2018. There will be a robust meeting on Friday, November 16, 2018.

60.2 Planning Department

Ms. Evans congratulated Councilor elect Poythress.

At the Commissioner's places this evening is a form to confirm their residency. Please sign before leaving this evening and staff will gather those.

The Planning Commission study session scheduled for Monday, November 12, 2018 has been cancelled.

There is business scheduled for the Planning Commission on Thursday, November 29, 2018. The regular meetings for December are Thursday, December 13, 2018 and Thursday, December 27, 2018. Currently there is no business scheduled for the meeting on Thursday, December 27, 2018. Staff will try not to schedule any business but if need be staff will poll the Planning Commissioners to make sure there is a quorum.

Last week the City Council approved the Transportation System Plan and will have a final vote next week. The City Council also adopted the Natural Hazards Mitigation Plan into the City's Comprehensive Plan. They approved an annexation at Table Rock and Biddle, annual report on the Community Development Block Grant Program.

Next week the City Council will hear the Urbanization Plan.

70. Messages and Papers from the Chair.

70.1 Chair Miranda congratulated Commissioner Poythress on his election to the City Council. Chair Miranda thanked Commissioner Poythress for his expertise and insight that he has offered to the Planning Commission. He looks forward to working with him with the City Council.

80. Remarks from the City Attorney. None

90. Propositions and Remarks from the Commission. None.

100. Adjournment

The meeting was adjourned at 7:06 p.m. The proceedings of this meeting were digitally recorded and are filed in the City Recorder's office.

Submitted by:

Terri L. Richards
Recording Secretary

Patrick Miranda
Planning Commission Chair

Approved: November 29, 2018

STAFF REPORT

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

Project	PDK Properties Applicant: PDK Properties; Agent: Scott Sinner Consulting Inc.
File no.	E-18-137
To	Planning Commission *for 11/29/2018 hearing*
From	Steffen Roennfeldt, Planner III
Reviewer	Kelly Evans, Assistant Planning Director
Date	October 30, 2018

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).

Vicinity Map

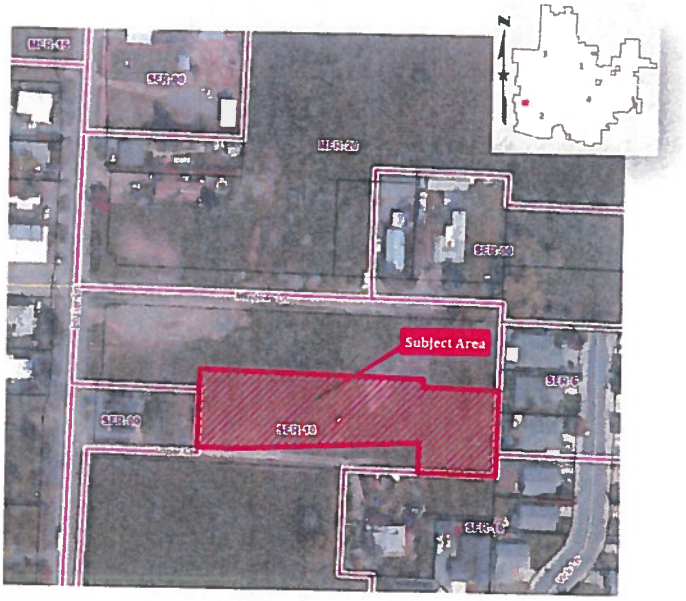


Figure 1 - Vicinity Map

Subject Site Characteristics

Zoning:	SFR-10 (Single Family Residential – 6 to 10 dwelling units per gross acre)
GLUP:	UR (Urban Residential)
Overlay(s):	None
Use:	Vacant

Surrounding Site Characteristics

North	Zone:	SFR-10
	Use(s):	Vacant & Low Density Residential
South	Zone:	SFR-10
	Use(s):	Vacant & Low Density Residential
East	Zone:	SFR-6 (Single Family Residential – 4 to 6 dwelling units per gross acre & SFR-10
	Use(s):	Low Density Residential
West	Zone:	SFR-00 (Single Family Residential – 1 dwelling unit per existing lot) & SFR-10
	Use(s):	Low Density Residential

Related Projects

A-00-122	Annexation of 14 parcels totaling 22.87 acres (Ord. # 2001-223)
PUD-03-198	West Meadows Village Planned Unit Development Preliminary Development Plan, Zone Change from Jackson County SR2.5 to SFR-10 & MFR-20 and Tentative Subdivision Plat
AC-11-095	Site Plan for development of five duplex lots
LDS-15-118	West Meadows Village Subdivision
E-16-001	West Meadows Village Exception to reduce right-of-way dedication
PLA-16-080	West Meadows Estates Property Line Adjustment
PA-18-003	Pre-Application regarding right-of-way vacation

Applicable Criteria

Medford Municipal Code §10.186(B). Criteria for an Exception

No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the plan authorization unless it finds

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

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

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

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

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

Corporate Names

Kyle Taylor is the Registered Agent and Manager for PDK Properties, LLC according to the Oregon Secretary of State Business Registry. Paul Schultz and is listed as a Member.

Scott Sinner is the Registered Agent and President for Scott Sinner Consulting, Inc. according to the Oregon Secretary of State Business Registry. Colleen Sinner is listed as the Secretary.

ISSUES AND ANALYSIS

Background

PUD-03-198: West Meadows Preliminary Planned Unit Development, including a zone change from County SR-2.5 (Suburban Residential – 2.5 acre minimum lot size) to SFR-10 on 2.62 acres and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) and tentative subdivision plat approval for 13-lots for West Meadows Village, a mixed-use planned unit development consisting of 5 single family lots, 5 duplex lots, 2 commercial lots and a multi-family lot with future intent to divide further.

The applicant received approval for the Final PUD Plan on November 11, 2011. With the approval of the Final PUD Plan for Phase 1, the applicant has five years from that date, November 11, 2016, to obtain approval of a Final PUD plan for a second phase to ensure the PUD zoning remains active. The Tentative Plat which was reviewed and approved concurrently with the PUD in 2008 received two extensions and expired on August 29, 2011. A revised Tentative Plat was submitted as part of LDS-15-118. The Tentative Plat was substantially consistent with the 2008 Preliminary Development Plan. However, there were some subtle changes from the Preliminary Plan, though none of the changes would raise the level of being significant in causing a Final PUD Plan to become inconsistent with the Preliminary PUD Plan. The date of the Final Order of Approval was February 11, 2016 with an Expiration date of February 11, 2021.

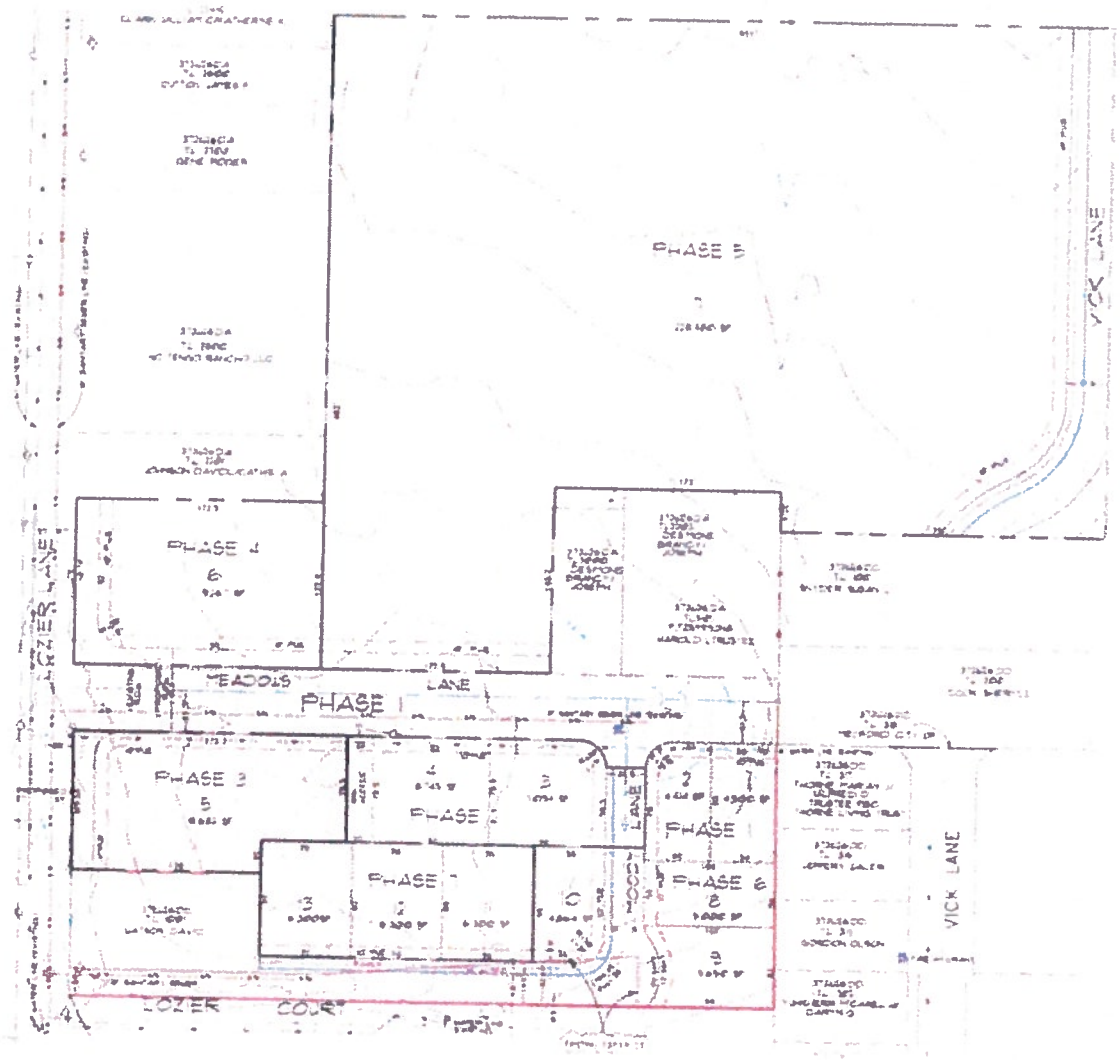


Figure 2 - LDS-15-118 Tentative Plat

Discussion & Analysis

Exception to Lot Depth

The applicant met with City staff as part of a pre-application meeting (PA-18-003) to discuss the best approach to solve the issue of parts of Lozier Court right-of-way encroaching into proposed Parcel 10 of West Meadows Village Subdivision. The conclusion of the pre-application conference was for the applicant to apply for an Exception to lot depth instead of applying for a right-of-way vacation permit with the City and Jackson County.

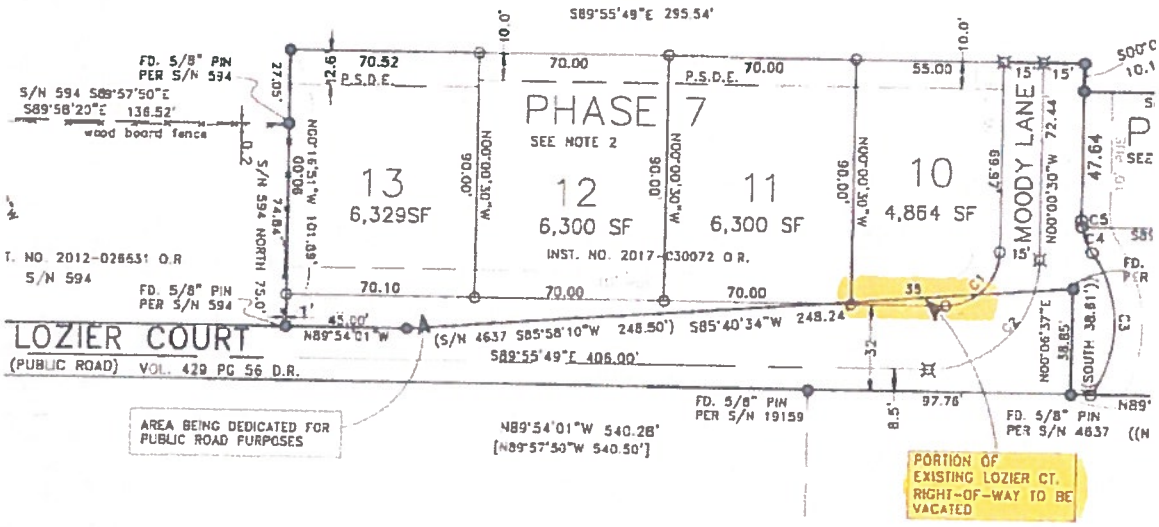


Figure 3 – Tentative Plat as approved per LDS-15-118

Figure 3, above, depicts the tentative plat as approved as part of Meadow Village Subdivision. The highlighted portion of the existing Lozier Court right-of-way was supposed to be vacated using the City's application process. However, uncertainty about to whom ownership of the parcel would ultimately revert back to and the lengthy process caused the applicant to apply for an Exception application outside the public right-of-way instead.

Figure 4, below, shows the proposed layout including this Exception request. The minimum lot depth for a detached single-family residential parcel in SFR-10 is 90 feet (MLDC 10.710); proposed is a lot depth of approximately 87.50 feet.

Table 1 - Detached Single-Family Dwelling Standards

	Minimum Lot Depth	Proposed Lot Depth
Lot 10	90 feet	87.50 feet

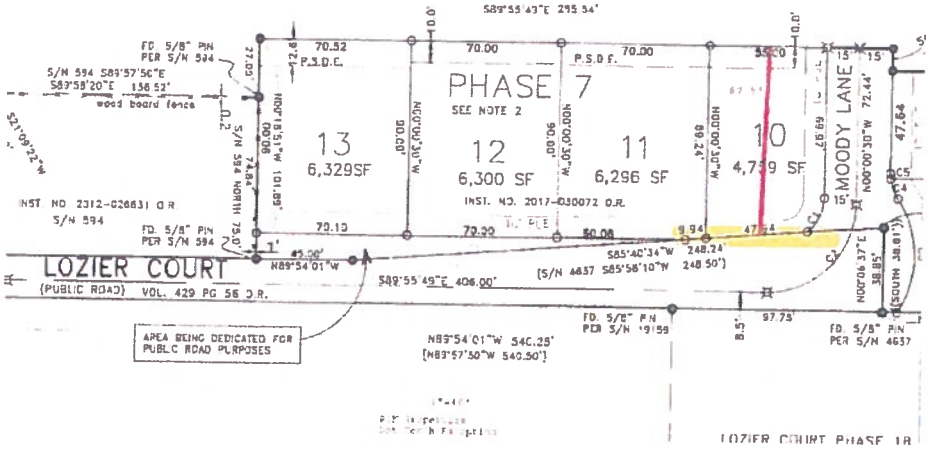


Figure 4 - Proposed new lot layout for Lot 10

The applicant stated that *the development of the lot would be as represented in the tentative plat with a standards radius corner. The smidgelet [sic] of property would be on the private side of the public sidewalk and would be incorporated in the landscaping of Lot 10 and would be maintained by the owner of the lot in the same manner of publicly owner plant strips in the current standards for development in the right-of-way.*

As mentioned by the applicant, Planning Department, Public Works, City Attorney, City Surveyor and the County Roads Department staff all are in support of this Exception request for lot depth instead of an application for right-of-way vacation.

<u>Agency Comments</u>

Jackson County Roads (Exhibit G)

Jackson County Roads confirms that Lozier Court is a local access road that is already under City jurisdiction.

FINDINGS AND CONCLUSIONS

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare the final order for E-18-137 per the staff report dated October 30, 2018, including Exhibits A through I.

EXHIBITS

A Site Plan, received September 21, 2018
B Assessor Map, received September 21, 2018
C Applicant's Findings of Fact and Conclusions, received September 21, 2018

D Public Works Department Staff Report, dated October 24, 2018
E Medford Water Commission Memo, dated October 24, 2018
F Medford Fire Department Land Development Report, dated October 24, 2018
G Jackson County Roads Memo, dated October 9, 2018
H E-mail Conversation between Applicant, City Surveyor and County Engineer
I Deed for Lozier Court right-of-way
Vicinity map

PLANNING COMMISSION AGENDA: **NOVEMBER 8, 2018**

NOVEMBER 29, 2018

32"W

S/N 22342

INST. NO. 2017-030071 O.R.

S89°55'49"E 295.54'

FD. 5/8" PIN PER S/N 594

S/N 594 S89°57'50"E

S89°58'20"E 136.52'

wood board fence

0.2

27.05'

12.9'

70.52 P.S.D.E.

10.0'

70.00

P.S.D.E. 70.00

55.00

10.0'

15' 15'

PHASE 7

SEE NOTE 2

13 6,329SF

12 6,300 SF

11 6,296 SF

10 4,759 SF

87.5'

10' PUE

MOODY LANE

N00°16'51"W 101.89'

00'06

S/N 594 NORTH 75.0'

74.84'

90.00'

N00°00'30"W

90.00'

N00°00'30"W

89.24'

N00°00'30"W

69.97'

N00°00'30"W 72.44'

47.64

C5

C4

15'

C1

C2

C3

NO. 2012-026631 O.R.

S/N 594

INST. NO. 2017-030072 O.R.

10' PUE

FD. 5/8" PIN PER S/N 594

70.10

70.00

60.08

9.94'

47.64

1'

45.00'

N89°54'01"W

S85°40'34"W 248.24'

(S/N 4637 S85°58'10"W 248.50')

S89°55'49"E 406.00'

N00°06'37"E 38.85'

(SOUTH 38.61')

LOZIER COURT

(PUBLIC ROAD) VOL. 429 PG 56 D.R.

FD. 5/8" PIN PER S/N 19159

8.5'

97.76'

FD. 5/8" PIN PER S/N 4637

AREA BEING DEDICATED FOR PUBLIC ROAD PURPOSES

N89°54'01"W 540.28'

[N89°57'50"W 540.50']

1"=40'

PDK Properties

Lot Depth Exception

LOZIER COURT PHASE 1B

S/N 19159

RECEIVED

SEP 21 2018

PLANNING DEPT

CITY OF MEDFORD

EXHIBIT # A

FILE # E-18-137

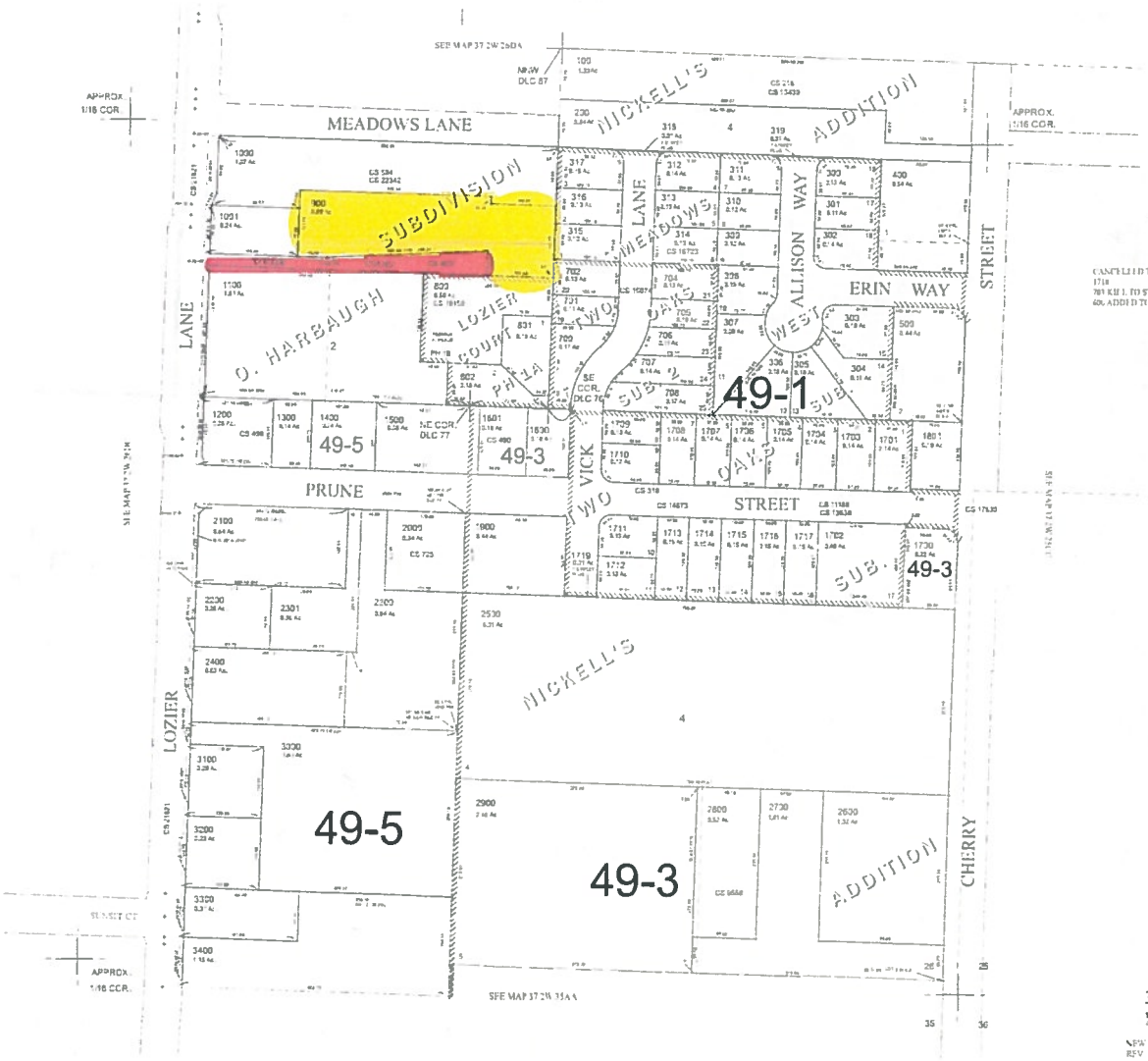
A

RECEIVED
SEP 21 20
PLANNING DEP

FOR ASSESSMENT AND TAXATION ONLY

S.E.1/4 S.E.1/4 SEC.26 T.37S. R.2W. W.M.
JACKSON COUNTY
1" = 100'

372W26DD
MEDFORD



372W26DD
MEDFORD

CITY OF MEDFORD
EXHIBIT # B
FILE # E-18-137

RECEIVED
SEP 21 2018
PLANNING DEPT

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

IN THE MATTER OF AN APPLICATION FOR A ZONE CHANGE FOR THE PROPERTY IDENTIFIED AS T372W26DD TAX LOT 900 PDK PROPERTIES OWNER/APPLICANT SCOTTSINNER CONSULTING, INC. AGENT	)))))	FINDING OF FACT AND CONCLUSIONS OF LAW

37. BACKGROUND INFORMATION

Applicant:

PDK Properties, LLC
Kyle Taylor
588 Parsons Dr Suite A
Medford, OR 97501
kyle@tayloredelements.com

Agent:

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

Property 1:

37 2W 26 DD TL 900
PDK Properties, LLC
Lozier Court
Medford, OR 97501
SFR-10 PUD current zoning
.9 net acres

Project Summary:

The subject property is a portion of Phase 6 and all of Phase 7 of the approved West View Village PUD. The PUD has also received a subdivision approval under LDS-15-118.

The approved plat for Phase 6 lot 8 indicates a very small triangle of the existing Lozier Court right of way included in the area of Lot 10 and Lot 11. The previous owner had intended to vacate this smidglet of property and include the area in the two lots. Lot 11 has 4 square feet and Lot 10 is 105 square feet of right of way.

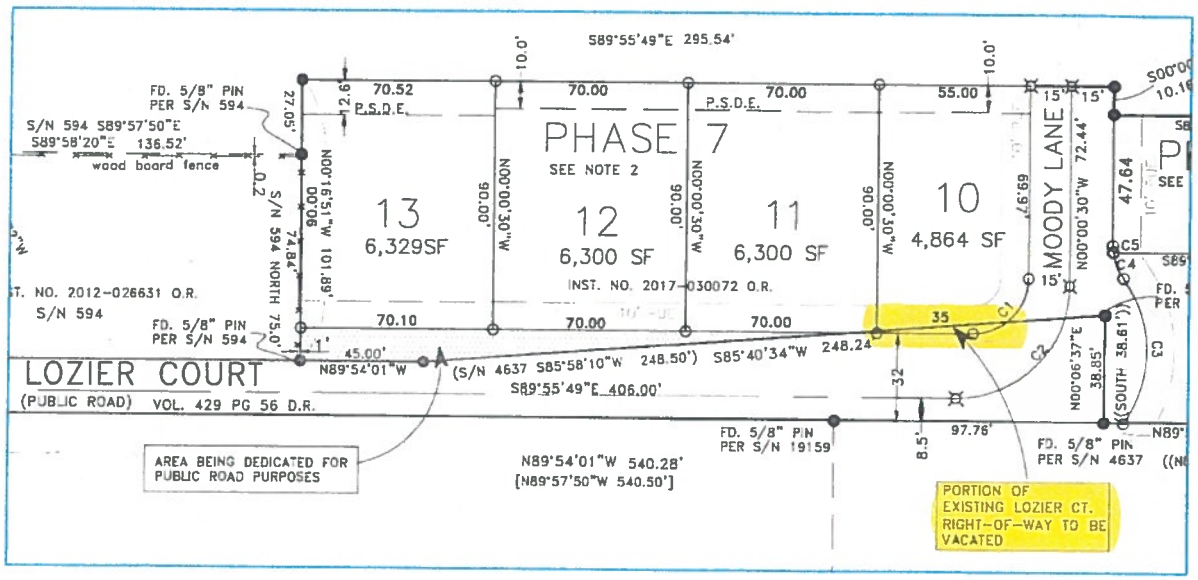
CITY OF MEDFORD
EXHIBIT # C
FILE # E-18-137

5

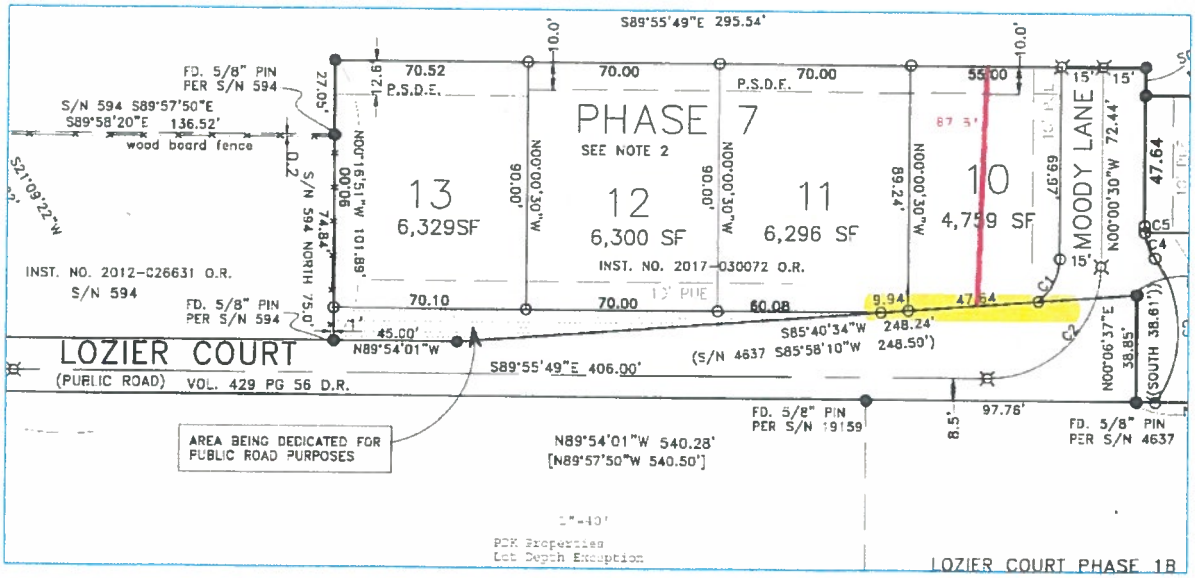
BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD:

The area of the two lots, after granting the relief of this exception request is 6,296 square feet for lot 11 and 4,759 square feet for Lot 10. This exception request is for the lot depth of Lot 10, Lot 11 does not require relief from the standard.

The current owner and applicant for this application, conducted a pre-application conference to review the City process. The conclusion of the pre application was the City and County Staff was a recommending an exception request for the lot depth of Lot 10 instead of processing a City and County vacation of right of way.



As Approved with LDS-15-118



As Proposed with Exception Request

The result of approving the requested relief would be indistinguishable from a typical public right of way development. The smidglet property will be at the back of sidewalk and will be incorporated into the landscape of Lot 10 and Lot 11.

The granting of the relief requested in this application would allow the lot depth of Lot 10 to be approximately 87.5 feet when measured as described in Medford Land Development Code section 10.012:

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

Approval Criteria:

The purpose of and the criteria for an exception is located in section 10.186 of the Medford Land Development Code (MLDC):

> *10.186 Exception*
>
> *(A) Exception, Purpose.*
> *The purpose of this section is to empower the approving authority to vary or adapt the strict application of the public improvement and site development standards as contained in Article III, Sections 10.349 through 10.361, and 10.370 through 10.385, as well as Articles IV and V of this chapter. Exceptions may be appropriate for reasons of:*
> *(1) exceptional narrowness or shape of a parcel; or*
> *(2) exceptional topographic conditions; or*
> *(3) extraordinary and exceptional building restrictions on a piece of property; or*
> *(4) if strict applications of the public improvement or site development standards in the above-referenced Articles would result in peculiar, exceptional, and undue hardship on the owner.*
>
> *(B) Criteria for an Exception.*
> *No exception, in the strict application of the provisions of this chapter, shall be granted by the approving authority having jurisdiction over the land use review unless it finds that all of the following criteria and standards are satisfied. The power to authorize an exception from the terms of this code shall be sparingly exercised. Findings must indicate that:*
> *(1) The granting of the exception shall be in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located, and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare or adjacent*

natural resources. The approving authority shall have the authority to impose conditions to assure that this criterion is met.

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

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

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

Findings of Fact:

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

The relief from the strict application of the Code requested with this exception application is relief from the lot depth standards for development in the SFR-10 zoning district as described in MLDC section 10.710 for detached Single family dwellings.

The minimum lot depth is 90 feet for single family detached development. Lot 10 was approved with a 90' lot depth and the smidglet of property was identified on the tentative plat as existing Lozier Court right of way. The intent at the time was to vacate this portion of right of way.

As an alternate to vacation of right of way to cure the encroachment, the staff of the Planning Department, Public Works, City Attorney, City Surveyor, and the

County Roads Department all recommend the submission of an exception request for lot depth instead of an application for vacation of right of way in both the City and the County. All stated the relief from an exception will allow for development as intended by the standards of the Code.

The legal lot depth with the relief of this exception would be 87.5 feet instead of 90 feet. The development of the lot would be as represented in the tentative plat with a standard radiused corner. The smidglet of property would be on the private side of the public sidewalk and would be incorporated in the landscaping of Lot 10 and would be maintained by the owner of the lot in the same manner of publicly owner plant strips in the current standards for development in rights of way.

The applicant is currently in the design development phase preparing construction documents for Lozier Court consistent with the approval for PDK Village on the southerly portion of Lozier Court. The resulting corner will be indistinguishable from a standard corner design as contained in the MLDE and the Transportation System Plan.

The requested relief will appear and function as a standard street corner and will not be injurious to the safety of the public in the City.

Conclusions of Law:

The Planning Commission can conclude the request in harmony with the general purpose and intent of the regulations imposed by this code for the zoning district in which the exception request is located and shall not be injurious to the general area or otherwise detrimental to the health, safety, and general welfare.

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

The relief requested in this application is for lot depth. The request is for a lot standard of a residential lot in the SFR-10 zoning district. Residential development in the SFR-10 zoning district is permitted and the granting of the relief of the lot depth standard will not create any other use that would not be allowed in the zoning district.

Conclusions of Law:

The Planning Commission can conclude the request will not establish a use that is not permitted in the sfr-10 zoning district.

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

The existing Lozier Court right of way is a piece of property deeded to Jackson County for right of way purposes. Typically, in development today, rights of way dedicated and not deeded to a jurisdiction. Additionally, the shape of the right of way is irregular and was originally described for some reason that is no longer appropriate for urban development.

Since Lozier Court is unimproved and deeded to Jackson County for right of way purposes, the County has the responsibility for the right of way. The right of way currently serves only one parcel and is unimproved. The City of Medford only assumes responsibility for public rights of way for new streets, when the streets are improved to current City standards.

The Planning Commission has approved land divisions that develop 70% of the north side of Lozier Court and 80% of the south side of the Lozier Court. The applicant is the owner of both properties and will be developing both project at the same time.

The relief requested affects this property only and is the least relief and impact necessary. The City and County staff recommended the exception process instead of a City and County vacation process. Not granting the exception would result in Lot 10 not complying with standards and would result in a potential redesign with reduced density resulting in a hardship to the owner.

Conclusions of Law:

The Planning Commission can conclude there are unique and unusual circumstances that apply to this site and do not generally apply in other areas of the City.

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

The need for the exception is not the result of an illegal act. The knowledge of the Code is not a factor in the decision to request the relief for the Lot depth. The

original deed conveyed to the County for right of way purposes dates to the 1940s. The requested relief applies to this property only.

The granting relief for the lot depth is the recommendation by Staff to allow the property to develop as approved in the Land Division application.

Conclusions of Law:

The Planning Commission can conclude the need for the exception is not a result of an illegal act or lack of knowledge of the Code. The strict application of the Code would be suffered on this property only.

Application Summary and Conclusion:

These finding of fact have demonstrated compliance with the Medford Land Development Code Section 10.186 for the approval of an exception from the strict application of the Code standards.

The request allows for residential development in a residential zoning district in harmony with the spirit and intent of the Code.

The request for relief will not allow a use that is permitted in the zoning district.

There are unusual circumstances specific to this property that are not typical in the City.

The request in not the result of an illegal act of lack of knowledge of the Code.

The requested relief provided by the exception process was the recommendation of the City Planning Staff, Public Works Staff, The City Surveyor, the City Attorney's office and the representative of Jackson County Roads.

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

Scott Sinner
Scott Sinner Consulting, Inc.

Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 10/24/2018
File Number: E-18-137

PUBLIC WORKS DEPARTMENT STAFF REPORT

Exception to the Lot Depth Requirement
West View Village Subdivision

Project: Consideration of a request for an Exception to the lot depth requirement for Lot 10 of Phase 7 of West View Village Subdivision.

Location: 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).

Applicant: Applicant, PDK Properties; Agent, Scott Sinner Consulting; Planner, Steffen Roennfeldt.

Public Works has no comments on the proposed Exception request.

Prepared by: Jodi K Cope
Reviewed by: Doug Burroughs

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

CITY OF MEDFORD
EXHIBIT
File # E-18-137

Memo

To: Steffen Roennfeldt, Planning Department

From: Mary Montague, Building Department

CC: PDK Properties, Applicant; Scott Sinner Consulting, Applicant

Date: October 24, 2018

Re: E-18-137; PDK Properties

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 Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.

3. No Comments to Exception

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

Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 10/11/2018
Meeting Date: 10/24/2018

LD #: E18137

Planner: Steffen Roennfeldt

Applicant: PDK Properties, Agent: Scott Sinner Consulting

Site Name: West View Village Subdivision

Project Location: Located north of Lozier Court, approximately 300 feet east of Lozier Lane

ProjectDescription: Consideration of a request for an Exception to the lot depth requirement for Lot 10 of Phase 7 of West View Village Subdivision

Specific Development Requirements for Access & Water Supply

Conditions

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

Construction General Information/Requirements

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

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

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

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

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

www.medfordfirerescue.org

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

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 9, 2018

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

RE: An exception for lot depth in the subdivision corner of Lozier Lane – a county maintained road and Lozier Court – a city maintain road
Planning File: E-18-137

Dear Steffen:

Thank you for the opportunity to comment on consideration of a request for an exception to the lot depth requirement for Lot 10 of Phase 7 of the West View Village Subdivision on approximately 0.90 acre located northeast of the intersection of Lozier Lane and Lozier Court within SFR-10 (Single-Family Residential – six to ten dwelling units per gross acre) zoning district in southwest Medford, (37-2W-26DD TL 900). Jackson County Roads has the following comments:

1. Lozier Lane is currently a County maintained Minor Collector road with variable right-of-way.

2. Jackson County's General Administration Policy #1-45 sets forth the County's position as it relates to the management of County roads located within existing or proposed city limits or Urban Growth Boundaries (UGB). Lozier Lane is currently under reconstruction and pending a jurisdictional transfer.

3. Lozier Lane's Average Daily Traffic Count was 9,200 on the City of Medford's 2016 Traffic Volumes Map.

4. According to our records, Lozier Court at the section in front of the subject property is a local access road within the City Limits of Medford, and as per ORS 368.031, not under the jurisdiction of Jackson County.

5. Any new or improved road approaches off either Lozier Lane or Lozier Court shall be permitted and inspected by the City of Medford.

6. We concur with any right-of-way dedications.

7. If frontage improvements are required on either Lozier Lane or Lozier Court, they shall be permitted and inspected by the City of Medford.

8. The applicant shall submit construction plans to Jackson County Roads, so we may determine if county permits will be required.

9. We would like to be notified of future development proposals, as county permits may be required.

10. Storm water should meet City of Medford requirements that also include water quality.

11. Jackson County Roads would like to review and comment on the hydraulic report including the calculations and drainage plan. Capacity improvements or on site detention, if necessary, shall be installed at the expense of the applicant. Upon completion of the project, the developer's engineer shall certify that construction of the drainage system was constructed per plan and a copy of the certification shall be sent to Jackson County Roads.

12. Please note that there are drainage problems in this area and the City of Medford maintains the storm water system.

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

Sincerely,

Chuck DeJanvier
Construction Engineer

Message Key: 000314499F84F6261322D7B8C849BD77881D5CF8

Cryoserver™

From: "Kelly A. Akin"
To: "Steffen K. Roennfeldt"
Subject: FW: Pre app Lozier Court partial vacation
Date: Thursday, February 15, 2018 17:20 PST

Attachments:

File Name	Message Key
1249_001.pdf (460.6 KB)	5A0483F993E8DB72E1927DBBBB66DFF0

From: scottsinner@yahoo.com [mailto:scottsinner@yahoo.com]
Sent: Thursday, February 15, 2018 2:46 PM
To: Kelly A. Akin
Subject: FW: Pre app Lozier Court partial vacation

Kelly,

Here is the deed for the Lozier Court ROW

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

From: Steffen K. Roennfeldt [mailto:Steffen.Roennfeldt@cityofmedford.org]
Sent: Thursday, February 15, 2018 2:42 PM
To: 'Scott Sinner' <scottsinner@yahoo.com>
Subject: FW: Pre app Lozier Court partial vacation

This one?

From: Mike Kuntz [mailto:KuntzM@jacksoncounty.org]
Sent: Wednesday, February 7, 2018 11:11 AM
To: Jon M. Proud <Jon.Proud@cityofmedford.org>; Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>
Cc: Scott Fein <FeinSD@jacksoncounty.org>; Lori J. Cooper <Lori.Cooper@cityofmedford.org>; Douglas E. Burroughs <Douglas.Burroughs@cityofmedford.org>; Bill Johnson <JohnsoWH@jacksoncounty.org>; Alex T. Georgevitch <Alex.Georgevitch@cityofmedford.org>
Subject: RE: Pre app Lozier Court partial vacation

Jon,

Thanks for starting this discussion. I've attached the deed, which clearly states it is fee conveyed to Jackson County, Oregon. Since this is a local access road inside city limits the County cannot exercise jurisdiction over the road (ORS 368.031). As such, County does not have to vacate. However, since it is in fee, any vacated road would vacate to Jackson County ownership. Then, presumably, County would sell vacated property to developer at market rate.

I see a couple of alternatives to this. One is to alter the design such that vacation is not required (suggestion 1 below). Another would be for City to ask County to quit claim the r/w to City. If the City were to make such a request, the Road Department would recommend the Board of Commissioners approve the quit claim. However, the final decision by the Board is fully discretionary so I cannot guarantee what they would do. If the property were quitclaimed, it would then be entirely up to the City how to proceed. The County would be out of it. I personally like the latter option, but will work with any.

Mike

From: Jon M. Proud [mailto:Jon.Proud@cityofmedford.org]
Sent: Tuesday, February 06, 2018 11:48 AM
To: Steffen K. Roennfeldt <Steffen.Roennfeldt@cityofmedford.org>
Cc: Scott Fein <FeinSD@jacksoncounty.org>; Mike Kuntz <KuntzM@jacksoncounty.org>; Lori J. Cooper <Lori.Cooper@cityofmedford.org>; Douglas E. Burroughs <Douglas.Burroughs@cityofmedford.org>; Bill Johnson <JohnsoWH@jacksoncounty.org>
Subject: EXT: Pre app Lozier Court partial vacation

Steffen, the applicant is wise in doing due diligence on the r/w of Lozier Court. From experience we know that encumbrances on property can be a real issue when developing property. Although this partial vacation is small and seemingly insignificant it could become an issue at time of platting.

CITY OF MEDFORD
File # E18-137

I am forwarding my comments to others on the list not to create a debate at this time but make them aware of my comments based on information available at this time.

It is my understanding that the vacation process function is to remove the public's interest in the land used as a public road. The title vests as a matter of law per ORS 271.140 and is not determined through the vacation process (might be different in county section of ORS). I am assuming that the only document creating this road is as recorded in JCOR vol 429 page 56 (attached), and this document is very ambiguous as to if the document is a dedication, or fee title transfer. I would think the applicant would want to work with a title company with clearing the title of the area to be vacated, since in our accepted system of land title we have chosen to use title insurance companies to insure ownership of land. In the end the applicant wants to know that he has clear title to the area that the public's interest was removed from through the vacation process and the title insurance company is the entity that does this. It should also be noted there is no "acceptance" from the county or city on the document as now required by law. I am not sure if acceptance was required by law when this road was created, and how this affects the vacation process. (if the road was never acceptance by the county or city, is the road public (?))

The following are specific answers to questions asked by applicant in planning file # PA-18-003.

1. Alternate to vacation, leave the r/w as is. Create an angle point in north r/w and non-concentric curve transitioning to Moody from Lozier.

2. Planning question.

3. Possibly, deed Vol. 429, page 56 states, "given, granted, bargain, sold and conveyed unto Jackson County"…."and to the general public" …."fee title of the following described land shall vest in said County or Public…." Many ambiguities in the document. No one answer to the question, maybe vacation with city and quitclaim deed from the county to cover all bases (?)

4. See 3 above.

5. Planning question.

6. Planning

7. I am commenting as city surveyor.

8. See 3 above. The city does not determine ownership during the vacation process, that is a matter of law (ORS 271.140) I suggest working with your Land Surveyor and qualified land title person. Ultimately the title company is going to insure title on the property and they are going to have to determine clear title in order to insure.

9. See 8 above

10, 11 and 12. are Planning questions.

If a vacation process is initiated more facts and information may be presented that alters my comments above, but hopefully they are helpful in determining future decision making.

Thanks, Jon

Jon Proud, L.S.
City Surveyor
200 S. Ivy Street
Medford, Or. 97501
jon.proud@ci.medford.or.us
p.541-774-2126
f.541-774-2552

KNOW ALL MEN BY THESE PRESENTS, that we, C. F. Hoppe and Lucile Hoppe, husband and wife, of Jackson County, Oregon, for and in consideration of the benefit accruing and to accrue to us and to the public from the establishment of a public road through our lands, do hereby give, grant, bargain, sell and convey unto Jackson County, Oregon, a political subdivision of the State of Oregon, its successors or assigns, and to the general public, a right of way hereinafter described over and across the lands of the undersigned for a public road, it being our intention that the fee title of the following described land shall vest in said County or in the public, subject to the use of ourselves and the public to use the same for all road purposes, including electric power rights of way, sewer rights of way and water rights of way. The land herein conveyed is described as follows, to-wit:

7/7/56

Commencing at the Southeast corner of D.L.C. #76, Township 37 South of Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence North 89° 59' 30" West 121 feet to the Northeast corner of D.L.C. #77; thence North 89° 57' 30" West 412.47 feet to the East line of Lozier Lane; thence North on the East line of Lozier Lane 201.90 feet to the true point of beginning; thence North on the East line of Lozier Lane 19.7 feet; thence South 89° 57' 50" East 190 feet; thence North 85° 38' 10" East 248.50 feet; thence South 37.5 feet, more or less, to a point lying South 89° 57' 50" East of the true point of beginning; thence North 89° 57' 50" West 438.50 feet, more or less, to the true point of beginning.

TO HAVE AND TO HOLD the same by the said Jackson County, Oregon, and the general public for the uses and purposes aforesaid forever.

IN WITNESS WHEREOF, we have hereunto affixed our hands and seals all on this 7 day of July, 1956.

C. F. Hoppe SEAL

Lucile Hoppe SEAL

ROBERTS, KELLINGTON & BRANCHFIELD
LAWYERS
UNITED STATES NATIONAL BANK BLDG.
MEDFORD, OREGON

Deed-1-

410015

Vol. 429 Page 57

State of Oregon)
) ss.
County of Jackson)

On this the 7th day of July, 1956, before me, the undersigned officer, personally appeared C. F. Hoppe and Lucile Hoppe, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

G. W. Kellington

Notary Public for Oregon
My commission expires Sept. 24, 1958.

NOTARY PUBLIC OF OREGON

State of Oregon, County of Jackson-SS.
The within instrument received and filed at 3:20 o'clock p. m. the 11 day of July 1956 recorded in Deed Records for Jackson County, Oregon. Beverly R. Hodson County Clerk.
By Grace Bell Deputy

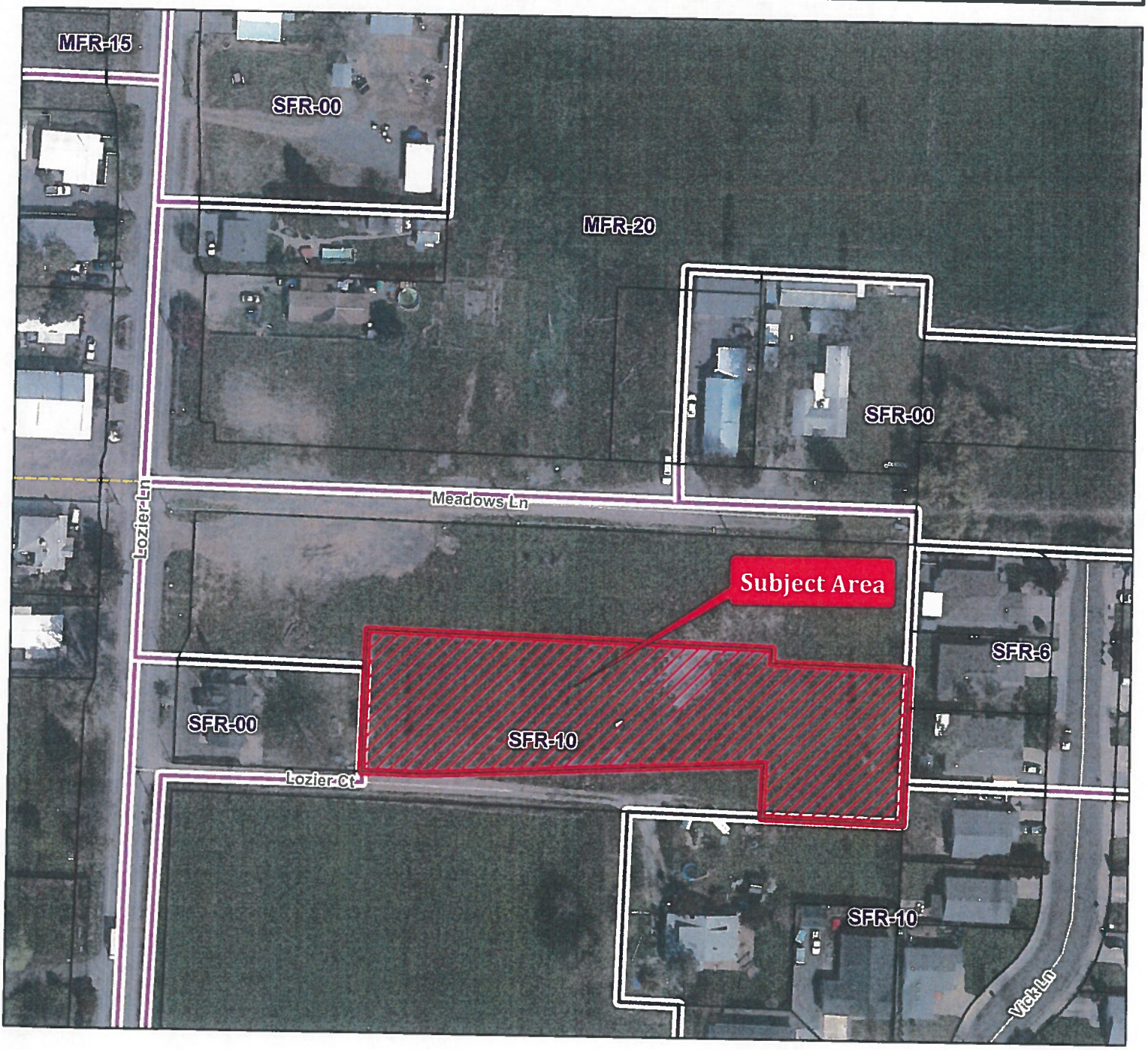
ROBERTS, KELLINGTON & BRANCHFIELD
LAWYERS
UNITED STATES NATIONAL BANK BLDG.
MEDFORD, OREGON

Deed-2-

City of Medford
Planning Department

Vicinity Map

File Number:
E-18-137



Project Name:

Lozier Court Exception

Map/Taxlot:

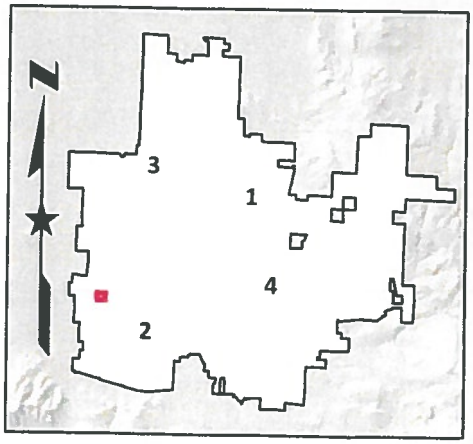
372W26DD TL 900

0 75 150 Feet

10/04/2018

Legend

- Subject Area
- Zoning Districts
- Tax Lots



STAFF REPORT

for a Type III and Type IV quasi-judicial and legislative decision: **Zone Change and Minor Comprehensive Plan (General Land Use Plan Map) Amendment**

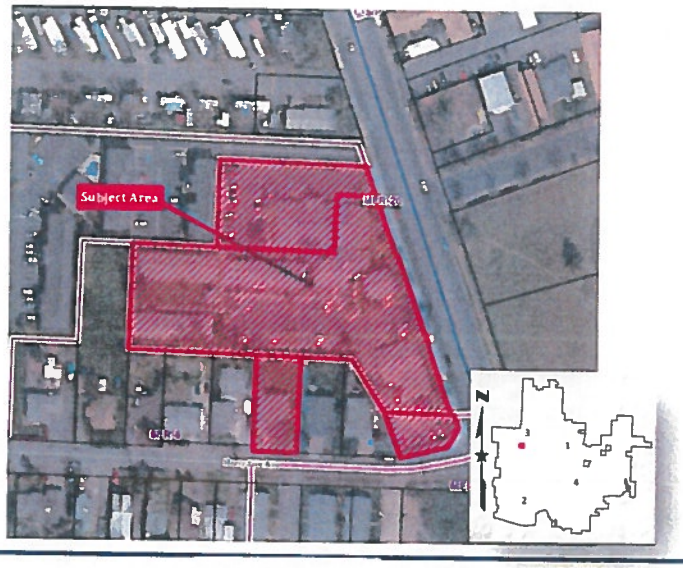
Project	Housing Authority of Jackson County Applicant: Housing Authority of Jackson County; Agent: Scott Sinner Consulting, Inc.
File no.	ZC-18-132 CP-18-133
To	Planning Commission *for 11/29/2018 hearing*
From	Steffen Roennfeldt, Planner III
Reviewer	Kelly Evans, Assistant Planning Director
Date	November 16, 2018

BACKGROUND

Proposal

Concurrent consideration of a Minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land, totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC); and a change of zone of the subject parcels from SFR-6 (Single-Family Residential – 4 to 6 dwelling units per gross acre) and MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W13CA 2400, 4903, 4904 & 5000).

Vicinity Map



Subject Site Characteristics

Zoning	SFR-6	Single Family Residential – 4 to 6 dwelling units per gross acre
	MFR-20	Multiple Family Residential – 15 to 20 dwelling units per gross acre
GLUP	UH	Urban High Density Residential
Use	Offices for the Housing Authority of Jackson County Multiple multi-family dwelling units	

Surrounding Site Characteristics

North	Zone:	MFR-20 & MFR-30 (Multiple Family Residential – 20 to 30 dwelling units per gross acre)
	Use:	Multiple multi-family residential dwelling units
South	Zone:	SFR-6
	Use:	Detached single-family residential
East	Zone:	MFR-20
	Use:	Vacant & detached single-family residential
West	Zone:	SFR-6 & MFR-30
	Use:	detached single-family residential & attached multi-family residential

Related Projects

CUP-95-017	Housing Authority of Jackson County; 4,000 square foot office building.
CUP-02-084	Housing Authority Office Expansion – Revision to a Conditional Use Permit to allow a 2,930 square-foot addition to an office building.
AC-02-101	Housing Authority Office Expansion Site Design Review
CUP-09-100	Revision to an existing CUP to allow for the conversion of an existing duplex to office space together with the addition of a vestibule as part of the Housing Authority of Jackson County facility.
PA-13-125	Pre-Application conference regarding conceptual plans for a CUP regarding the conversion of a duplex to an office and the paving of a parking area.

Applicable Criteria

ZONE CHANGE APPROVAL CRITERIA – MEDFORD LAND DEVELOPMENT CODE SECTION 10.204

*The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation and noted by ***.*

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

***

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

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

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

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

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

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

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

b. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be Identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

(i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

MINOR COMPREHENSIVE PLAN AMENDMENT CRITERIA – MEDFORD LAND DEVELOPMENT CODE SECTION 10.222

For the applicable criteria the Medford Land Development Code (MLDC) 10.222(B) redirects to the Review and Amendment section of the Comprehensive Plan. The applicable criteria in this action are those for map amendments, and are based on the following:

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

Corporate Names

Scott Sinner is the Registered Agent and President for Scott Sinner Consulting, Inc. according to the Oregon Secretary of State Business Registry. Colleen Sinner is listed as the Secretary.

Authority

The Planning Commission is designated as the approving authority for Type III land use actions involving zone changes. The subject application also includes a Type IV legislative Comprehensive Plan amendment. The Planning Commission is authorized to act as an advisory agency, forwarding a recommendation to City Council for proposed amendments to the Comprehensive Plan.

ISSUES AND ANALYSIS

Project Summary

Figure 1 depicts the subject site with its current zoning designations. Proposed is a zone change from SFR-6 (Tax Lots 4904 and 5000) and MFR-20 (Tax Lots 2400 and 4903) to C-S/P (Service Commercial and Professional Offices).

Figure 1: Current Zoning

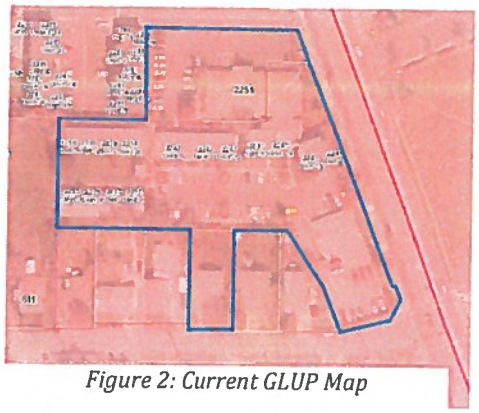


Figure 2: Current GLUP Map

Also proposed is a General Land Use Plan (GLUP) map designation change from UH (Urban High Density Residential) to SC (Service Commercial). The current General Land Use Plan designation map is shown in Figure 2.

The Housing Authority of Jackson County has been operating under various Conditional Use Permits at the subject site for over 20 years. In 2002, with an amendment in 2009, the Housing Authority began its operational activities at the site.

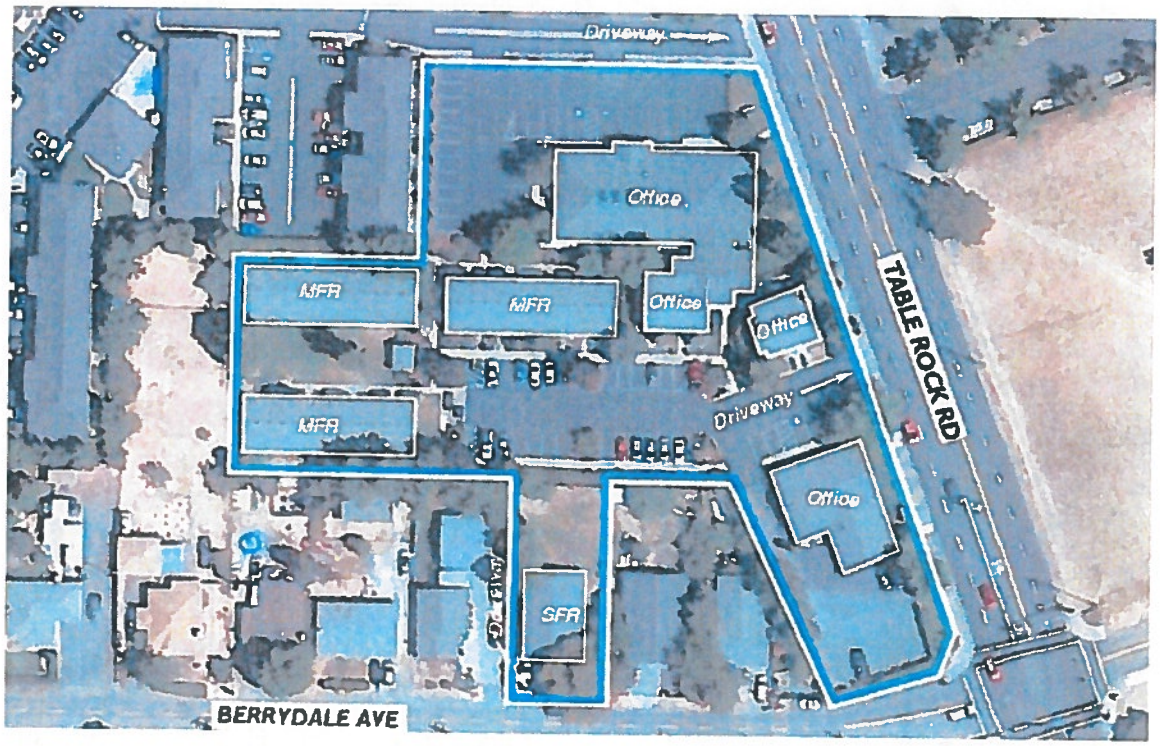


Figure 3: Current Layout and Uses

Changing the zone from Single- and Multi-Family Residential to Service Commercial and Professional Office and concurrently changing the GLUP Map to operate the existing office and multi-family units as outright permitted uses instead of conditional uses subject to the terms of a Conditional Use Permit. With the new zoning, the applicant will be able to avoid amendments to the CUP every time there is a change in business operations.

		C-S/P	C-N	C-C	C-R	C-H	I-L	I-G	I-H
001	Business Offices, nec - no material or equipment storage	P	P	P	P	P	P	X	X

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 building permits for construction. The Public Works Report (Exhibit G) states that changing the proposed zoning to C-S/P has the potential to increase flows to the sanitary sewer system. This is because C-S/P zoning also allows for the construction of dwelling units to the dwelling standards established for housing within the MFR-30 (Multiple Family Residential – 20 to 30 dwelling units per gross acre) standard.

The downstream sanitary sewer system currently has capacity constraints. Based on this information, the Public Works Department recommends one of four options: the zone change be denied, the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change. The applicant does not propose any construction work to be done as part of this application.

There are no known issues regarding transportation, storm drainage or water facilities for the subject area.

Restricted Zoning

Based on the sewer system capacity issued and MLDC 10.204(3)(c)(i), the Commission can implement a restriction of uses by type or intensity. The applicant stated that he requested Comprehensive Plan Amendment and Zone Change application will not impact the sewer capacity issues at this time which was confirmed in an e-mail by the City's Utilities Engineer (Exhibit Q).

The restricted zoning applies to the zone change only.

FINDINGS AND CONCLUSIONS

Applicable Criteria – Minor Comprehensive Plan Amendment

For the applicable criteria for Minor Comprehensive Plan Amendments, MLDC Section 10.222(B) redirects to the criteria in the "Review and Amendments" chapter of the Comprehensive Plan. The applicable criteria in this action are those for map amendments. The criteria are set in *italics* below, findings and conclusions are in Roman type.

Comprehensive Plan, Review and Amendments chapter: Amendments [to Map Designations] shall be based on the following [criteria 1-7]:

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

   Findings:

   The City recently completed an Urban Growth Boundary amendment which addressed future land needs of all types. The subject proposal includes less than 2.5 acres and would create only minimal changes resulting in an insignificant difference of residential and commercial inventories.

   Conclusions:

   The proposed change is consistent with pertinent Comprehensive Plan policies and implementation strategies that seek to provide an adequate supply of commercial land.

2. *Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.*

   Findings:

   The Economic Element of the Comprehensive Plan identifies a projected need for Service Commercial land to provide employment opportunities. While the proposal is quite small in size and the changes would be minimal, it does provide an opportunity to provide a greater mix of uses. In addition, Service Commercial and Professional Offices zoned land outright permits residential density up to 30 dwelling units per gross acre which will be an increase in permitted density from 6 single-family and 20 multi-family dwelling units per gross acre.

   Conclusions:

   The proposal responds to a demonstrated need for adequate employment opportunities. The subject property's location near a major arterial, in close proximity to the North Medford I-5 Interchange and the Rogue Valley International Airport highlights the appropriateness of the SC (Service Commercial) designation.

3. *The orderly and economic provision of key public facilities.*

   Findings:

   Transportation, water, and sewer utilities are available to the site and are adequate to serve the changes without upgrading the facilities. A Traffic Impact Analysis (TIA) was included with this application. The conclusion of the analysis stated that *'the proposed comprehensive plan map amendment and concurrent zone change can be approved without significantly affecting any existing or planned transportation facility nor result in types of levels of travel or access that are inconsistent with the functional classification of any existing or planned transportation facility such that it would not meet the performance standard identified in the City's TSP or Comprehensive Plan.'*

Conclusions:

Public Works concurs with the report and levies no conditions of approval regarding facility adequacy. Sufficient facilities exist to accommodate the proposed classification change.

4. *Maximum efficiency of land uses within the current urbanizable area.*

Findings:

The Service Commercial GLUP designation allows for high-density residential in addition to permitted commercial uses. A change would allow the applicant to expand the current offices on site and would also not eliminate possible high-density residential use of the site.

Conclusions:

A designation change would mean the land could be used for both service commercial and high density residential uses.

5. *Environmental, energy, economic, and social consequences.*

Findings:

Environmental: The subject site is already within the UGB, thus has already met the test concerning environmental impact.

Energy: There are no energy consequences.

Economic: By addressing an employment land deficit, there is an economic benefit. Change of designation will also allow for the applicant to more efficiently manage their portfolio of dwelling units.

Social: The General Land Use Plan Element of the Comprehensive Plan states that the Service Commercial designation may be located adjacent to residential designations. Also, retaining the offices in the current location will have a positive social impact for clients. The location is also located adjacent to a RVTD bus stop and bus route.

Conclusions:

Environmental: Since the subject property is not in a natural state and has long been identified for urban development, there will be no adverse environmental impacts.

Energy: There are no energy consequences.

Economic: By addressing an employment land deficit, there is an economic benefit.

Social: The Service Commercial designation is appropriately located adjacent to the Urban High Density Residential designation.

6. *Compatibility of the proposed change with other elements of the City Comprehensive Plan.*

Findings:

Policy 1-5: The City of Medford shall assure that adequate commercial and industrial lands are available to accommodate the types and amount of economic development needed to support the anticipated growth in employment in the City of Medford and the region.

Implementation 1-5-b: Reduce projected deficits in employment lands by changing GLUP Map designations with the existing Urban Growth Boundary.

Conclusions:

This proposed change does supply a small amount of the projected need for Service Commercial land.

7. *All applicable Statewide Planning Goals.*

Goal 1 – Citizen Involvement

Findings:

Goal 1 requires the City to have a citizen involvement program that sets the procedures by which affected citizens will be involved in the land use decision process, including participation in the quasi-judicial revision of the Comprehensive Plan. The City of Medford has an established citizen-involvement program consistent with Goal 1 that includes public review of proposed Comprehensive Plan amendments by the Planning Commission and City Council.

Conclusions:

By following the standard notification and comment procedure, the City provided adequate opportunities for citizen input.

Goal 2 – Land Use Planning

Findings:

The City has a land use planning process and policy framework in the form of a Comprehensive Plan and development regulations in Chapter 10 of the Municipal Code that comply with Goal 2. These are the bases for decisions and actions.

Conclusions:

There is an adequate factual basis for the proposed designation change.

Goal 3 – Agricultural Lands - does not apply

Goal 4 – Forest Lands – does not apply

Goal 5 – Natural Resources, Scenic & Historic Areas and Open Spaces – does not apply

Goal 6 – Air, Water, and Land Resources Quality

Findings:

The allowable uses in the Service Commercial designation do not generally produce discharges that are notably different from allowed uses in the Urban High Density Residential designation. There are no streams on the property that would be impacted. The land in question is not classified as a resource in terms of agriculture because it is classified as urbanizable.

Conclusions:

The proposed change will have no discernable effect on the production of pollutants. There are no water or land resource quality impacts.

Goal 7 – Areas Subject to Natural Hazards – does not apply

Goal 8 – Recreation Needs – does not apply

Goal 9 – Economic Development

Findings:

Goal 9 outlines that Comprehensive Plans shall "provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies."

Conclusions

Service Commercial allows for both commercial and high density residential uses. There is a benefit in retaining a housing potential on the subject property.

Goal 10 – Housing

Findings:

The goal requires that "plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density." The proposed change would partially remove the potential for a definite number of low-density housing units and replace it with a potential for a greater number of high-density housing units.

Conclusions:

There is a benefit in retaining a housing potential on the subject property.

Goal 11 – Public Facilities and Services

Findings:

Refer to findings under Criterion 3, above.

Conclusions:

Refer to conclusions under Criterion 3, above.

Goal 12 – Transportation

Findings:

The "Transportation Planning Rule" (OAR 660-012) requires cities to have plans to accommodate anticipated transportation system needs. A traffic impact analysis was provided with this proposal and the corresponding zone change.

Conclusions:

The submitted traffic impact analysis states that the potential development associated with the proposed GLUP designation change and subsequent zone change would generate 1,180 Average Daily Trips (ADT), which is 410 ADT more than they are currently generating. The report states that no higher order intersections will be significantly impacted by the 41 additional PM peak hour trips the property could potentially generate. The traffic engineering division of the Public Works Department has reviewed the analysis and concluded that the proposed changes and corresponding trip generation would not significantly impact the surrounding system facilities.

Goal 13 – Energy Conservation – does not apply

Goal 14 – Urbanization – does not apply

Goals 15 to 19 – do not apply to this part of the State

Applicable Criteria – Zone Change

Zone Change Approval Criteria are provided in MLDC Section 10.204(B). The applicable criteria are set in *italics*; findings and conclusions are in roman type. The zone change criteria that are not relevant to this particular application are hereby omitted from the following citation and noted by ***.

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

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

Findings:

The proposed minor Comprehensive Plan amendment (changing the GLUP map designation from UH to SC) results in the proposed zone change being consistent with the GLUP map.

A traffic impact analysis has been provided, reviewed, and approved by the Public Works Department. It was deemed to be consistent with the Transportation System Plan and no conditions of approval were required.

Conclusions:

The approval of the GLUP map designation for the subject property from UH to SC results in the proposed zone change being consistent with the GLUP map. It has been adequately demonstrated that the proposed zone change is consistent with the TSP.

***

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

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

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

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

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

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

a. the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the

State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or

b. an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432. The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

(i) Restricted Zoning is a restriction of uses by type or intensity. In cases where such a restriction is proposed, the Planning Commission must find that the resulting development pattern will not preclude future development, or intensification of development on the subject property or adjacent parcels. In no case shall residential densities be approved that do not meet minimum density standards;

(ii) Mixed-use, pedestrian-friendly design which qualifies for the trip reduction percentage allowed by the Transportation Planning Rule;

(iii) Transportation Demand Management (TDM) measures which can be reasonably quantified, monitored, and enforced, such as mandatory car/van pools.

Findings:

The proposed zone change has been reviewed for facility adequacy by the appropriate City departments and outside agencies. Reports from the Public Works Department and Medford Water Commission indicate adequate capacity in all Category A services and facilities except for sanitary sewer. See 'Facility Adequacy' and 'Restricted Zoning' above for more information.

Conclusions:

The Category A services and facilities, including storm drain, water, and streets have adequate capacity to support the proposed zone change. By stipulating to one option as proposed in the Public Works Staff Report (Exhibit G), Sanitary Sewer can be found to have adequate capacity, as well.

RECOMMENDED ACTION

Minor Comprehensive Plan (GLUP Map) Amendment

Forward a favorable recommendation for approval of CP-18-133 to the City Council per the staff report dated November 16, 2018, including Exhibits A through R.

Zone Change

Adopt the findings as recommended by staff and direct staff to prepare a Final Order for approval per the staff report dated November 16, 2018, including Exhibits A through R, provided the City Council approves the GLUP amendment.

City Council hearing scheduled for December 20, 2018.

EXHIBITS

A Conditions of Approval, dated November 16, 2018
B Tract Map, received September 17, 2018
C Subject Site Assessor Map, received September 17, 2018
D General Land Use Plan Map Excerpt, received September 17, 2018
E Applicant's Findings of Fact re: Comprehensive Plan Amendment, received September 17, 2018
F Applicant's Findings of Fact re: Zone Change, received September 17, 2018
G Public Works Staff Report, dated October 31, 2018
H Medford Water Commission Memo, revised November 9, 2018
I Fire Department Report, dated October 31, 2018
J Building Department Memo, dated October 29, 2018
K Jackson County Roads Memo, received October 19, 2018
L Traffic Impact Analysis Scoping Letter, dated September 10, 2018
M Public Works Memo re: Traffic Impact Analysis, dated September 25, 2018
N Traffic Impact Analysis Summary and Conclusion, received September 17, 2018
O Legal Description, received September 17, 2018
P City Surveyor Memo, dated October 25, 2018
Q E-Mail from Scott Sinner re: Sewer Constraints, received November 15, 2018
R 'Lawfully Created Parcels' letter from J. Hibbs, received November 15, 2018
Vicinity map

PLANNING COMMISSION AGENDA: NOVEMBER 29, 2018

EXHIBIT A

Jackson County Housing Authority
ZC-18-132 & CP-18-133
Conditions of Approval
November 16, 2018

CODE REQUIRED CONDITIONS (Zone Change only)

1. The change of zone (ZC-18-132) shall be effective upon City Council approval of the General Land Use Plan (GLUP) map amendment (CP-18-133).

2. The applicant shall comply with all requirements of the Public Works Report (Exhibit G).

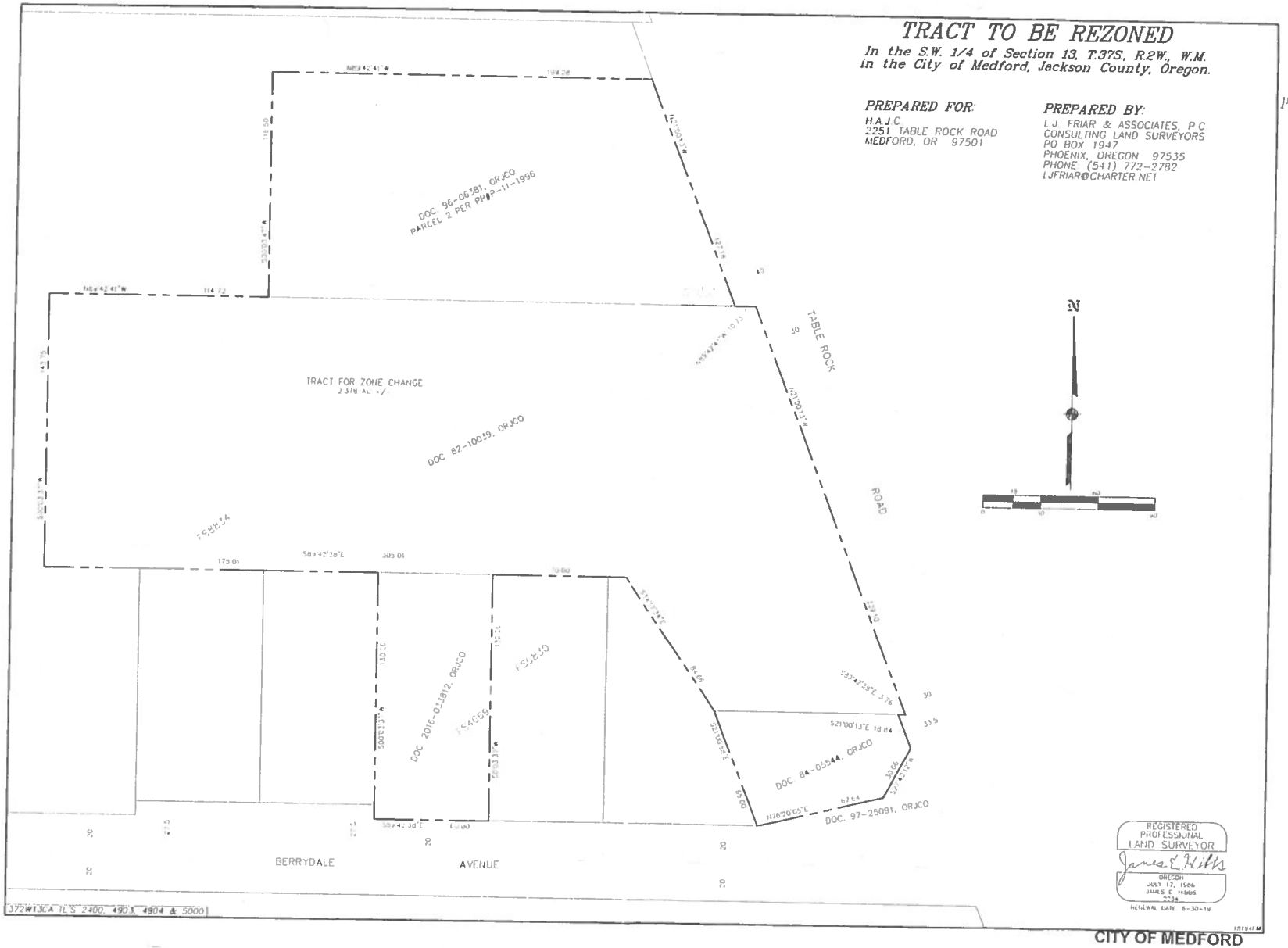
3. The Restricted Zoning Overlay shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department within 30 days of the zone change becoming effective.

TRACT TO BE REZONED

In the S.W. 1/4 of Section 13, T.37S., R.2W., W.M. in the City of Medford, Jackson County, Oregon.

PREPARED FOR:
H A J C
2251 TABLE ROCK ROAD
MEDFORD, OR 97501

PREPARED BY:
L.J. FRIAR & ASSOCIATES, P.C.
CONSULTING LAND SURVEYORS
PO BOX 1947
PHOENIX, OREGON 97535
PHONE (541) 772-2782
LJFRIAR@CHARTER.NET



REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
2234
RENEWAL DATE 6-30-19

RECEIVED
SEP 17 2019
PLANNING DEPT.

CITY OF MEDFORD
EXHIBIT # B
FILE # ZC-18-132 / CP-18-133

12

ZC-18-132
CP-18-133
B

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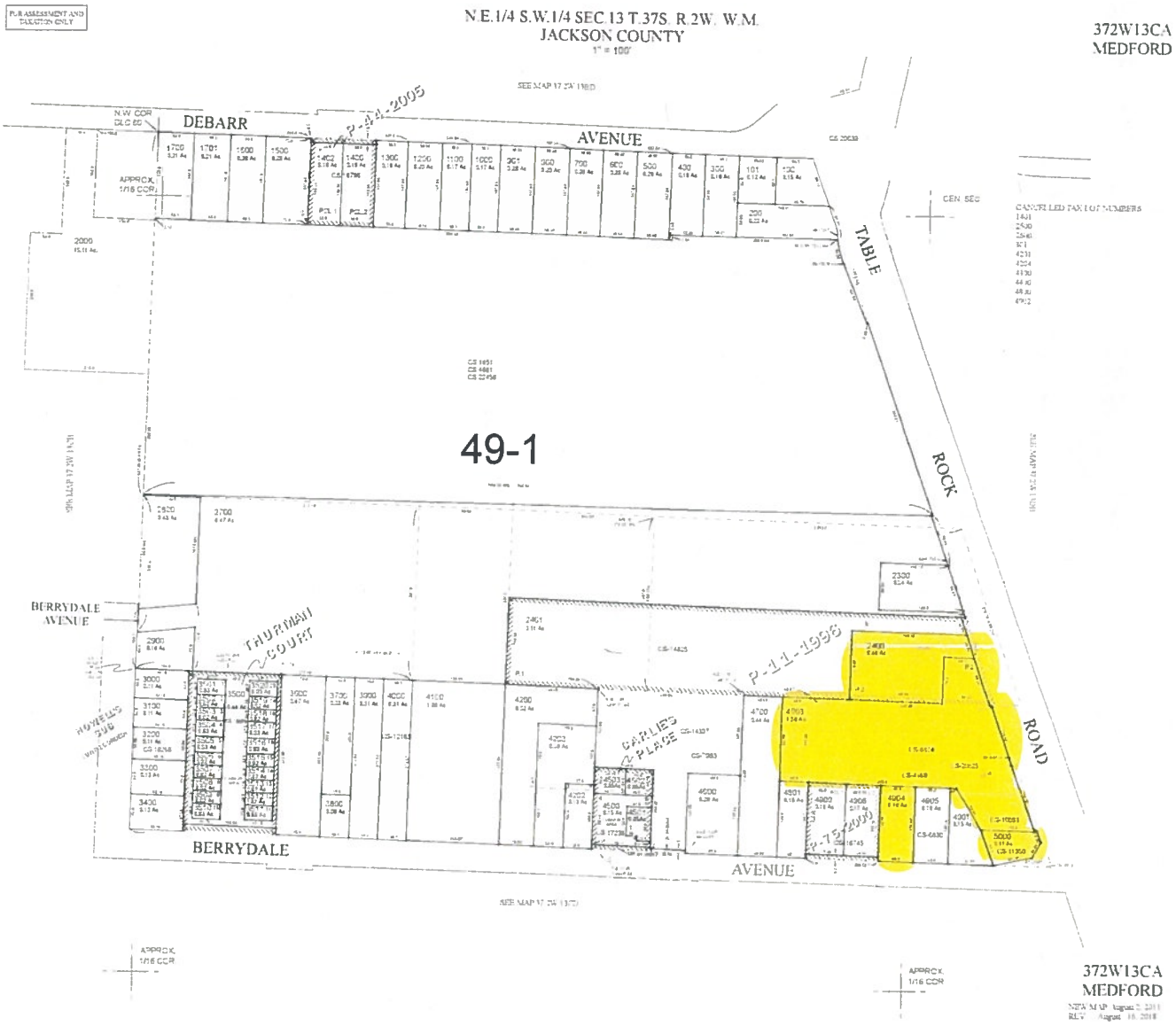
SEP 17 2018
PLANNING DEPT.



GIS DATA
06/22/2016 7:39:14 AM bowmanjo

CITY OF MEDFORD
EXHIBIT # C
FILE # ZC-18-132/CP-18-133

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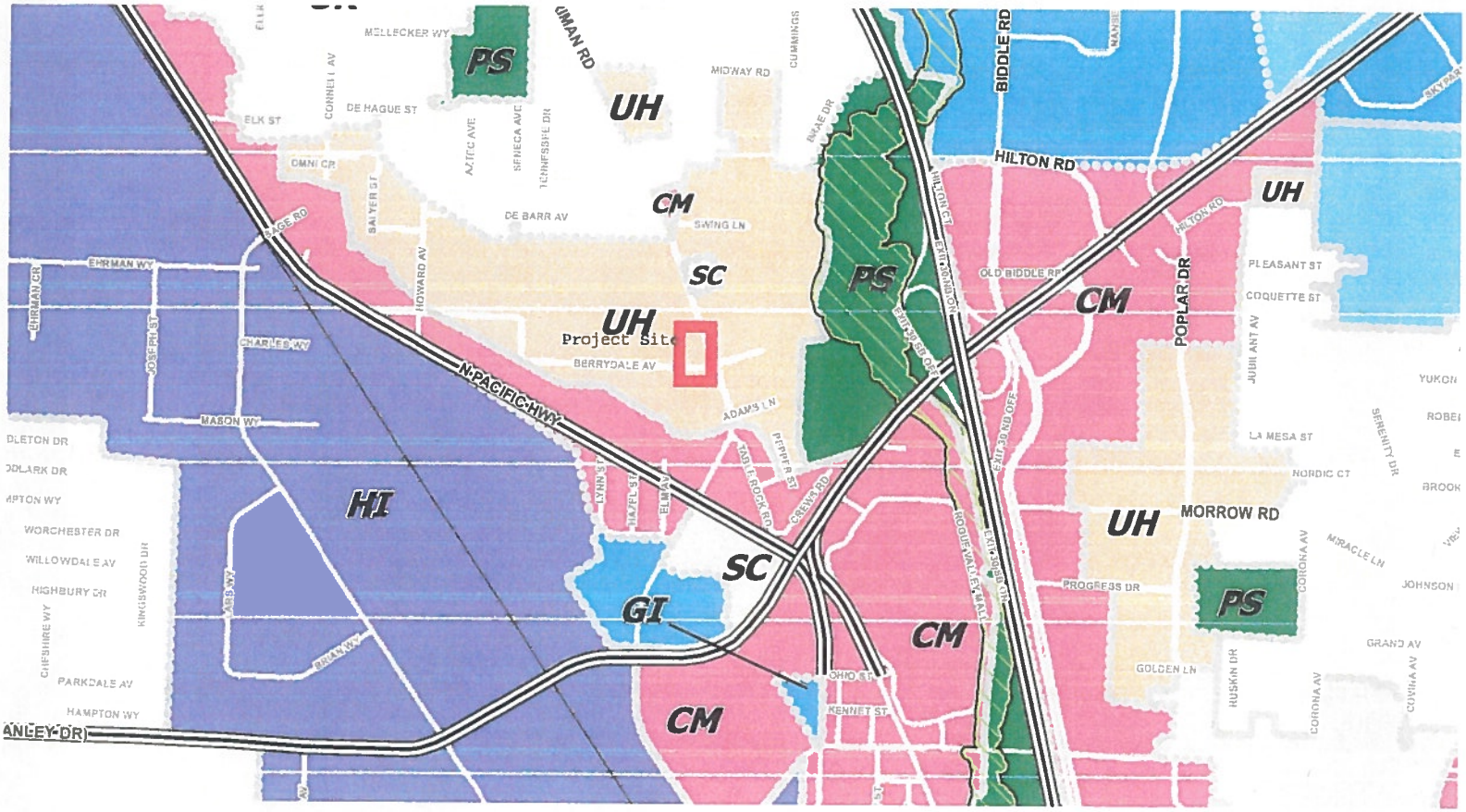
SEP 17 2018
PLANNING DEPT.

GLUP Map Detail



CITY OF MEDFORD
EXHIBIT # D
FILE # ZC-18-132/CP-18-133

11

RECEIVED
SEP 17 2018
PLANNING DEPT.

BEFORE THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON

IN THE MATTER OF A COMPREHENSIVE PLAN AMENDMENT OF THE PROPERTIES IDENTIFIED AS 372W13CA TAX LOTS 2400, 4903, 4904, AND 5000 HOUSING AUTHORITY OF JACKSON COUNTY SCOTT SINNER CONSULTING, INC. AGENT	)	**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Applicant:

Housing Authority of Jackson County
2251 Table Rock Road
Medford, OR 97501
Ryan Haynes
541-779-5785
ryan@hajc.net

Agent:

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

Property 1:

Housing Authority of Jackson County
2251 Table Rock Road
Medford, OR 97501

372W13CA TL 2400
.48 acre
MFR-20 zoning district
UH GLUP designation

Property 2:

Housing Authority of Jackson County
2231 Table Rock Road

CITY OF MEDFORD
EXHIBIT # E
FILE # ZC-18-132/CP-18-133

7

Medford, OR 97501

372W13CA TL 4903
1.58 acre
MFR-20 zoning district
UH GLUP designation

Property 3:

Housing Authority of Jackson County
2211 Table Rock Road
Medford, OR 97501

372W13CA TL 5000
.11 acre
MFR-20 zoning district
UH GLUP designation

Property 4:

Housing Authority of Jackson County
659 Berrydale Ave
Medford, OR 97501

372W13CATL 4904
.18 acre
SFR-6 zoning district
UH GLUP designation

Project Summary:

The subject properties are the current offices for the Housing Authority of Jackson County(HAJC).

HAJC is operating as a condition use under the Conditional Use Permit (CUP) approved as CUP-13-125.

The properties are currently developed with the HAJC offices and multiple multi-family dwelling units, and various parking lots and drive aisles.

This application is a Comprehensive Plan Amendment (CPA) to change the General Land Use Plan Map (GLUP) designation for the subject properties from Urban High Density (UH) to the Service Commercial (SC) designation. Zone change findings of fact are submitted concurrently with this application to demonstrate the consistency with the approval criteria to the Commercial Service Professional (C/SP) zoning district.

The approval of both applications will allow the HAJC to operate the office and the multifamily units as outright permitted uses instead of conditional uses subject to the terms of the current CUP.

Approval Criteria:

10.222 Minor Type IV Amendments

(A) Minor Type IV Amendments typically focus on specific individual properties and are therefore considered quasi-judicial. Minor Type IV Amendments include:

(1) Minor Comprehensive Plan Amendment;

(2) Minor General Land Use Plan Map Amendment;

(3) Minor Urban Growth Boundary Amendment;

(4) Transportation Facility Development; or

(5) Vacation of Public Right-of-Way.

(B) Minor Type IV Amendment Approval Criteria. For minor amendments to the Comprehensive Plan, General Land Use Plan Map, or Urban Growth Boundary refer to the Review and Amendment section of the Comprehensive Plan. For Transportation Facility Development approval criteria refer to Section 10.226 (B). For the approval criteria for Vacation of Public Right-of-Way refer to Section 10. 228 (D).

Findings of Fact

This application will amend the General Land USE Plan Map (GLUP) for the four contiguous properties. Medford Land Development Code (MLDO) section 10.222 identifies the requested GLUP amendment as a minor amendment subject to the review and amendment section of the Comprehensive Plan (Comp Plan).

The Review and Amendment section of the Comp Plan identify a GLUP amendment as a Minor Amendment:

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

The request for Map Designation amendment is based on the following basis:

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

Findings of Fact

> *1. A significant change in one or more Goal, Policy, or Implementation strategy.*

The General Land Use Plan (GLUP) Map Element of the Comprehensive Plan states the GLUP Map is dynamic. The subject property was designated as Urban High Density (UH).

The Housing Authority acquired the first of the subject parcels in 1982. The original development on any of the properties was multifamily dwellings. The Housing Authority began some operational activities at the site and received approval for a Conditional Use Permit (CUP) in 2002 with an amendment in 2009. The CUP allowed the Housing Authority to operate their main office at this location.

The need for affordable housing in the area has allowed the Housing Authority to grow the housing portfolio to over 850 dwelling units, and the development of 50-75 units per year for the foreseeable future.

The growth in both the operational need for the existing clients and the future development of projects has resulted in the demand for additional office space. With the

significant investment in the existing facilities, the Housing Authority determined this Comprehensive Plan Amendment to change the Urban High Density (UH) designation to the Service Commercial (SC) designation with a zone change to the Commercial Service Professional (C-SP) zoning district will meet the needs of future growth better than multiple CUP amendments.

2. Demonstrated need for the change to accommodate unpredicted population trends, to satisfy urban housing needs, or to assure adequate employment opportunities.

The approval of this application will help satisfy urban housing needs. The SC GLUP Designation will allow the Housing Authority to expand office operations as a permitted use instead of revising a Conditional Use Permit as expansion is required.

The expansion of office space at the current location will allow Staff to better serve clients in the operational management of the existing portfolio, as well as the planning and development of new properties and dwelling units to better meet and serve the population and demand for affordable housing in the area.

The rental vacancy rates in Medford are trending at historically low levels indicating a continued strong demand for housing.

Historical Rental Vacancy Rate data for Medford

Date	US	Oregon	Medford, OR
2016	5.89%	3.17%	—
2015	5.85%	3.64%	2.09%
2014	6.32%	3.57%	4.18%
2013	6.49%	4.45%	5.84%
2012	6.77%	4.75%	5.28%
2011	7.40%	5.06%	3.95%
2010	8.17%	5.60%	4.43%
2009	8.43%	6.30%	2.57%
2008	7.86%	5.71%	4.35%
2007	7.87%	5.08%	0.00%
2006	7.70%	5.57%	3.63%
2005	7.74%	6.39%	4.35%

Census ACS Data 2017

Real Gross Rent History for Medford

Date	US Median	Oregon Median	Medford, OR Median	Medford, OR Average
2016	$981	$1,015	$933	$984
2015	$972	$955	$894	$931
2014	$942	$932	$892	$970
2013	$910	$892	$892	$951
2012	$898	$876	$855	$879
2011	$898	$866	$879	$906
2010	$912	$871	$873	$946
2009	$916	$891	$879	$981
2008	$932	$882	$908	$948
2007	$885	$834	$870	$929
2006	$895	$837	$860	$901
2005	$869	$823	$823	$866

Census ACS Data 2017

The low vacancy rates have resulted in the highest average rents in the last decade.

The requested map amendment will allow the Housing Authority to expand the operations at the existing site to both develop new dwelling units and meet the needs of the clients in a centralized, convenient location.

3. The orderly and economic provision of key public facilities.

The site is currently served with the key public, Category A, facilities. The Category A facilities include domestic water, storm sewer, sanitary sewer and streets. Any future development will comply with all development standards in effect at the time of submittal.

Water

The Medford Water Commission (MWC) is responsible for the domestic water supply and the management of the distribution system. According to Rodney Grehn of the MWC, the subject properties are currently served as described below:

MWC has the following water facilities which serve this existing development located on the west side of Table Rock Road:

1. *There is an existing 8-inch water line located in the public right-of-way along the east side of Table Rock Road.*

2. *There is an existing 8-inch water line located in the easterly portion of the northerly access driveway within an existing 10-foot wide MWC Water Line easement per Jackson County Records easement document OR-14119. (This water line is "looped" through the remainder of this development out to Berrydale Avenue.*
3. *There is an existing 6-inch water line located in the westerly portion of the northerly driveway, and also in the westerly driveway within an existing 10-foot wide MWC Water Line easement per Jackson County Records, per easement document OR-99-39802.*
4. *There is an existing 6-inch water line located along the south side of Berrydale Avenue.*
5. *There is an existing 8-inch water line in the access drive/parking lot located on the west side of Table Rock Road which connects to the 8-inch water line on the east side of Table Rock Road. The "on-site" portion of this water line is located in a 10-wide easement per Jackson County Records easement document OR-82-15303.*
6. *There is an existing 2-inch water meter that currently serves the existing buildings located at 2211, 2231, 2235, 2239, 2243, 2247, and 2249 Table Rock Road.*
7. *There is an existing ¾-inch water meter that currently serves the existing building located at 2251 Table Rock Road.*
8. *There is an existing 3/4-inch water meter that currently serves the existing building located 659 Table Rock Road.*
9. *There is a "vacant" ¾-inch water meter located along the west side of Table Rock Road which is locate in front of the building located at 2231 Table Rock Road.*
10. *There is no water meter serving the parcel located at 2211 Table Rock Road.*
11. *Static water pressure in this area of the water distribution system is approximately 78 psi.*
12. *There are four (4) near-by fire hydrant which are available for fire protection.*
    a. *There is one (1) fire hydrant located just west of the intersection of Table Rock Road and Berrydale Avenue.*
    b. *There is one (1) fire hydrant located at the entrance off Table Rock Road next to the building located at 2231 Table Rock Road.*
    c. *There is one (1) "on-site" fire hydrant located in front of the building located at 2235 Table Rock Road.*
    d. *There is one (1) fire hydrant located on the south side of the northerly access driveway approximately 250-feet west of Table Rock Road.*

Any future expansion of the existing facility will comply with all standards for development in effect at the time of development.

Storm Sewer

The site is in the Medford service area. All existing development is currently connected to the public stormwater system.

Any new development or redevelopment will require compliance with the code and standards in effect at the time of submittal.

Sanitary Sewer

The subject properties are currently connected to the public sanitary sewer system managed by the City of Medford.

There is no new development proposed with this application. Any new development will comply with the current City standards in effect at the time of development.

Streets

This application includes a Traffic Impact Analysis (TIA) prepared be Southern Oregon Transportation Engineering, LLC. The TIA was completed as scoped by the City of Medford.

The conclusion of the analysis is as follows:

> *Our analysis has shown that the proposed comprehensive plan map amendment and concurrent zone change can be approved without significantly affecting any existing or planned transportation facility nor result in types or levels of travel or access that are inconsistent with the functional classification of any existing or planned transportation facility such that it would not meet the performance standard identified in the City's TSP or Comprehensive Plan.*
>
> *Additionally, the plan/zoning amendment will not degrade the performance of any existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. Based upon this, it is concluded that the proposed plan/zoning amendment is in compliance with the TPR and City of Medford criteria. Uses permitted under proposed C-S/P zoning can be permitted without having a significant impact on streets or intersections that serve the site.*

4. Maximum efficiency of land uses within the current urbanizable area.

The request to amend the GLUP map to the SC designation will allow the applicant to expand the current offices on site to serve the growth and demand for additional housing in the service area.

The SC designation allows for the C/SP zoning district. The C/SP zoning district allow for both office uses as well as multifamily uses for development at the current MFR-30 design standards. The site is currently developed with both offices and multifamily dwellings.

The existing development is also currently connected to all urban facilities. The access to the existing urban facilities and the ability to expand office space to serve the future demands and the ability to redevelop the entire site to multifamily housing in the event the offices are ever relocated is a highly efficient use of the available land as well as existing urban facilities.

5. Environmental, energy, economic and social consequences.

The Housing Authority manages a current portfolio of over 850 dwelling units in the area and developing between 50 and 75 dwelling units per year for several years and is projecting similar growth for the foreseeable future as the demand for affordable housing is not diminishing.

The expansion of the existing facilities has a positive environmental impact by utilizing existing facilities with remodeling projects and extending the life cycle of these buildings rather than developing a completely new facility at a new location.

The expansion at this site utilizes existing Category A facilities and intensifies properties and uses within the Urban Growth Boundary without compromising the existing land for high density residential development.

Retaining the offices in the current location and allowing for the expansion of those offices where the Housing Authority has been operating under the CUP since 2002 is a centralized and familiar location for the clients. The central location in an area of many managed properties and the access to the existing facilities of RVTD represent a positive social element to the site.

6. Compatibility of the proposed change with other elements of the City Comprehensive Plan.

This application is consistent with the goals, policies and implementation strategies of the Comprehensive Plan. The approval of this application with intensify the subject property for the committed use. The action will convert the existing conditional use to an outright permitted use. The intensification of property inside the Urban Growth Boundary reduces urban pressures on expanding the Urban Growth Boundary. This is consistent with the Urbanization Element.

The amendment of the General Land Use Plan Map proposed with this application is based on a change in needs and trends in the City. The GLUP Map is intended to be flexible and a guide for development and growth. The need to for future expansion of both the development of new properties and management of the existing properties in the area justifies a change in the needs and trends in the City. This is consistent with the General Land Use Plan Element.

The conversion to the SC designation will not be a negative impact on the supply of high-density residential development as the SC designation with the compatible C-S/P zoning district allow for multifamily development at the MFR-30 standards.

The approval will allow the Housing Authority to expand on site to better serve the existing residents of Housing Authority properties as well as provide needed office space for the development staff of the organization. The ability to better utilized the site as an outright permitted use will simplify the development process on the site.

This is consistent with the Economic Element, Housing Element, and the Buildable Lands Element

The subject properties are currently connected to all Category A urban facilities and any further development will be subject the development standards in effect at the time of development. This is consistent with the Public Facilities Element.

The Applicant has submitted a Transportation Impact Analysis demonstrating the requested application will not have a significant impact to the Transportation System. This is consistent with the Transportation System Plan Element.

The Oregon Statewide Planning Goals are as follows:

Goal 1 Citizen Involvement

Goal 2 Land Use Planning

Goal 3 Agricultural Lands

Goal 4 Forest Lands

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

Goal 6 Air, Water and Land Resources Quality

Goal 7 Areas Subject to Natural Hazards

Goal 8 Recreational Needs

Goal 9 Economic Development

Goal 10 Housing

Goal 11 Public Facilities and Services

Goal 12 Transportation

Goal 13 Energy Conservation

Goal 14 Urbanization [Old Goal 14]

Goal 15 Willamette River Greenway

Goal 16 Estuarine Resources

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes

Goal 19 Ocean Resources

Goal 1 Citizen Involvement

The procedures for the review a GLUP map amendment are contained in the Medford Land Development Ordinance and the Medford Comprehensive Plan. These documents were designed to be in conformance with all Statewide Planning Goals, including Goal 1 for Citizen involvement.

The City review for a GLUP map amendment includes multiple opportunities for citizen involvement and notification in the review process. An application will be subject to a public hearing at the Planning Commission. The Planning Commission will make a recommendation the City Council for approval, approval with conditions, or denial.

The City Council will conduct a public hearing for the application and will render a decision. Both public hearings will be publicized by the City to comply with the code requirements. The applicant will provide mailing labels for all property owners within 200 feet of the subject properties and those residents will receive notice of the proposed amendment.

Goal 2 Land Use Planning

The State has adopted Statewide Planning Goals to assure jurisdictions provide land use actions follow specific guidelines.

The City of Medford has an adopted Comprehensive Plan, Land Development Code, and Transportation System Plan. These adopted plans are acknowledged by the State and found to be consistent with the Statewide Planning Goals and are utilized to implement these goals.

The Medford Land Development Code provides the criteria for a Minor Comprehensive Plan Amendment, and this application is prepared to address all the requirements for the approval of the application.

Goal 3 Agricultural Lands

The subject properties are not agricultural lands or adjacent to any agricultural lands in City or County jurisdiction.

The approval of the requested CPA will have no impact on any agricultural lands or agricultural activities.

Goal 4 Forest Lands

The subject properties are not forest lands or adjacent to any forest lands in City or County jurisdiction.

The approval of the requested CPA will have no impact on any forest lands or forest activities.

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

The subject properties are not in an area impacted by Goal 5 resources including wetlands, riparian corridors, wildlife habitat, rivers, Wild and Scenic rivers, trails, natural or wilderness areas. The site is not in a designated historic area.

The City maintains inventories of Goal 5 resources and the site is not within an inventory area. The approval of the requested Comprehensive Plan Amendment will not have an impact of any Goal 5 resources.

Goal 6 Air, Water and Land Resources Quality

> *Waste and Process Discharges --*
> *refers to solid waste, thermal, noise,*
> *atmospheric or water pollutants,*
> *contaminants, or products therefrom.*
> *Included here also are indirect sources*
> *of air pollution which result in emissions*
> *of air contaminants for which the state*
> *has established standards.*

The subject properties are within the City Limits of Medford. Development in the City is regulated to assure all waste and process discharges will confirm to current jurisdictional standards.

Goal 7 Areas Subject to Natural Hazards

> *A. NATURAL HAZARD PLANNING*
> *1. Local governments shall adopt*
> *comprehensive plans (inventories, policies*

> *and implementing measures) to reduce risk to people and property from natural hazards. 2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,1 earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.*

The subject properties are not located within an area of natural hazards, the primary natural hazard relative to the Goal 7 would be flood hazard. The site is not within a flood plain or flood way.

Any new development will be required to comply with current building codes which includes seismic measures to minimize impacts associated with earthquakes.

Goal 8 Recreational Needs

The site is developed with existing uses allowed with the current Conditional Use Permit. The approval of the requested Comprehensive Plan Amendment may allow for redevelopment however the site is not suited for recreation activities or a destination resort.

Goal 9 Economic Development

The applicant is the Local Housing Authority. The applicant is currently operating at the site through a Conditional Use Permit in the MFR – 20 zoning district, TL 4904 is currently with in the SFR-6 zoning district, however it has the UH GLUP designation.

The current activities at the site include multifamily dwelling units, office space for the HAJC, and two vacant parcels. HAJC has a significant investment in office facilities and will likely require additional office in the near future.

The applicant has been developing an average of 50 dwelling units per year for the last 10 years. The development of the portfolio of the operational requirements of management of the tenants has required new hiring and requires the expansion of office spaces.

The applicant currently employs 42 people at this location. The growth over the last ten years and the projections for the future result in an average of two new employees and demand for 300 square feet of office space per year.

Growth in employment and construction, both at this site and at the new residential projects have a positive economic impact of the area.

Goal 10 Housing

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

The applicant currently manages over 800 dwelling units of affordable housing and will be breaking ground on an additional 114 units in the next 12 months. The approval of this application will allow for greater efficiency and growth to better serve the clients of the Housing Authority.

The properties are comprised of 2.6 acres of MFR-20 zoning allowing a total of 52 dwelling units, and .22 acres of SFR-6 allowing an additional 1 dwelling unit. The highest and best use of the properties with their current zoning are a maximum of 53 dwelling units.

The approval of the requested GLUP amendment to the Service Commercial SC and C/SP zoning would still allow for multifamily development and the MFR-30 standards. The properties would have the ability to redevelop at a maximum of 84 dwelling units.

While the purpose of the requested comprehensive plan map amendment is to allow the applicant to operate as an outright permitted use for the management of the Housing Authority. In the event the property was to redevelop as a multifamily development the approval would allow for an additional 31 dwelling units over the properties in their current zoning.

Goal 11 Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public

facilities and services to serve as a framework for urban and rural development.

The Category A urban services include domestic water, storm sewer, sanitary sewer and streets. The City of Medford addresses the access to and the capacity of these services at the time of a Comprehensive Plan Map amendment and the time of a zone change.

All parcels are inside the City of Medford Urban Growth Boundary and the City Limits. The properties are allowed to connect to urban services. The City has Master Plans for Transportation, Sewer, and Storm Drainage. The Medford Water Commission maintains a master plan for domestic water supply. All master plans are consistent with Statewide Planning Goals.

According to Rodney Grehn of the Medford Water Commission, the subject properties that are currently developed are connected to the water supply and future development allowed in the proposed zoning district will be able to connect to the supply and will be subject to the standards in effect at the time of submittal.

The subject properties are within the City of Medford service territory for both stormwater and sanitary sewer facilities. The existing facilities are currently connected to stormwater and sanitary sewer facilities.

The applicant does not propose any development at the time of submitting this application. Any new development proposed by the applicant will comply with all standards in the Code at the time of submittal for stormwater and sanitary sewer facilities.

The applicant has submitted a Traffic Impact Analysis based on a Scoping letter requested by Southern Oregon Transportation Engineers. The TIA has been submitted to the City for technical review.

Goal 12 Transportation

The City has an Adopted Transportation System Plan (TSP). The TSP and the MLDC provide standards and classification for streets in the City. The HAJC is located on Table Rock Road. Table Rock Road is classified as a major arterial street at the subject properties and was developed to the current configuration in the 1970s.

The site is improved with 2 vehicle travel lanes northbound and southbound with a center turn lane.

The Oregon Transportation Rule requires Land use actions consider multimodal transportation opportunities. Water and rail transportation mores are not available at the site. The site is located .9 miles from Interstate 5 and 2 miles from the Medford International Airport.

Rogue Valley Transit District has a bus stop on Route 40 directly in from of the Housing Authority office. Table Rock Road is also improved with a sidewalk on the Housing Authority frontage promoting pedestrian connectivity. Table Rock Road does not provide dedicated bicycle lanes in this segment.

Berrydale Avenue is a local street with County maintenance jurisdiction until improvements are preformed to City Standards. Once streets are improved to City standards, the City assumes maintenance responsibilities. Berrydale Avenue is classified as a Standard Residential Street. A standard residential street has sidewalks on both sides and does not include a bike lane.

Goal 13 Energy Conservation

The subject property is within the UGB for the City of Medford and the site is currently developed. The location is convenient for the clients of the Housing Authority and has excellent access to mass transit, all contributing factors to energy conservation.

Any future development or redevelopment of existing facilities will conform to current energy code standards that are designed to promote energy conservation and efficiency.

While not located at the site, the Housing Authority has been developing energy efficient multifamily dwellings for decades and the philosophy is also embraces at this site for the offices and existing multifamily dwellings on site.

The requested SC GLUP designation and the C/SP zoning district allow for residential development at the MFR-30 standards which represent the ability for the property to develop or redevelop with an efficient use of available land.

Goal 14 Urbanization [Old Goal 14]

The subject properties are currently within both the Medford Urban Growth Boundary (UGB) and the Medford City Limits. The development on site includes some multifamily housing, managed by the applicant, and the primary offices for the Housing Authority.

The current operations and uses are allowed under the Conditional Use Permit. The properties are currently served by urban facilities. This application represents an

intensification of the permitted uses on the site, which reduces pressures on the UGB, however the impact is minimal due to the small size of the site.

The request for a Comprehensive Plan Amendment will allow more flexibility for the applicant in the current committed use on the properties as well as their future needs as their housing portfolio grows by 50 to 90 dwelling units annually.

Goal 15 Willamette River Greenway

Goal 15 is not applicable to this application.

Goal 16 Estuarine Resources

Goal 16 is not applicable to this application.

Goal 17 Coastal Shorelands

Goal 17 is not applicable to this application.

Goal 18 Beaches and Dunes

Goal 18 is not applicable to this application.

Goal 19 Ocean Resources

Goal 19 is not applicable to this application.

Application Summary and Conclusion:

These Findings of Fact demonstrate compliance with the request for a Comprehensive Plan Map Amendment for the subject properties from the Urban High-Density Residential designation to the Service Commercial designation.

The Medford Land Development Code section 10.222 provides the definition for a Minor General Land Use Plan Map Amendment. The requested amendment affects the four subject properties and has no significant impacts to surrounding properties.

The process and the approval criteria are found in the Review and Amendment section of the Comprehensive Plan. The General Land Use Plan Map is dynamic and can be amended when necessary to reflect changes in goals, policies and implementation strategies. The subject properties are currently committed to the uses associated with the Service Commercial

designation and the appropriate Commercial Service / Professional zoning district. This commercial zone allows for residential development at the high-density standards of the MFR-30 zoning district.

The Housing Authority of Jackson County has been operating at the site through a Conditional Use Permit The growth and demand for affordable housing if the area has resulted in the need for the Housing Authority to expand. The requested change will result in the operations as an outright permitted use. The approval of the requested amendment will allow the organization to serve the needs residents in the City in the management of the existing properties as well as the development of additional affordable housing in the service territory.

The site is currently served with all Category A urban facilities and the facilities are currently in adequate supply. Future expansion of facilities on the site will be subject to the current standards of design for development.

The site is currently developed with a mixture of offices and multifamily dwellings. The approval of the amendment will allow for both the expansion of offices on site as necessary and for the potential of high-density residential redevelopment at the MFR-30 standards, representing maximum efficiency of the land.

The utilization of the existing facilities is a environmentally responsible use of existing resources. New development will comply with all energy efficiency standards in effect ant the time of development and the site is located at an existing RVTD stop frequently used by clients of the Housing Authority.

The requested amendment is consistent with all relative elements of the Comprehensive Plan and the Statewide Planning Goals.

On behalf of the applicant, I respectfully request the approval of this application for an amendment of the General Land Use Plan May from the Urban High-Density Residential designation to the Service Commercial designation.

Regards

Scott Sinner
Scott Sinner Consulting, Inc.

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SEP 17 2018
PLANNING DEPT.

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD, OREGON

IN THE MATTER OF A ZONE CHANGE	)	
OF THE PROPERTIES IDENTIFIED AS 372W13CA TAX LOTS 2400,	)	**FINDINGS OF FACT**
4903, 4904, AND 5000	)	**AND**
HOUSING AUTHORITY OF JACKSON COUNTY	)	**CONCLUSIONS OF LAW**
SCOTT SINNER CONSULTING, INC. AGENT	)	

Applicant:

Housing Authority of Jackson County
2251 Table Rock Road
Medford, OR 97501
Ryan Haynes
541-779-5785
ryan@hajc.net

Agent:

Scott Sinner Consulting, Inc.
4401 San Juan Dr. Suite G
Medford, OR 97504

Scott Sinner
541-601-0917
scottsinner@yahoo.com

Property 1:

Housing Authority of Jackson County
2251 Table Rock Road
Medford, OR 97501

372W13CA TL 2400
.48 acre
MFR-20 zoning district
UH GLUP designation

Property 2:

Housing Authority of Jackson County

CITY OF MEDFORD
EXHIBIT # F
FILE # ZC-18-132 / CP-18-13

2231 Table Rock Road
Medford, OR 97501

372W13CA TL 4903
1.58 acre
MFR-20 zoning district
UH GLUP designation

Property 3:

Housing Authority of Jackson County
2211 Table Rock Road
Medford, OR 97501

372113CA TL 5000
.11 acre
MFR-20 zoning district
UH GLUP designation

Property 4:

Housing Authority of Jackson County
659 Berrydale Ave
Medford, OR 97501

372W13CATL 4904
.18 acre
SFR-6 zoning district
UH GLUP designation

Project Summary:

The subject properties are the current offices for the Housing Authority of Jackson County (HAJC). HAJC is operating as a condition use under the Conditional Use Permit (CUP) approved as CUP-13-125.

The properties are currently developed with the HAJC offices and multiple multi-family dwelling units, and various parking lots and drive aisles.

This application is submitted with a concurrent a Comprehensive Plan Amendment (CPA) to change the General Land Use Plan Map (GLUP) designation for the subject properties

from Urban High Density (UH) to the Service Commercial (SC) designation. These zone change findings of fact are submitted to demonstrate the consistency with the approval criteria to the Commercial Service Professional (C/SP) zoning district.

The approval of both applications will allow the HAJC to operate the office and the multifamily units as outright permitted uses instead of conditional uses subject to the terms of the current CUP.

Approval Criteria:

The applicable MLDC sections for a zone change initiation, approval criteria and the submittal requirements are referenced below:

10.204 Zone Change

(A) Zone Change Initiation.
A zoning district boundary change may be initiated by the Planning Commission either on its own motion or at the request of the City Council, or by application of the property owner(s) in the area subject to the zone change.

This application has been initiated by the applicant. The application is submitted concurrently with a minor Comprehensive Plan Map Amendment to amend the General Land Use Plan (GLUP) Map from the Urban High Density Residential (UH) designation to the Service Commercial (SC) designation. The requested Commercial Service Professional (C-S/P) zoning district is the appropriate zone for the requested GLUP designation.

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

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

(2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.
(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

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

10.326 Service Commercial and Professional Office, C-S/P

The C-S/P district provides land for professional offices, hospitals, and limited service commercial uses. This district is intended to be customer-oriented, however, retail uses are limited. Development in this zone is expected to be suitable for locations adjacent to residential neighborhoods.

(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.

The City has an Adopted Transportation System Plan (TSP). The TSP and the MLDC provide standards and classification for streets in the City. The HAJC is located on Table Rock Road. Table Rock Road is classified as a major arterial street at the subject properties and was developed to the current configuration in the 1970s.

The Oregon Transportation Rule requires Land use actions consider multimodal transportation opportunities. Water and rail transportation mores are not available at the site. The site is located .9 miles from Interstate 5 and 2 miles from the Medford International Airport.

Rogue Valley Transit District has a bus stop on Route 40 directly in from of the Housing Authority office. Table Rock Road is also improved with a sidewalk on the Housing Authority frontage promoting pedestrian connectivity. Table Rock Road does not provide dedicated bicycle lanes in this segment.

Berrydale Avenue is a local street with County maintenance jurisdiction until improvements are preformed to City Standards. Once streets are improved to City standards, the City assumes maintenance responsibilities. Berrydale Avenue is classified as a Standard Residential Street. A standard residential street has sidewalks on both sides and does not include a bike lane. The Berrydale Table Rock Road intersection is signalized.

(2) Where applicable, the proposed zone shall also be consistent with the additional locational standards of the below sections (2)(a), (2)(b), (2)(c), or (2)(d). Where a special area plan requires a specific zone, any conflicting or additional requirements of the plan shall take precedence over the locational criteria below.
(c) For zone changes to any commercial zoning district, the following criteria shall be met for the applicable zoning sought:

The MLDC does not provide locational standards for the requested C-S/P zoning district. The Code does describe the intent of the Zone:

10.326 Service Commercial and Professional Office, C-S/P

The C-S/P district provides land for professional offices, hospitals, and limited service commercial uses. This district is intended to be customer-oriented, however, retail uses are limited. Development in this zone is

expected to be suitable for locations adjacent to residential neighborhoods.

The subject property is adjacent to residential neighborhoods in the MFR-20 zoning district and as identified in the General Land Use Plan Element of the Medford Comprehensive Plan, the C-S/P zoning district is the appropriate zoning district for the SC GLUP designation.

Service Commercial *This designation permits offices, medical facilities, and other limited service-oriented businesses as well as residential development under certain circumstances. It permits multiple-family dwellings meeting the density standards of the MFR-30 (Multiple-Family Residential - 30 units per gross acre) zoning district. In addition, the Southeast Plan authorizes an increase in the maximum permitted density in this designation from 30 to 36 units per acre. This designation may be located adjacent to residential designations. The corresponding zoning district permitted in this designation is the C-S/P (Service Commercial and Professional Office) zone which is intended to be customer oriented, while limiting the number of retail uses.*

(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.

The site is currently served with the key public, Category A, facilities. The Category A facilities include domestic water, storm sewer, sanitary sewer and streets.

<u>Water</u>

The Medford Water Commission (MWC) is responsible for the domestic water supply and the management of the distribution system. According to Rodney Grehn of the MWC, the subject properties are currently served as described below:

MWC has the following water facilities which serve this existing development located on the west side of Table Rock Road:

1. *There is an existing 8-inch water line located in the public right-of-way along the east side of Table Rock Road.*

2. *There is an existing 8-inch water line located in the easterly portion of the northerly access driveway within an existing 10-foot wide MWC Water Line easement per Jackson County Records easement document OR-14119. (This water line is "looped" through the remainder of this development out to Berrydale Avenue.*
3. *There is an existing 6-inch water line located in the westerly portion of the northerly driveway, and also in the westerly driveway within an existing 10-foot wide MWC Water Line easement per Jackson County Records, per easement document OR-99-39802.*
4. *There is an existing 6-inch water line located along the south side of Berrydale Avenue.*
5. *There is an existing 8-inch water line in the access drive/parking lot located on the west side of Table Rock Road which connects to the 8-inch water line on the east side of Table Rock Road. The "on-site" portion of this water line is located in a 10-wide easement per Jackson County Records easement document OR-82-15303.*
6. *There is an existing 2-inch water meter that currently serves the existing buildings located at 2211, 2231, 2235, 2239, 2243, 2247, and 2249 Table Rock Road.*
7. *There is an existing ¾-inch water meter that currently serves the existing building located at 2251 Table Rock Road.*
8. *There is an existing 3/4-inch water meter that currently serves the existing building located 659 Table Rock Road.*
9. *There is a "vacant" ¾-inch water meter located along the west side of Table Rock Road which is locate in front of the building located at 2231 Table Rock Road.*
10. *There is no water meter serving the parcel located at 2211 Table Rock Road.*
11. *Static water pressure in this area of the water distribution system is approximately 78 psi.*
12. *There are four (4) near-by fire hydrant which are available for fire protection.*
    a. *There is one (1) fire hydrant located just west of the intersection of Table Rock Road and Berrydale Avenue.*
    b. *There is one (1) fire hydrant located at the entrance off Table Rock Road next to the building located at 2231 Table Rock Road.*
    c. *There is one (1) "on-site" fire hydrant located in front of the building located at 2235 Table Rock Road.*
    d. *There is one (1) fire hydrant located on the south side of the northerly access driveway approximately 250-feet west of Table Rock Road.*

Any future expansion of the existing facility will comply with all standards for development in effect at the time of development.

Storm Sewer

The site is in the Medford service area. All existing development is currently connected to the public stormwater system.

Any new development or redevelopment will require compliance with the code and standards in effect at the time of submittal.

Sanitary Sewer

The subject properties are currently connected to the public sanitary sewer system managed by the City of Medford.

There is no new development proposed with this application. Any new development will comply with the current City standards in effect at the time of development.

Streets

This application includes a Traffic Impact Analysis (TIA) prepared be Southern Oregon Transportation Engineering, LLC. The TIA was completed as scoped by the City of Medford.

The conclusion of the analysis is as follows:

> *Our analysis has shown that the proposed comprehensive plan map amendment and concurrent zone change can be approved without significantly affecting any existing or planned transportation facility nor result in types or levels of travel or access that are inconsistent with the functional classification of any existing or planned transportation facility such that it would not meet the performance standard identified in the City's TSP or Comprehensive Plan.*
>
> *Additionally, the plan/zoning amendment will not degrade the performance of any existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. Based upon this, it is concluded that the proposed plan/zoning amendment is in compliance with the TPR and City of Medford criteria. Uses permitted under proposed C-S/P zoning can be permitted without having a significant impact on streets or intersections that serve the site.*

Application Summary and Conclusion

This request for a zone change to the C-S/P zoning district has been initiated by the applicant, the Housing Authority of Jackson County.

The applicant has submitted a Comprehensive Plan Map Amendment to amend the General Land Use Plan Map designation for the subject properties from the Urban High Residential designation to the Service Commercial designation. The requested C-S/P

zoning district is compatible for the GLUP designation. Compatibility with the GLUP designation is the only locational standard for the requested C-S/P zoning district.

The subject properties are currently connected to the Category A facilities and any future development will comply with all current standards for development.

The application has submitted a Traffic Impact Analysis to determine the impact to the transportation system as a result of the requested zone change and the results are the impacts will not be significant.

These finding of fact and the traffic impact analysis indicate the request the requested zone change is consistent with the Oregon Transportation Planning Rule.

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

Regards,

Scott Sinner
Scott Sinner Consulting, Inc.

Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 10/31/2018
File Number: CP-18-132/ZC-18-133

PUBLIC WORKS DEPARTMENT STAFF REPORT
GLUP Amendment/Zone Change – Housing Authority of Jackson County
2211, 2331 & 2251 Table Rock Road & 659 Berrydale Avenue
(TLs 2400, 4903, 4904, 5000)

Project: Request for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land totaling 2.35 acres.

Location: Located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC), and a change of zone of the subject parcels from SFR_6 (Single Family Residential -4 to 6 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W12CA 2400, 4903,4904 & 5000.

Applicant: Applicant Housing Authority of Jackson County; Agent, Scott Sinner Consulting, Inc.; Planner, Steffen Roennfeldt.
Related Application(s): CUP-09-100.

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

I. Sanitary Sewer Facilities

The proposed zoning to Service Commercial has the potential to increase flows to the sanitary sewer system. The downstream sanitary sewer system currently has capacity constraints. Based on this information, the Public Works Department recommends this zone change be denied, or the applicant stipulate to only develop so the total sewer flows do not exceed current zoning limitation, or the Developer make improvements to the downstream sanitary sewer system to alleviate capacity constraints, or the Developer provide an engineering study of the downstream sewer system to show capacity exists to allow the proposed zone change.

II. Storm Drainage Facilities

This site lies within the Little Elk Creek Drainage Basin. The City of Medford has existing storm drain facilities in the area.

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

CITY OF MEDFORD
EXHIBIT # C
FILE # ZC-18-132/CP-18-133

III. Transportation System

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering, dated September 10, 2018, titled, "Comprehensive Plan Map Amendment / Zone Change Analysis".

The four lots are a mix of SFR-6 and MFR-20. The project as proposed changes all four lots to C-S/P and could potentially generate 1180 Average Daily Trips (ADT), which, is 410 ADT more than they are currently generating. The report states that no higher order intersections will be significantly impacted by the 41 additional PM peak hour trips the property could potentially generate.

Public Works concurs with the report and levies no conditions of approval regarding facility adequacy.

Prepared by: Jodi K Cope
Review by: Doug Burroughs

The above report is based on the information provided with the GLUP Amendment/Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: ZC-18-132 & CP-18-133

PARCEL ID: 372W13CA TL's 2400, 4903, 4904 & 5000

PROJECT: Request for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC), and a change of zone of the subject parcels from SFR_6 (Single Family Residential -4 to 6 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W12CA 2400, 4903, 4904 & 5000; Applicant Housing Authority of Jackson County; Agent, Scott Sinner Consulting, Inc.; Planner, Steffen Roennfeldt

DATE: October 31, 2018

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

Comments:

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

2. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.

3. MWC provides concurrent consideration of the proposed General Land Use Plan amendment to reclassify four parcels of land totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC).

List of Medford Water Commission Facilities On-Site:

1. MWC has the following water facilities which serve this existing development located on the west side of Table Rock Road:

    a. There is an existing 8-inch water line located in the public right-of-way along the east side of Table Rock Road. There is an existing 8-inch water line located in the easterly portion of the northerly access driveway within an existing 10-foot wide MWC Water Line easement per Jackson County Records easement document OR-14119. (This water line is "looped" through the remainder of this development out to Berrydale Avenue.

Continued to Next Page

Continued from Previous Page

b. There is an existing 6-inch water line located in the westerly portion of the northerly driveway, and also in the westerly driveway within an existing 10-foot wide MWC Water Line easement per Jackson County Records, per easement document OR-99-39802.

c. There is an existing 6-inch water line located along the south side of Berrydale Avenue.

d. There is an existing 8-inch water line in the access drive/parking lot located on the west side of Table Rock Road which connects to the 8-inch water line on the east side of Table Rock Road. The "on-site" portion of this water line is located in a 10-wide easement per Jackson County Records easement document OR-82-15303.

e. There is an existing 2-inch water meter that currently serves the existing buildings located at 2211, 2231, 2235, 2239, 2243, 2247, and 2249 Table Rock Road.

f. There is an existing ¾-inch water meter that currently serves the existing building located at 2251 Table Rock Road.

g. There is an existing 3/4-inch water meter that currently serves the existing building located 659 Table Rock Road.

h. There is a "vacant" ¾-inch water meter located along the west side of Table Rock Road which is locate in front of the building located at 2231 Table Rock Road.

i. There is no water meter serving the parcel located at 2211 Table Rock Road.

j. Static water pressure in this area of the water distribution system is approximately 78 psi.

k. There are four (4) near-by fire hydrant which are available for fire protection.

   i. There is one (1) fire hydrant located just west of the intersection of Table Rock Road and Berrydale Avenue.
   ii. There is one (1) fire hydrant located at the entrance off Table Rock Road next to the building located at 2231 Table Rock Road.
   iii. There is one (1) "on-site" fire hydrant located in front of the building located at 2235 Table Rock Road.
   iv. There is one (1) fire hydrant located on the south side of the northerly access driveway approximately 250-feet west of Table Rock Road.

N

0 25 50 100 Feet

Scale: 1"=100'

Water Facility Map
City of Medford
Planning Application:
ZC-18-132 & CP-18-133

October 31, 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:

- C Control Station
- P Pump Station
- R Reservoir

MEDFORD WATER COMMISSION

Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 10/29/2018
Meeting Date: 10/31/2018

LD #: ZC18132 **Associated File #1:** CP18133

Planner: Steffen Roennfeldt

Applicant: Housing Authority of Jackson County; Agent, Scott Sinner Consulting, Inc.

Project Location: 2231 & 2251 Table Rock Road

ProjectDescription: Request for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of land totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC), and a change of zone of the subject parcels from SFR_6 (Single Family Residential -4 to 6 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (372W12CA 2400, 4903,4904 & 5000.

Specific Development Requirements for Access & Water Supply

Conditions

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

Construction General Information/Requirements

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

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

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

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

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

www.medfordfirerescue.org

CITY OF MEDFORD
EXHIBIT # I
FILE # ZC-18-132/CP-18-133

Memo

To: Steffen Roennfeldt, Planning Department

From: Mary Montague, Building Department

CC: Scott Sinner Consulting, Inc., Agent; Housing Authority of Jackson County, Applicant

Date: October 29, 2018

Re: ZC-18-132/CP-18-133; HAJC Comp Plan & Zone Change, 2231 & 2251Table Rock Road

---

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 Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Go to "City Departments" at top of screen; click on "Building"; click on "ELECTRONIC PLAN REVIEW (ePlans)" for information.

3. All buildings are existing and should already meet the minimum fire separation distances.

4. Any new buildings or change of use to an existing building will require a permit and will verify fire separation distances.

5. Demo Permit is required for any buildings being demolished.

CITY OF MEDFORD
EXHIBIT # I
FILE # ZC-18-132/CP-18-133

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 19, 2018

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

RE: A minor General Land Use Plan amendment and a zone change off Table Rock Road and Berrydale Avenue – city maintained roads. Planning File: ZC-18-132 / CP-18-133.

Dear Steffen:

Thank you for the opportunity to comment on the request for concurrent consideration of a minor General Land Use Plan (GLUP) amendment to reclassify four parcels of lane totaling 2.35 acres located at 2231 & 2251 Table Rock Road from Urban High Density (UH) to Service Commercial (SC); and change of zone of the subject parcels from SFR-6 (Single Family Residntial-4 to 6 dwelling units per gross acre) and MFR-20 (Multiple Famiy Residential – 15 to 20 dwelling units per gross acre) to Service Commercial and Professional Offices (C-S/P) (37-2W-13CA 2400, 4903, 4904, & 5000). 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

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CITY OF MEDFORD
EXHIBIT # K
FILE # ZC-18-132/CP-18-133

Continuous Improvement Customer Service

CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

September 10, 2018

Southern Oregon Transportation Engineering.
319 Eastwood Dr.
Medford, OR. 97504

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SEP 10 2018
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Changing the Comprehensive Plan Map from UH (Urban High Density Residential) to CM (Commercial) and zoning from SFR-6 to C-S/P on 372W13CA4904 and 5000 (0.29 acres net, 0.36 acres gross) and from MFR-20 to C-S/P on lots 2400 and 4903 (2.06 acres net, 2.35 acres gross) will require a traffic impact analysis (TIA) to determine project impacts to the transportation system. The existing SFR-6 zoning is expected to generate 19 ADT and changing it to C-S/P will potentially generate 145 ADT. The existing MFR-20 zone would generate 358 ADT and changing the zoning to C-S/P would potentially generate 1030 ADT. The difference between these two proposals is 798 ADT, which exceeds 250 ADT, which is the code standard beyond which a TIA is required. The analysis must be prepared by a licensed engineer in the State of Oregon and follow our current TIA methodology. The general format is as follows and pertains to City of Medford and Jackson County facilities that involve collector and arterial streets: (ODOT facilities should be addressed with ODOT using ODOT criteria.)

1. A TIA should always analyze the potential traffic generation of a parcel(s) with the following exceptions:
    a. A Planned Unit Development (PUD) is being proposed with a site plan that the traffic analysis will be based on and stipulated to.
    b. The potential traffic generation of the parcel(s) cannot be supported by the transportation facilities and a stipulation (trip cap) is being proposed.

2. All trip distributions into and out of the transportation system must reflect existing traffic count data for consistency or follow the current transportation model used by the City. If alternate splits are used to distribute traffic, then justification must be provided and approved by the Public Works Director prior to first submittal of the TIA.

3. Any intersection where the proposed development can be expected to contribute 25 or more trips during the analysis peak period shall be analyzed. Intersections having less than 25 peak period trips are not substantially impacted and will not be included in the study area.

4. Pipeline traffic must be considered into the existing count data before the impacts of project traffic are evaluated. Once the study area is defined by the applicant's traffic engineer and a written request is received, Public Works will supply all necessary pipeline information within one week.

5. The TIA shall determine all improvements or mitigation measures necessary to maintain acceptable adequacy at study area intersections. Mitigation measures may include intersections and/or

CITY OF MEDFORD
EXHIBIT # 1
FILE # ZC-18-132/CP-18-133

16

construction of necessary transportation improvements and shall be required to bring transportation facilities to operate at an acceptable level of service (LOS) with the addition of project traffic.

6. Peak period turning movement counts must be at least two-hour minimums and capture the peak period. Counts must be less than two years old and adjusted to the design year of the project. A seasonal traffic adjustment is required on study area streets if counts were not prepared during the peak period of the year and count data shows a 10% increase in traffic volumes.

7. All LOS analyses shall follow operational procedures per the current Highway Capacity Manual. Ideal saturation flow rates greater than 1800 vehicles per hour per lane should not be used unless otherwise measured in the project vicinity. Queue lengths shall be calculated at the 95th percentile where feasible. Peak hour factors shall be assumed to be 1.00 for all analysis.

8. Unsignalized intersections shall be evaluated for signal warrants if the level of service (LOS) is determined to be below standard minimums. Channelization requirements, such as left and right turn lanes, shall also be evaluated where failing facilities are identified and none are currently provided.

9. Signalized intersection analyses shall be in accordance with the City's timing sheets. Analyses will follow either, pre-timed, actuated-coordinated, or actuated-uncoordinated timing plans, as applicable to each location. Once the study area is defined by the applicant's traffic engineer and a written request is received, Public Works will supply all timing information within one week.

10. Comprehensive Plan Amendment application, including a Zone Change, requires a Year 2023 analysis that includes an analysis of the TSP project list. If additional projects are required, then a financial analysis shall also be included. The application shall also include Year of Build analysis and mitigation.

11. This scoping letter shall be included as an appendix in the initial study and subsequent revisions.

12. This scoping letter and any traffic impact analysis will expire after 180 days. It is the applicant's responsibility to resubmit the scoping letter request if the traffic impact analysis is not submitted during 180 days period.

The City's complete TIA methodology can be found in the Medford Land Development Code, section 10.461. Any TIA that is not in accordance with this methodology will be returned to the applicant without review. If you have any questions, feel free to contact me at 774-2121

Sincerely,

Peter Mackprang
Associate Traffic Engineer

Cc: Karl MacNair, Transportation Manager
Planning Department

City of Medford

PUBLIC WORKS – ENGINEERING & DEVELOPMENT

MEMORANDUM

RECEIVED
SEP 25 2018
PLANNING DEPT.

Date: September 25, 2018

To: Doug Burroughs, Development Services Manager
Kimberly Parducci, SOTE

From: Peter Mackprang, Associate Traffic Engineer

Subject: Housing Authority of Jackson County 372W13AC2400, 4903, 4904, 5000

Public Works received a Traffic Impact Report from Southern Oregon Transportation Engineering, dated September 10, 2018, titled, "Comprehensive Plan Map Amendment / Zone Change Analysis" for the property Identified as 372W13AC2400, 4903, 4904, 5000 (2.35 acres).

The four lots are a mix of SFR-6 and MFR-20. The project as proposed changes all four lots to C-S/P and could potentially generate 1180 ADT, which, is 410 ADT more than they are currently generating. The report states that no higher order intersections will be significantly impacted by the 41 additional PM peak hour trips the property could potentially generate.

Public Works concurs with the report and levies no conditions of approval regarding street capacity.

CITY OF MEDFORD
EXHIBIT # M
FILE # ZC-18-132/CP-18-133

RECEIVED

SEP 17 2018

CITY OF MEDFORD
ENGINEERING

SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC
319 Eastwood Drive - Medford, Or. 97504 – Phone (541) 608-9923 – Email: Kim.parducci@gmail.com

September 10, 2018

Peter Mackprang, Assistant Traffic Engineer
City of Medford
Public Works/Engineering Division
200 South Ivy Street, Lausmann Annex
Medford, Oregon 97501

RE: Comprehensive Plan Map Amendment / Zone Change Analysis

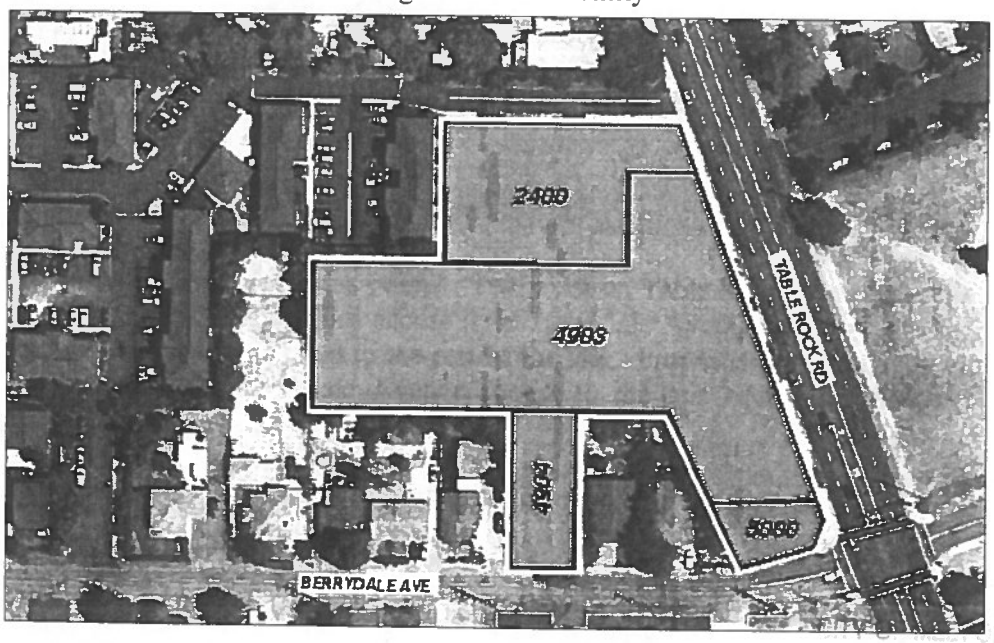
Dear Peter,

Southern Oregon Transportation Engineering, LLC requested a scoping letter for a proposed Comprehensive Plan Map amendment from Urban High Density Residential (UH) to Service Commercial (SC) and concurrent zone change from Multi-family Residential (MFR-20) and Single-family Residential (SFR-6) to Service Commercial and Professional Office (C-S/P) on property located on the northwest corner of Table Rock Road and Berrydale Avenue in Medford, Oregon. After receiving a scoping letter, we proceeded with the traffic analysis, but during the analysis it was determined that no intersections, involving collectors or arterials, were reached with 25 or more peak hour trips. Based on that, there were no study area intersections to evaluate. The conclusion for the proposed land use changes, therefore, is that there will be no substantial impact. Supporting evidence is provided below.

Background

The subject property includes 2.35 acres at Township 37S Range 2W Section 13CA, tax lots 2400, 4903, 4904, and 5000. See Figure 1 below.

Figure 1: Site Vicinity



ZC-18-132
CP-18-133

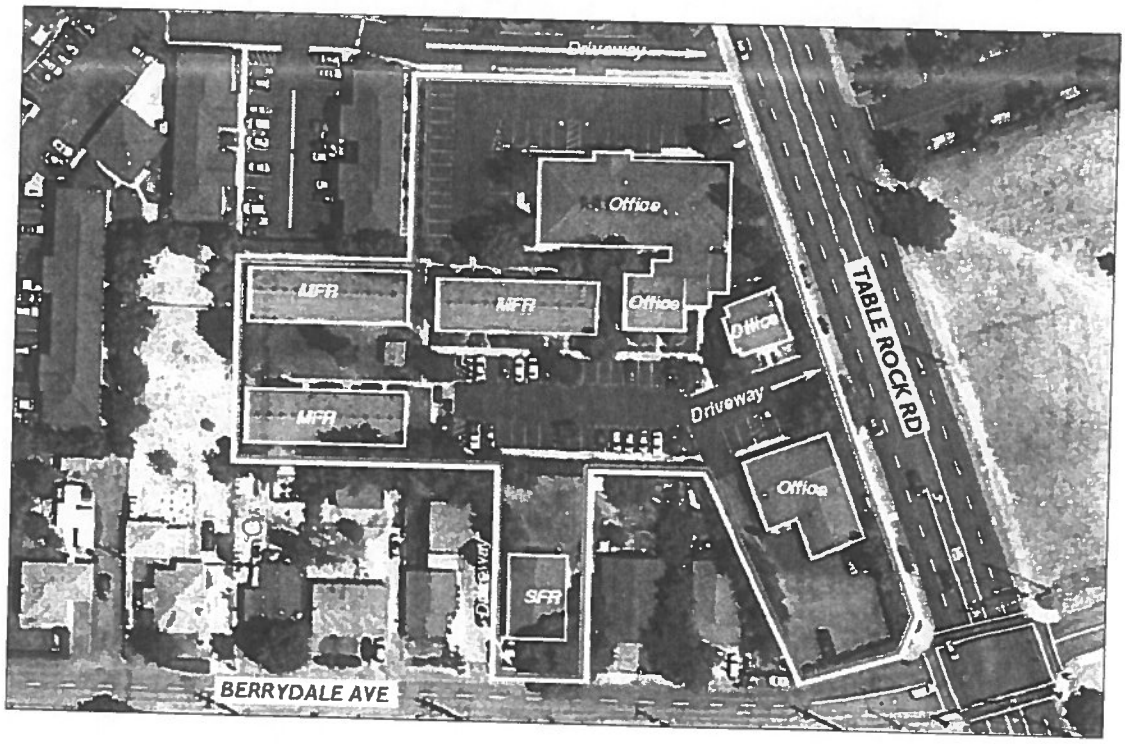
28

Existing and proposed comprehensive plan map and zoning designations are as follows:

Tax Lot	Acres	Comprehensive Plan Existing / Proposed	Zoning Existing / Proposed
2400	0.48	UH / SC	MFR-20 / C-S/P
4903	1.58	UH / SC	MFR-20 / C-S/P
4904	0.18	UH / SC	SFR-6 / C-S/P
5000	0.11	UH / SC	SFR-6 / C-S/P

The site is currently occupied by the Housing Authority of Jackson County, and includes multi-family housing, single-family housing, and offices. The offices are considered non-conforming uses. The proposed Comprehensive Plan Map amendment and zone change will bring the site into conformance, as well as provide more flexibility for moving offices around to create better traffic flow internally.

Figure 2: Existing Site Uses



The site currently has three access points. Two exist on Table Rock Road and serve all but a single family residence. The third access is on Berrydale Avenue and serves a single family residence without any connection to the rest of the site. Proposed improvements in the future include connecting the Berrydale Avenue access to the rest of the site for better on-site circulation.

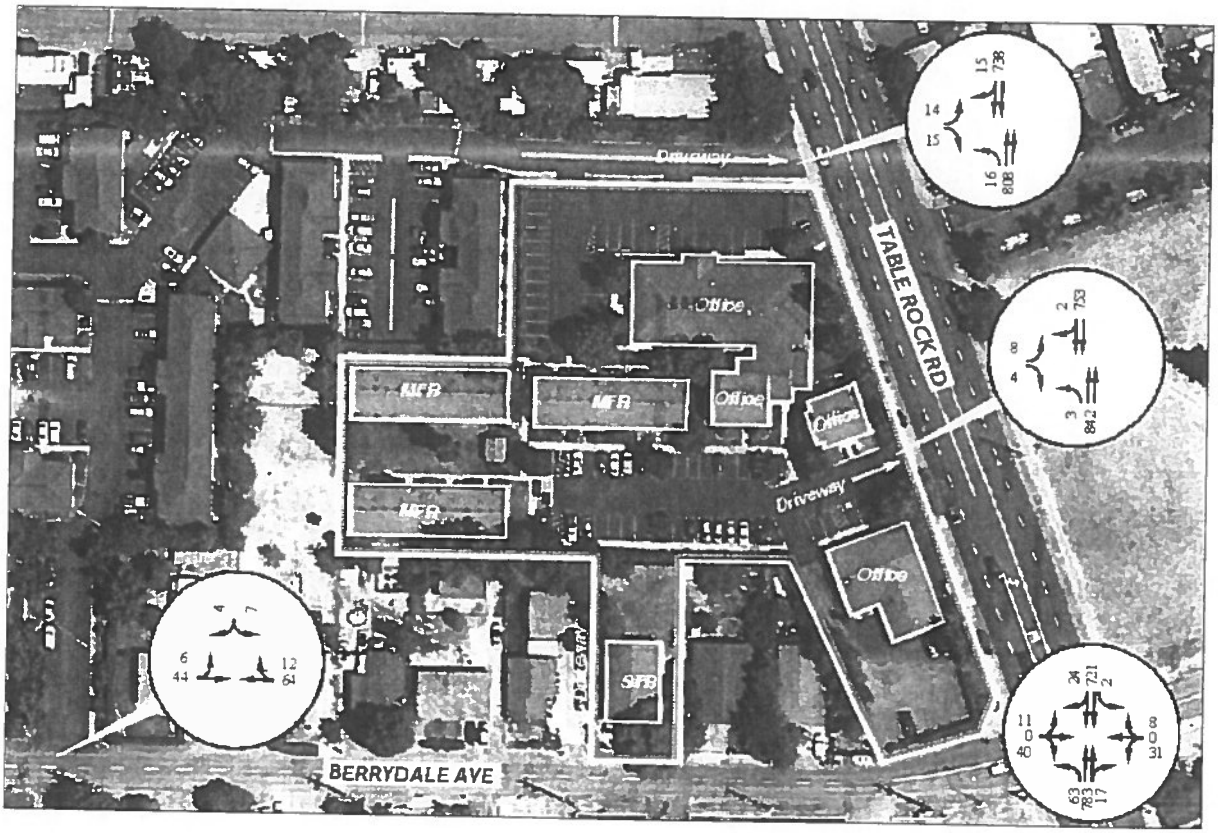
Berrydale Avenue is classified as a local street in the City of Medford Transportation System Plan (TSP). It was estimated in 2016 to carry 1,100 average daily trips (ADT). Table Rock

Road is classified as a major arterial and carries approximately 15,900 ADT. The intersection of Table Rock Road and Berrydale Avenue is currently signalized and operates at a level of service LOS "A".

Analysis

The site was counted in May of 2018 during the p.m. peak period. A City of Medford traffic count at the intersection of Berrydale Avenue and Table Rock Road showed the p.m. peak hour of 4:30-5:30 p.m. being the peak hour of the day in the site vicinity. This was also determined to be the p.m. peak hour at site driveways. Counts were conducted at both Table Rock Road driveways and a Berrydale Avenue driveway that does not serve the site, but was counted to determine splits to/from Berrydale Avenue. Raw count data is shown below in Figure 3.

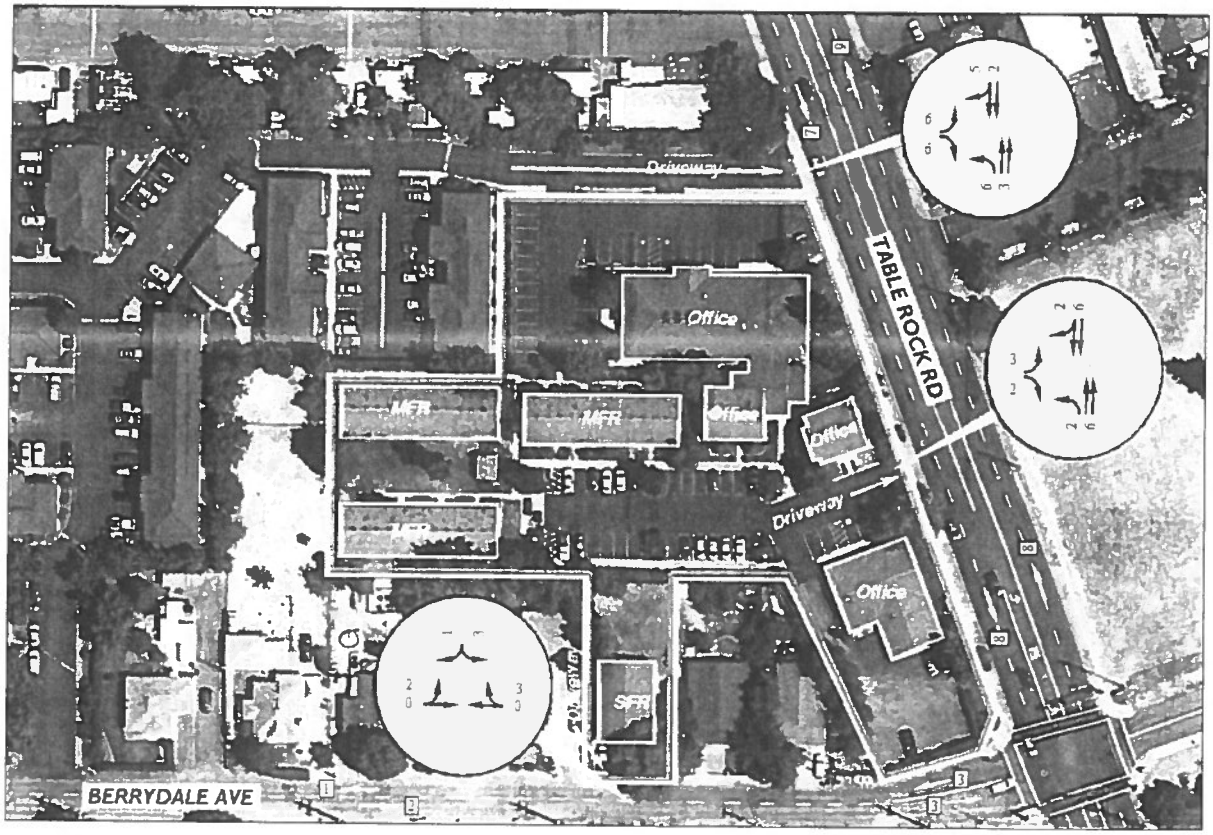
Figure 3: Year 2018 Raw Traffic Volumes, PM Peak Hour



The two driveway counts on Table Rock Road were used to establish how many trips are currently being generated by the site. The single-family residence on Berrydale Avenue was not counted because it doesn't currently connect to the site and most likely only generates a single trip during the p.m. peak hour. A driveway on Berrydale Avenue west of the single-family residence was counted for distribution purposes because it serves a larger apartment complex. It should be noted that the Housing Authority of Jackson County north driveway is shared with an apartment complex to the west but, when this driveway was counted, only trips from the Housing Authority were included.

Driveway counts on Table Rock Road showed a total of 77 trips during the p.m. peak hour with 36 inbound and 41 outbound. Proposed C-S/P zoning is estimated to generate 118 p.m. peak hour trips, based on the City of Medford trip generation for C-S/P zoning (500 ADT / acre or equivalent of 50 p.m. / acre). The net number of p.m. peak hour trips to the transportation system is, therefore, shown to be 41 p.m. trips (118 – 77 = 41). Distributing 41 p.m. peak hour trips to the transportation system, using existing traffic splits, resulted in less than 25 p.m. trips at any intersection of higher order streets. This is shown in Figure 4 below.

Figure 4: Proposed Net Development Trip Assignments



Summary and Conclusions

The purpose of the proposed plan amendment and concurrent zone change is to bring the Housing Authority of Jackson County site into compliance and allow more flexibility for site layout changes such as positioning of office buildings and multi-family housing. The site is currently built out and generating trips to the transportation system, but our analysis considered potential traffic generations using the proposed C-S/P zoning designation to satisfy requirements of the Transportation Planning Rule (TPR) and comply with the Medford Comprehensive Plan pursuant to Medford Land development Code 10.227(1) and Goal No. 3, Policy 1 of the Public Facilities Element.

Our analysis has shown that the proposed Comprehensive Plan Map amendment and concurrent zone change can be approved without significantly affecting any existing or planned transportation facility nor result in types or levels of travel or access that are inconsistent with the functional classification of any existing or planned transportation facility such that it would not meet the performance standard identified in the City's TSP or Comprehensive Plan. Additionally, the plan/zoning amendment will not degrade the performance of any existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. Based upon this, it is concluded that the proposed plan/zoning amendment is in compliance with the TPR and City of Medford. Uses permitted under proposed C-S/P zoning can be permitted without having a significant impact on streets or intersections that serve the site.

This concludes our analysis. Please feel free to contact me if you have any questions or require additional information.

Sincerely,

Kimberly Parducci PE, PTOE
SOUTHERN OREGON TRANSPORTATION ENGINEERING, LLC

REGISTERED PROFESSIONAL ENGINEER
53200PE
OREGON
SEPT 10, 2002
KIMBERLY PARDUCCI
RENEWS 12/31/18

Attachments: Count Data
Tax Lot Map
Scoping Letter

RECEIVED
SEP 17 2018
PLANNING DEPT.

TELEPHONE
541-772-2782

L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS

FAX
541-772-8465

JAMES E. HIBBS, PLS

P.O. BOX 1947
PHOENIX, OR 97535

ljfriar@charter.net

LEGAL DESCRIPTION

Beginning at the Southeast corner of Parcel 2 per Partition Plat No. P-11-1996, according to the official plat thereof, now of record, in Volume 7, Page 11 of "Record of Partition Plats" of Jackson County, Oregon and filed as Survey No. 14825 in the Office of the Jackson County Surveyor; thence North 21°00'13" West, 127.18 feet to the Northeast corner thereof; thence North 89°42'41" West, 199.28 feet to the Northwest corner thereof; thence South 00°03'47" West, 118.50 feet to the North line of that tract described in Document No. 82-10039, Official Records of Jackson County, Oregon; thence North 89°42'41" West, 114.72 feet to the Northwest corner thereof; thence South 00°03'37" West, 143.75 feet to the West Southwest corner thereof; thence along the South line thereof, South 89°42'38" East, 175.01 feet to the Northwest corner of that tract described in Document No. 2016-033812, said Official Records; thence South 00°03'37" West, 130.26 feet to the North line of Berrydale Avenue; thence along said North line, South 89°42'38" East, 60.00 feet to the Southeast corner of that tract described in Document No. 2016-033812, said Official Records; thence North 00°03'37" East, 130.26 feet to the South line of that tract described in Document No. 82-10039, said Official Records; thence along said South line, South 89°42'38" East, 70.00 feet to an angle point thereof; thence along the Westerly line thereof, South 34°17'34" East, 84.66 feet to the Northwest corner of that tract described in Document No. 84-05544, said Official Records; thence South 21°00'58" East, 65.00 feet to the Southwest corner thereof; thence along the Northerly and Westerly lines of that tract described in Document No. 97-25091, said Official Records the following three courses: North 76°20'05" East, 67.64 feet to an angle point; thence North 27°40'12" East, 30.06 feet; thence North 21°00'13" West, 18.84 feet to the South line of that tract described in Document No. 82-10039, said Official Records; thence along said South line, South 89°42'38" East, 3.76 feet to the Westerly line of Table Rock Road; thence along said Westerly line, North 21°00'13" West, 229.10 feet to the Northeast corner of that tract described in Document No. 82-10039, said Official Records; thence North 89°42'41" West, 10.73 feet to the point of beginning. Containing 2.378 acres, more or less.

TRACT TO BE REZONED
372W13CA TL'S 2400, 4903, 4904 & 5000
HAJC
18-194
September 12, 2018

REGISTERED
PROFESSIONAL
LAND SURVEYOR

James E. Hibbs

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234

RENEWAL DATE : 6-30-19

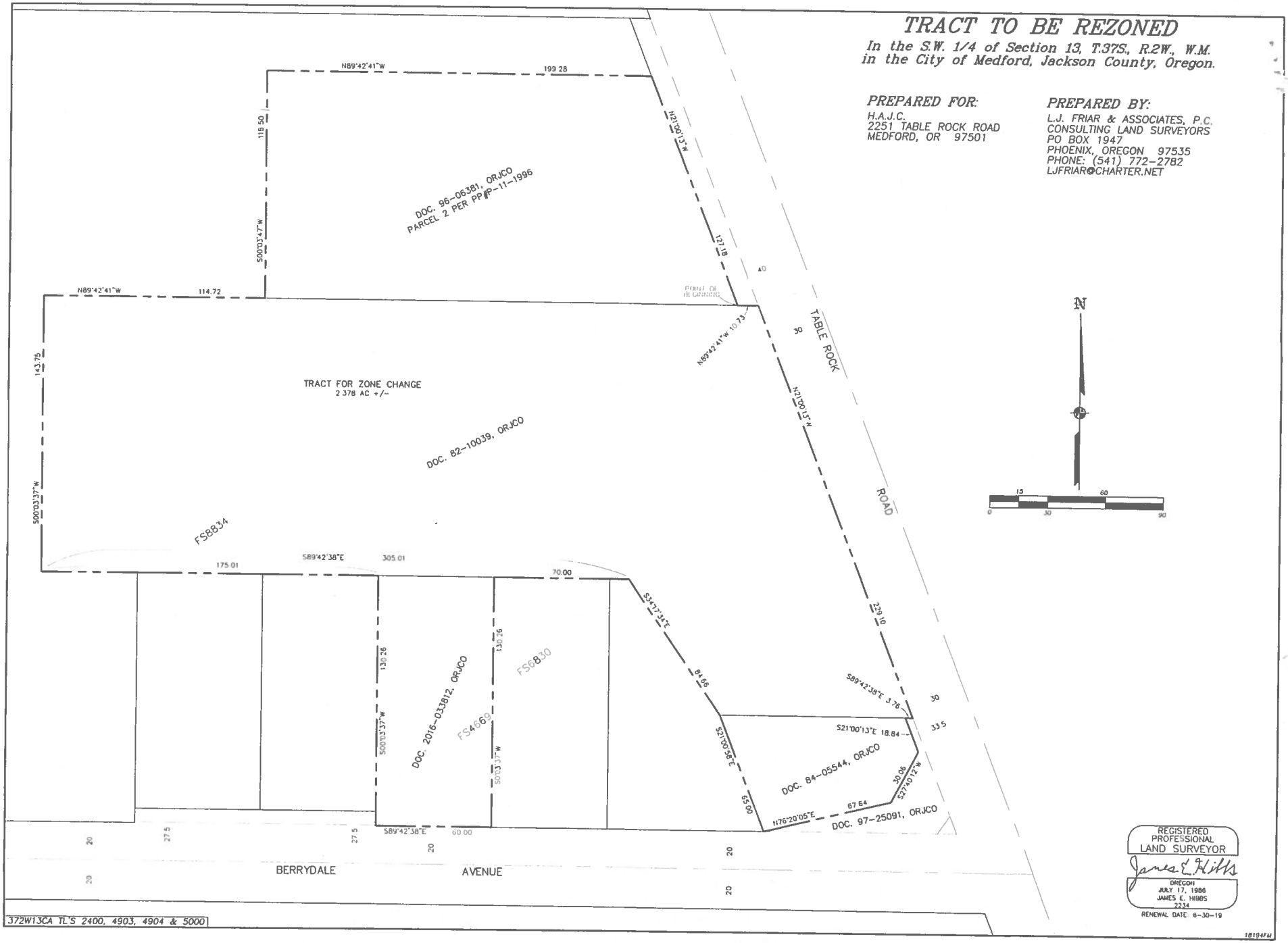
CITY OF MEDFORD
EXHIBIT # O
FILE # ZC-18-132 / CP-18-133

TRACT TO BE REZONED

In the S.W. 1/4 of Section 13, T.37S., R.2W., W.M.
in the City of Medford, Jackson County, Oregon.

PREPARED FOR:
H.A.J.C.
2251 TABLE ROCK ROAD
MEDFORD, OR 97501

PREPARED BY:
L.J. FRIAR & ASSOCIATES, P.C.
CONSULTING LAND SURVEYORS
PO BOX 1947
PHOENIX, OREGON 97535
PHONE: (541) 772-2782
LJFRIAR@CHARTER.NET



REGISTERED PROFESSIONAL LAND SURVEYOR
James E. Hibbs
OREGON
JULY 17, 1986
JAMES E. HIBBS
2234
RENEWAL DATE 6-30-19

372W13CA TL'S 2400, 4903, 4904 & 5000

18194FM

City of Medford

Planning Department

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MEMORANDUM

Subject	Legal Description
File no.	ZC-18-132/CP-18-133
To	Jon Proud, Engineering
From	Steffen Roennfeldt, Planning Department
Date	October 17, 2018

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

1. ZC-18-132/CP-18-133
   Applicant: Housing Authority of Jackson County
   Agent: Scott Sinner

STEFFEN,

THE ATTACHED description describes the area depicted on attached vicinity map.

It should also be noted that tax lots 4901, 4903 & 4904 were "DEED SPLIT" in the 1970's without benifit of a land division plat as may of been required by state or local laws of the time.

cp

Attachments:

Vicinity Map, Legal description

THANKS, JON

10/25/18

CITY OF MEDFORD
EXHIBIT # P
FILE # ZC-18-132/CP-18-133

29

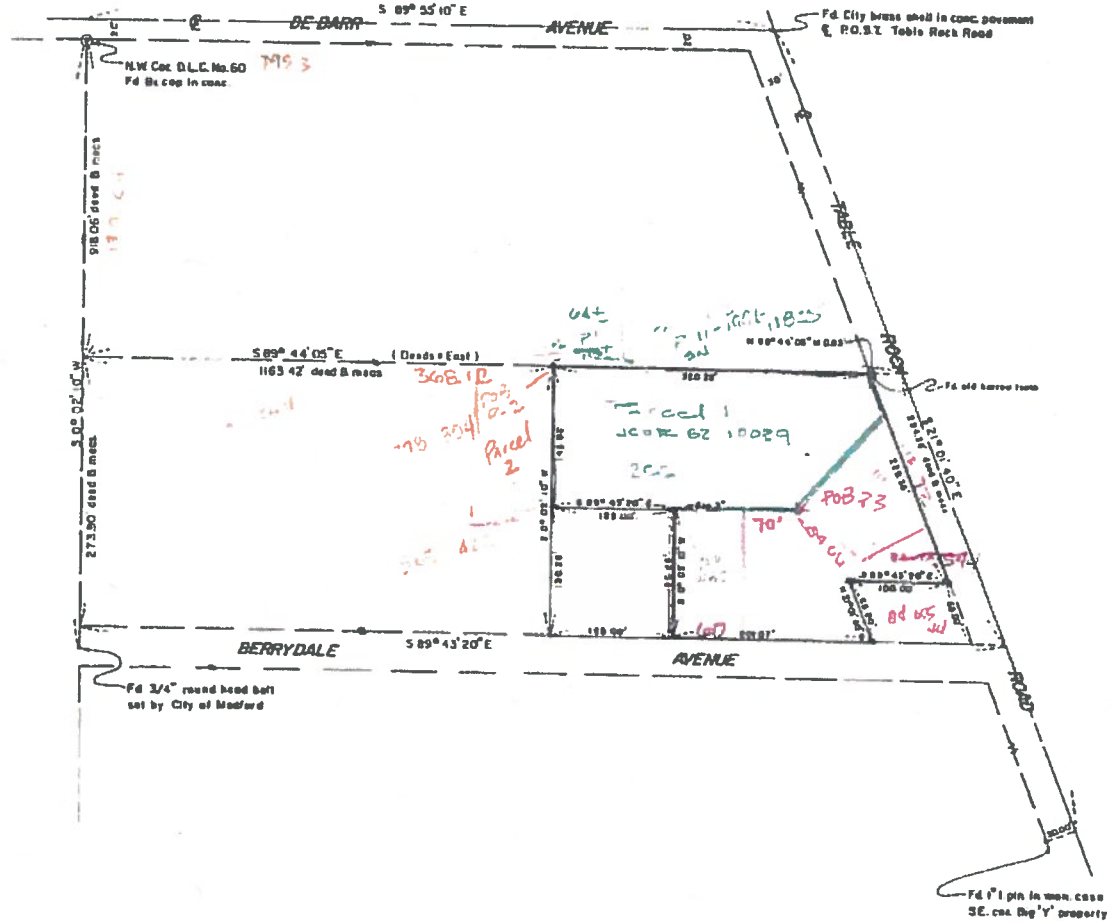
4669

Survey For

VIRGINIA PLUMMER

Located in D.L.C. No. 60
in the S.1/2, Sec.13,
T 37 S, R 2 W, W.M.
By: Mark E. Boyden
Nov 8, 1971

JACKSON COUNTY
RECORDED
NOV 8 1971
SURVEYOR



SCALE
1"=100'

Basis of Bearings
Recorded Survey No. 4281

- Fd Govt cor Re-established by C.S.
- Set 3/4"x24" I pin flush unless otherwise indicated
- Fd mon as indicated

OREGON
LAND SURVEYOR
Mark E. Boyden
NOVEMBER 8 1971
MARK E. BOYDEN
1911

4669

4669

Steffen K. Roennfeldt

From: scottsinner@yahoo.com
Sent: Wednesday, November 14, 2018 5:11 PM
To: Steffen K. Roennfeldt; Douglas E. Burroughs
Subject: FW: Housing Authority Zone Change

Hello all,

I received a reply from Roger on the Sanitary sewer issue identified in the original Public Works Comments. It looks like the sanitary sewer capacity issues is not an impact to the requested CPA and zone change for the Housing Authority.

Thank you

Scott

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

From: Roger E. Thom <Roger.Thom@cityofmedford.org>
Sent: Wednesday, November 14, 2018 2:39 PM
To: 'scottsinner@yahoo.com' <scottsinner@yahoo.com>
Subject: RE: Housing Authority Zone Change

Scott:
2005 SSMP is 180 gal/day/unit for SFR-20, and commercial is 1700 gal/day/acre.
2018 SSMP (likely to get adopted December 5th) Urban High Density Residential is 1800 gal/day/acre. Service Commercial is 840 gal/day/acre.
So, no problem going from MFR -20 to Service Commercial, but pretty tough to go the other way if there is SS capacity issues.
Hope that helps,
Thanks,
Roger

From: scottsinner@yahoo.com [mailto:scottsinner@yahoo.com]
Sent: Tuesday, November 13, 2018 4:37 PM
To: Roger E. Thom <Roger.Thom@cityofmedford.org>
Subject: Housing Authority Zone Change

Hello Roger,

Could you please confirm the Sanitary Sewer impacts the City uses for the MFR-20 zoning district and the C-SP zoning district.

Thanks

Q
ZC-18-132
CP-18-133

TELEPHONE
541-772-2782

JAMES E. HIBBS, PLS

L.J. FRIAR & ASSOCIATES P.C.
CONSULTING LAND SURVEYORS
P.O. BOX 1947
PHOENIX, OR 97535

FAX
541-772-8465
ljfriar@charter.net

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NOV 15 2018
PLANNING DEPT.

LAWFULLY CREATED PARCELS

Medford Code 10.012:
Lawfully established unit of land. A lot or parcel created pursuant to ORS 92.010 to 92.192 or another unit of land created in compliance with all applicable planning, zoning, and subdivision or partition ordinances and regulations or by deed or land sales contract, if there were no applicable planning, zoning, subdivision, or partition ordinances or regulations. Lawfully established unit of land does not mean a unit of land created solely to establish a separate tax account.

TL2400:
The original configuration was via Partition P-11-1996. The configuration as shown on the current assessor map was done through an approved property line adjustment in 2003, recorded as Document No. 2003-007357, ORJCO and a street right of way dedication recorded as Document No. 2010-008766, ORJCO. **Therefore TL2400 is a lawfully created tract as defined in Medford Code 10.012.**

TL'S 4901, 4903, 4904 & 4905:
The original properties was conveyed via Document 71-15800, ORJCO as shown on Survey No. 4669. In 1977, Survey No. 6830 was filed and in conjunction with the Survey, legal descriptions were prepared and segregation requests processed through the Jackson County Assessors Office. **The result of the segregation requests were TL'S 4901, 4904 & 4905 being lawfully created tracts of land as defined in Medford Code 10.012.** By default the remainder of TL4903 was also lawfully created. In 1979, the property set forth in Vol. 278, Pg. 354, JCDR was added to TL4903 via Document 79-21140, ORJCO. This added 50' to the Westerly portion of TL4903. The property configuration remained the same until 2003 when the SE'ly portion of TL2400 was added to TL4903 via an approved property line adjustment, recorded as Document No. 2003-007356, ORJCO. A street right of way dedication recorded as Document No. 2010-008766, ORJCO brings the configuration of TL4903 to what is shown on the current assessor's map. **Therefore TL4903 is a lawfully created tract as defined in Medford Code 10.012.**

TL5000:
The original configuration of TL5000 goes back at least to 1949 as Vol. 313, P.221, JCDR. The configuration as shown on the current assessor map is a combination of the above deed and street right of way takes per Doc. 73-13929 & 97-25091, ORJCO. **Therefore TL5000 is a lawfully created tract as defined in Medford Code 10.012.**

REGISTERED
PROFESSIONAL
LAND SURVEYOR

James E. Hibbs

OREGON
JULY 17, 1986
JAMES E. HIBBS
2234
RENEWAL DATE : 6-30-19

ZC-18-132
CP-18-133

City of Medford
Planning Department

Vicinity Map

File Number: CP-18-133 ZC-18-132

Project Name:

HAJC
Comp Plan & Zone Change

Map/Taxlot:

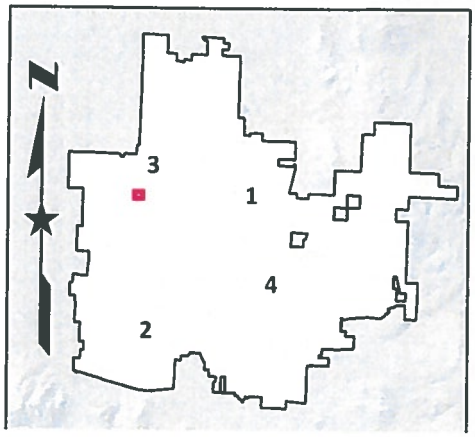
372W13CA
TL 2400, 4903, 4904, 5000

0 75 150 Feet

09/21/2018

Legend

- Subject Area
- Zoning Districts
- Tax Lots



City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

STAFF REPORT

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

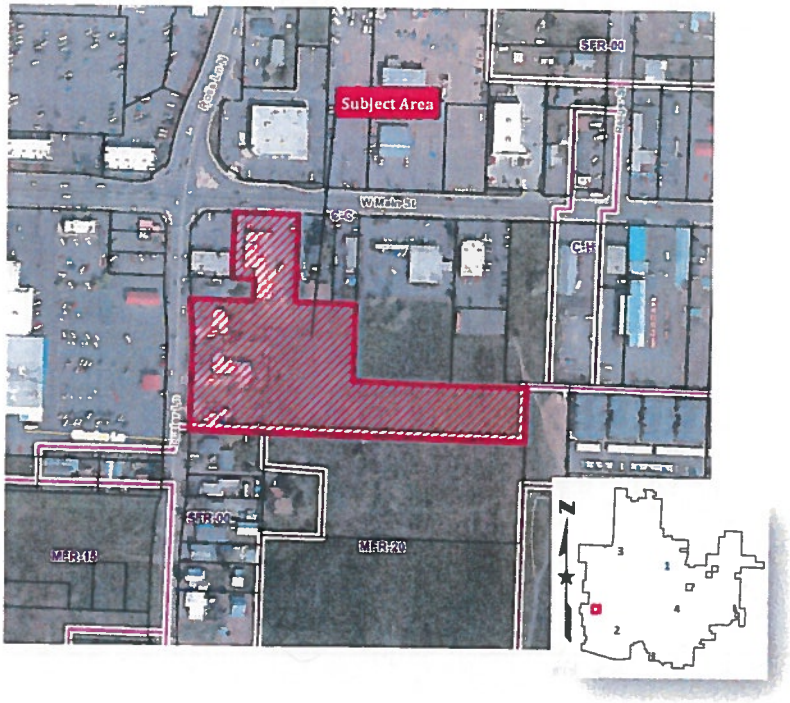
Project	Manjoh LLC Applicant: Manjoh LLC
File no.	LDP-18-140 & ZC-18-141
To	Planning Commission *for November 29, 2018 hearing*
From	Steffen Roennfeldt, Planner III
Reviewer	Kelly Evans, Assistant Planning Director
Date	November 16, 2018

BACKGROUND

Proposal

Consideration of a request for tentative plat approval of a proposed two-lot partition on a 4.31-acre parcel located at 59, 75 & 101 Lozier Lane and 2267&2287 W Main Street within the C-C zoning district and a request for a zone change from C-C (Community Commercial) to MFR-30 (Multiple Family Residential – 20 to 30 dwelling units per gross acre) for proposed Parcel 2 (372W26DA1000).

Vicinity Map



Subject Site Characteristics

Zoning: C-C (Community Commercial)

GLUP: CM (Commercial) & UH (Urban High Density Residential)

Overlay(s): None

Use: Commercial & low density residential

Surrounding Site Characteristics

North	Zone:	C-C
	Use(s):	Commercial
South	Zone:	SFR-00 (Single Family Residential – 1 dwelling unit per lot) & MFR-20 (Multiple Family Residential – 15 to 20 dwelling units per gross acre)
	Use(s):	Low density residential & vacant
East	Zone:	C-C & MFR-20
	Use(s):	Vacant & high density residential
West	Zone:	C-C
	Use(s):	Commercial

Related Projects

PA-18-006 Pre Application for current project

PLA-18-116 Property Line Adjustment for Taxlot 1000 & 1300

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) and (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.

***

(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, 4.46 net-acre parcel which is developed with a commercial structure to the north and three single-family detached dwelling units along Lozier Lane to the west.

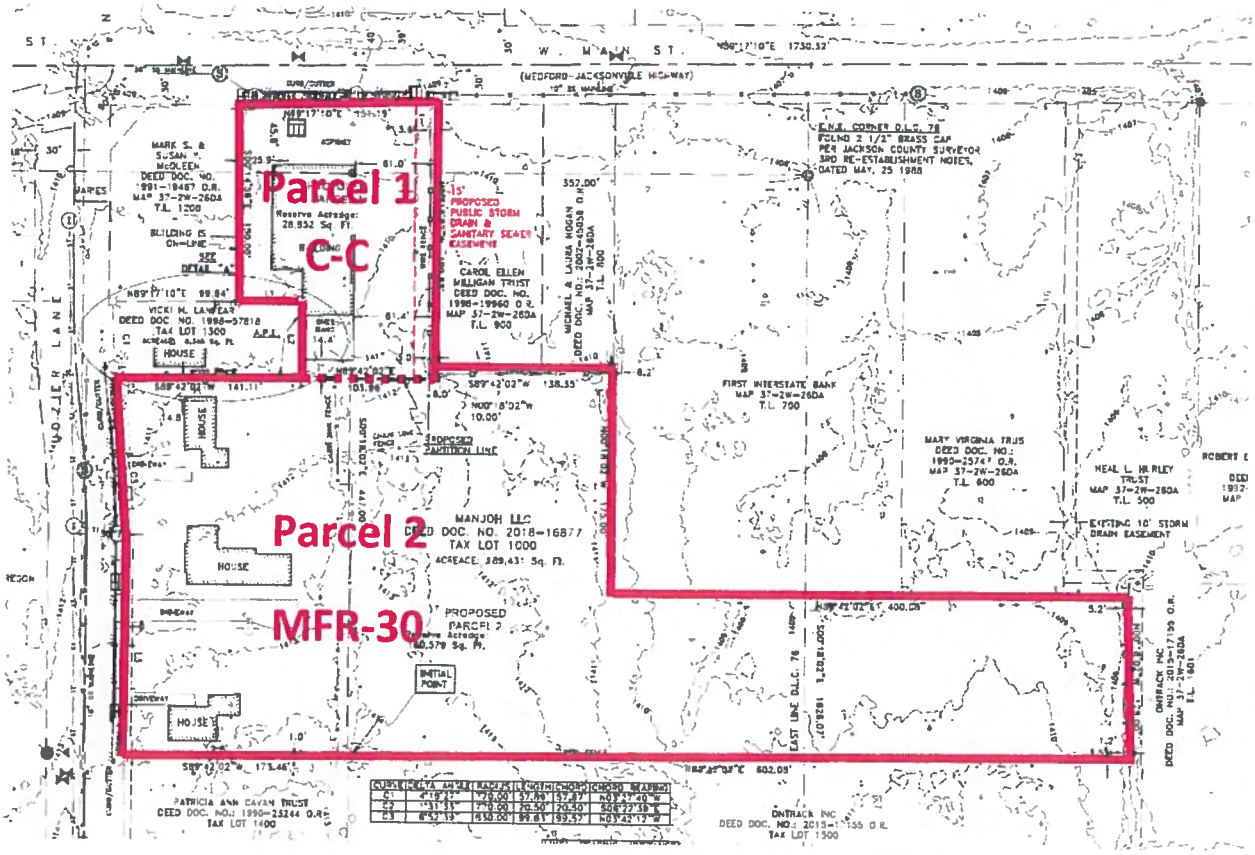
The site fronted by two public streets: West Main Street, a Minor Arterial street, to the north and Lozier Lane, a Major Collector street to the west.

Lozier Lane was recently improved as part of the City's capital improvement project (P1806). Therefore, no additional public improvements are required along this development's frontage. The same is true for the property frontage along West Main Street. No additional pubic improvements are required.

The applicant recently submitted a property line adjustment (PLA) application which will be handled administratively. The PLA will cure two setback issues on the affected properties between taxlots 1000 and 1300 in the area highlighted above. The PLA will have to be finalized prior to final plat approval; a condition of approval has been added to Exhibit A.

Tentative Plat

The Tentative Plat for the subject site identifies two proposed parcels. Parcel 1 to the north which will keep its current zoning designation of Community Commercial and Parcel 2 to the south which is intended to receive a zoning of MFR-30 as part of this application.



Dimensional Standards

Dimensional Standards Table

C-C	Lot Area	Min. lot Width (Interior)	Min. lot Depth	Min. Lot Frontage
Required	15,000 sq. ft.	70 feet	100 feet	70 feet
Shown	28,852sq. ft.	152 feet	213 feet	151.23 feet
MFR-30				
Required	8,000 sq. ft.	80 feet	100 feet	30 feet
Shown	189,431 sq. ft.	125 feet	780 feet	290 feet

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 C-C and MFR-30 zoning districts as found in Article V of the Medford Land Development Code.

Reserve Acreage

The submitted tentative plat identifies both parcels as "reserve acreage". No construction is proposed for either of the parcels as part of this application.

While the construction of public improvements along all abutting rights-of-way are required of partitions 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). However, as the public improvements along West Main Street for proposed Parcel 1 are already fully constructed, it is unnecessary to designate Parcel 1 as "reserve acreage". A condition of approval has been included to remove the designation of Parcel 1 as "reserve acreage" on the final plat.

Block Length

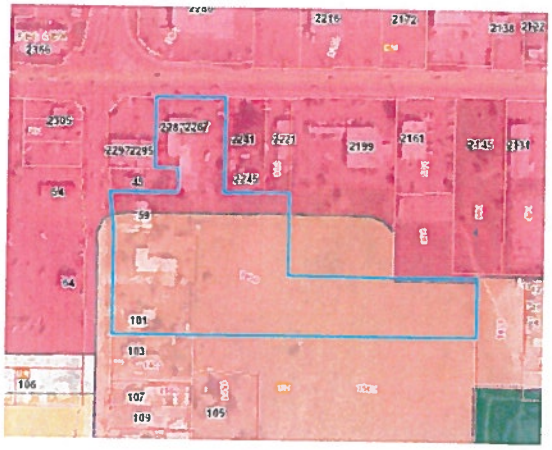
MLDC 10.426, titled Street Circulation Design and Connectivity, establishes maximum block and perimeter length. In order to assure that developments will ultimately result in complete blocks bound by a network of public streets, and/or private streets constructed to City Standards, new developments contained within City blocks may be required to dedicate/construct public streets within the development in order to comply with block length standards.

MLDC 10.426(2) 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.

The applicant's submitted findings cite that there will be no construction as part of this application, that Parcel 2 will be designated as "reserve acreage" and that the property has *multiple possible circulation patterns for east-west access from Lozier Lane to provide public street access and connections for this parcel as well as abutting properties in the vicinity to provide connectivity in compliance with MLDC 10.426* as grounds for the granting of relief from complying with the strict standards of the code for block length, citing MLDC 10.426(2)(f). The section states that *Future development on adjoining property or reserve acreage can feasibly satisfy the block or perimeter standards.*

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. All Street Circulation Design and Connectivity standards will be applicable to future development applications for Parcel 2.

General Land Use Plan Map/Transportation System Plan



The General Land Use Plan (GLUP) designation for the subject site is CM, Commercial, towards the north of the site and UH, Urban High Density Residential, for the remainder of the site. As pointed out by the applicant and as described in the General Land Use Plan Element of the Medford Comprehensive Plan, the *GLUP Map graphically represents the present and future land use patterns within the City of Medford (...). To properly administer the GLUP Map, several things must be kept in mind. (...) The second is that the GLUP Map is "general". The designations on the GLUP Map are not intended to follow property lines. Interfaces between different designations are purposefully non-site-specific so as to discourage using GLUP Map designations as the sole basis for making decisions on zone change applications. Having the appropriate GLUP Map designation is a prerequisite for a zone change.*

According to the General Land Use Plan Element of the Comprehensive Plan, the proposed MFR-30 zoning district for Parcel 2 is a permitted zone within the UH GLUP Map 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) was not required as the proposed zone change for Parcel 2 from Community Commercial to MFR-30 will result in a reduction of 5,156 Average Daily Trips.

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.

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 G to L, including comments from the Rogue Valley Sewer Services (RVSS), demonstrate that Category A facilities are adequate.

Other Agency Comments

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

The RVSS report states that sewer services for future development will require main line extension into proposed Parcel 2 from any of the adjacent sewer mains.

Committee Comments

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

FINDINGS AND CONCLUSIONS

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. Staff recommends that the Commission adopt the Applicant's Findings of Fact (Exhibit G) as presented.

Zone Change

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

RECOMMENDED ACTION

Adopt the findings as recommended by staff and direct staff to prepare Final Orders for approval of LDP-18-140 & ZC-18-141 per the staff report dated November 16, 2018, including Exhibits A through S.

EXHIBITS

A Conditions of approval dated November 16, 2018.
B Tentative Plat, received October 30, 2018
C Existing Conditions Grading Plan, received September 21, 2018
D Applicant's Findings of Fact and Conclusions of Law for Partition, received September 21, 2018
E Applicant's Findings of Fact and Conclusions of Law for Zone Change, received September 21, 2018
F Block Length Findings for LDP-18-140, received November 13, 2018
G Public Works Department Staff Report for Partition, revised November 12, 2018
H Public Works Department Staff Report for Zone Change, revised November 12, 2018
I Board of Water Commissioners Staff Memo, dated October 31, 2018
J Medford Fire-Rescue Land Development Report, dated October 31, 2018
K Building Department Memo, dated October 29, 2018
L Rogue Valley Sewer Services Memo, dated October 23, 2018
M Oregon Department of Aviation E-Mail, received October 22, 2018
N City Surveyor Memo, dated October 17, 2018
O Legal Description and Deed for Taxlot 372W26DA1000, received September 21, 2018
P Legal Description and Deed for Taxlot 372W26DA1300, received September 21, 2018
Q Title Report for 2267-2287 West Main Street, received September 21, 2018

R Title Report for Taxlot 372W26DA1300, received September 21, 2018
S Storm Drain Easement, received September 21, 2018
Vicinity Map

PLANNING COMMISSION AGENDA: **NOVEMBER 29, 2018**

EXHIBIT A

Manjoh LLC
LDP-18-140 & ZC-18-141
Conditions of Approval
November 16, 2018

DISCRETIONARY CONDITIONS (LAND PARTITION)

Prior to final plat approval the applicant shall:

1. Finalize Property Line Adjustment PLA-18-116 to cure setback issues on affected properties.

2. Remove "Reserve Acreage" designation for Parcel 1.

CODE REQUIRED CONDITIONS (LAND PARTITION)

The development shall:

3. Comply with all conditions stipulated by Medford Public Works Department (Exhibit G)
4. Comply with all conditions stipulated by the Medford Water Commission Memo (Exhibit I)
5. Comply with all conditions stipulated by Rogue Valley Sewer Services Report (Exhibit L)

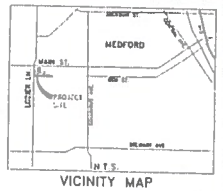
TENTATIVE PARTITION PLAT NO. _____

PRELIMINARY LAND PARTITION PLAT
For
MANJOH LLC
Located In:
The N.E. 1/4 of the N.W. 1/4 of SECTION 26, T.37S., R.2W.,
Willamette Meridian, City of Medford, Jackson County, Oregon
(CITY FILE NO. LDP-18-140/ZC-18-414)

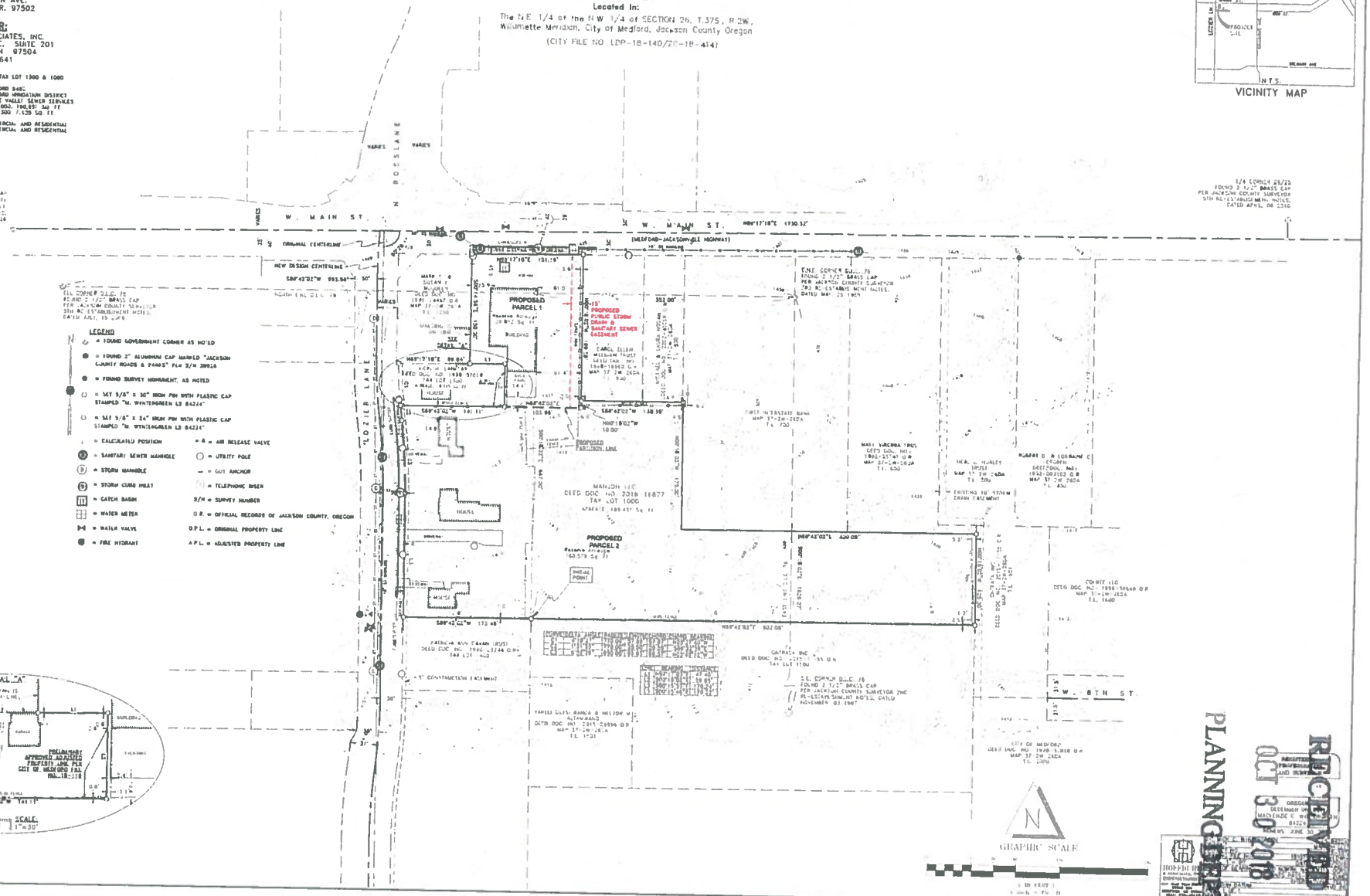
OWNER/APPLICANT:
MANJOH LLC
940 N. MOUNTAIN AVE.
CENTRAL POINT, OR. 97502

SURVEYOR:
HOFFBUHR & ASSOCIATES, INC.
880 GOLF VIEW DRIVE, SUITE 201
MEDFORD, OREGON 97504
(541)779-4641

PROPERTY LINE ADJUSTMENT: TAX LOT 1300 & 1000
PARTITION: TAX LOT 1000
SCHOOL DISTRICT: MEDFORD 549C
IRRIGATION DISTRICT: MEDFORD IRRIGATION DISTRICT
SANITATION DISTRICT: ROGUE VALLEY SEWER SERVICES
TOTAL AREA: T.L. 1000: 190,851 SQ. FT.
T.L. 1300 7,129 SQ. FT.
ZONING: CC
EXISTING USE: COMMERCIAL AND RESIDENTIAL
PROPOSED USE: COMMERCIAL AND RESIDENTIAL



VICINITY MAP



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OCT 30 2018
PLANNING DEPT.

File # LDP-18-140
ZC-18-141
EXHIBIT # B

APPROVAL (FILE 2018-00XXX)

CITY OF MEDFORD DEVELOPMENT SERV. DATE

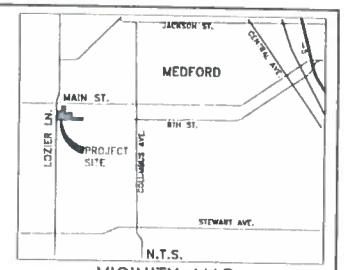
TENTATIVE PARTITION PLAT NO. _____

"EXISTING CONDITIONS" GRADING PLAN
For
MANJOH LLC
Located In:
The N.E. 1/4 of the N.W. 1/4 of SECTION 26, T.37S., R.2W., Willamette Meridian, City of Medford, Jackson County Oregon
(REFERENCE CITY FILE NO. 2018-116)

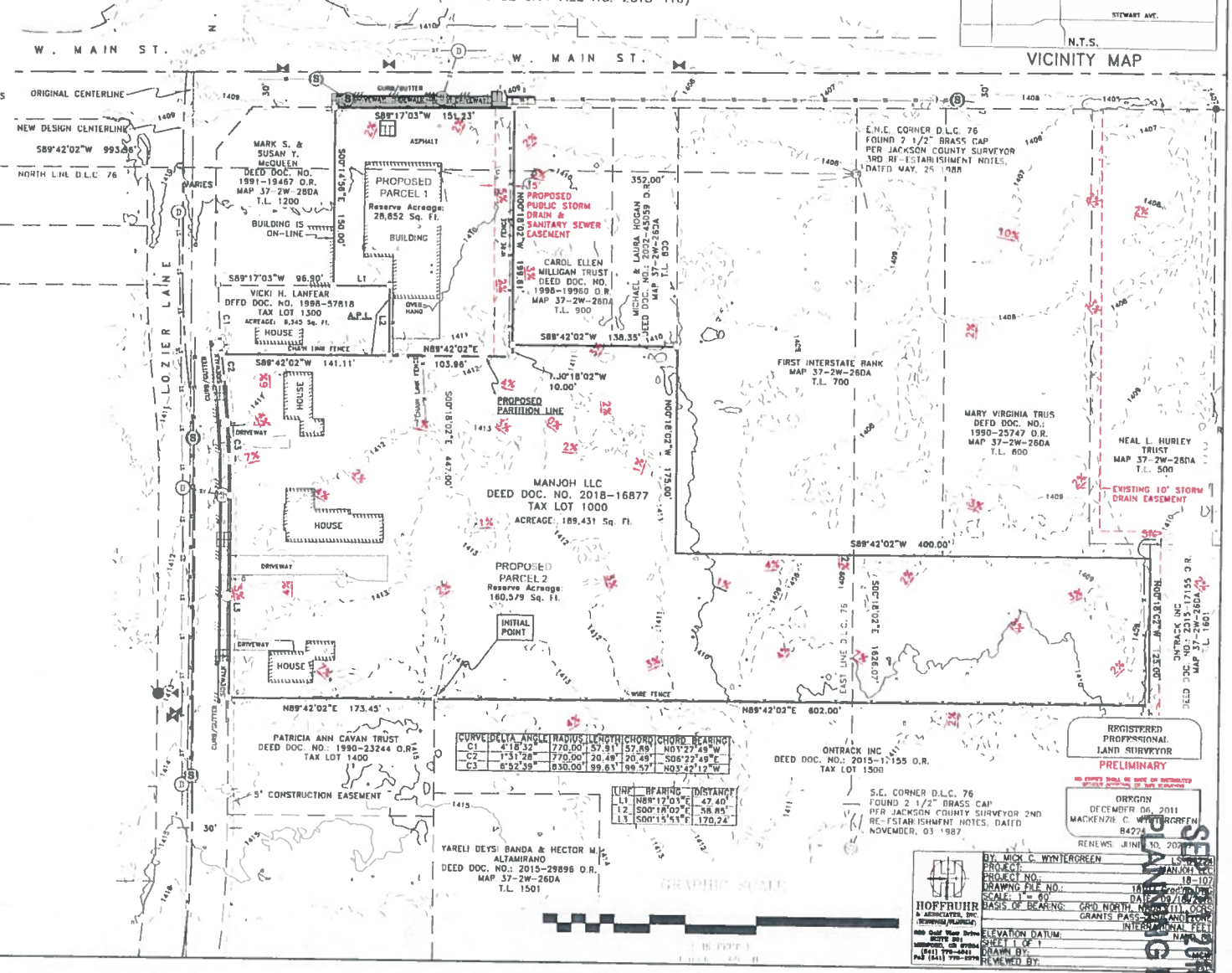
OWNER/APPLICANT:
MANJOH LLC
940 N. MOUNTAIN AVE.
CENTRAL POINT, OR. 97502

SURVEYOR:
HOFFBUHR & ASSOCIATES, INC.
880 GOLF VIEW DRIVE, SUITE 201
MEDFORD, OREGON 97504
(541)779-4641

PARTITION:	TAX LOT 1000
SCHOOL DISTRICT:	MEDFORD 549C
IRRIGATION DISTRICT:	MEDFORD IRRIGATION DISTRICT
SANITATION DISTRICT:	ROGUE VALLEY SEWER SERVICES
TOTAL AREA:	T.L. 1000: 189,431 SQ. FT. T.L. 1300: 8,345 SQ. FT.
ZONING:	CC
EXISTING USE:	COMMERCIAL AND RESIDENTIAL
PROPOSED USE:	COMMERCIAL AND RESIDENTIAL



VICINITY MAP



CURVE	DELTA ANGLE	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	4°18'32"	770.00'	57.91'	57.89'	N01°27'49"W
C2	1°31'28"	770.00'	20.49'	20.49'	S06°22'49"E
C3	6°52'39"	830.00'	99.63'	99.57'	N03°42'12"W

LINE	BEARING	DISTANCE
L1	N88°17'03"E	47.40'
L2	S00°18'02"E	58.85'
L3	S00°15'53"E	170.24'

37 2 DA, TAX LOT 1000
(181 ding DWG)

SEE GRADING DEPT

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CITY OF MEDFORD
EXHIBIT # C
FILE # LDP-18-140 / ZC-18-141

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SEP 21 2018
PLANNING DEPT

BEFORE THE PLANNING DEPARTMENT OF THE CITY OF MEDFORD, OREGON

IN THE MATTER OF A PARTITION	)	
OF THE PROPERTY IDENTIFIED AS 372W26DA	)	**FINDINGS OF FACT**
TAX LOT 1000	)	**AND**
MANJOH LLC APPLICANT	)	**CONCLUSIONS OF LAW**
HOFFBUHR AND ASSOCIATES, INC. AGENT	)	

Applicant:

Manjoh, LLC
940 Mountain Ave
Central Point, OR 97502

Agent:

Mick Wyntergreen
Hoffbuhr and Associates, Inc.
880 Golf View Drive, Suite 201
Medford, OR 97504
mcw@hoffnuhr.com
541-779-4641

Property:

Manjoh, LLC
2267 West Main Street
Medford, OR 97501

4.46 Acres

Project Summary:

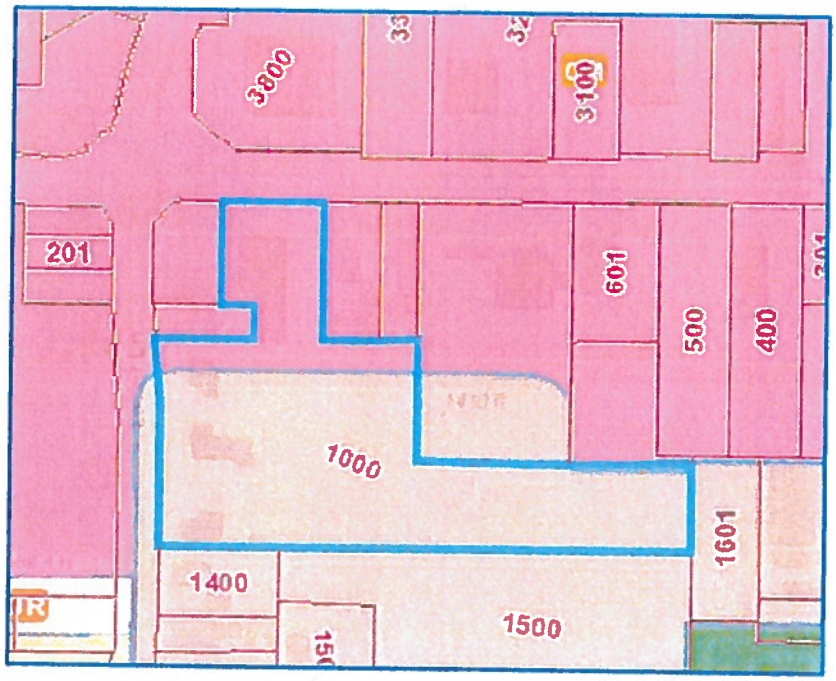
The subject property is 4.46 net acres with frontage on West Main Street and Lozier Lane. The subject property is currently in the Community Commercial (C-C) zoning district. The property has split General Land Use Plan (GLUP) Map Designations, CM for Commercial on the portion of the property generally on the West Main frontage and Urban High Density (UH) on the larger portion of the property accessed from Lozier Lane.

CITY OF MEDFORD
EXHIBIT # 5
FILE # LDP-18-140 / ZC-18-141

This application is submitted with an application for a zone change to rezone the proposed Parcel 2 to the MFR-30 zoning district, to be consistent with the GLUP designation.

Additionally, the partition plat submitted with the application contains a Property Line Adjustment (PLA) with an adjoining parcel. The approval of the proposed PLA will cure two setback encroachments on the affected properties.

The image below is the GLUP Map for the area. The GLUP boundaries are intended to be general in nature and the boundaries are intended to be adjusted to coincide with specific tax lots in the zone change process.



The following is an excerpt from the General Land Use Plan Element of the Medford Comprehensive Plan:

> *The General Land Use Plan (GLUP) Map graphically represents the present and future land use patterns within the City of Medford, and the future patterns within the Urban Growth Boundary (UGB). Medford's GLUP Map is maintained in a larger sized format and is a part of this element by reference. The purpose of the GLUP Map is to project the probable land uses in the city at the end of the planning period, based on the needs analyses in the other elements of the Medford Comprehensive Plan. For example, the "Housing Element" provides a close look at residential land needs, while the "Economic Element" details commercial and industrial land needs.*

To properly administer the GLUP Map, several things must be kept in mind. The first is that the GLUP Map is dynamic. The current projections for land needs are based on past and present trends, and assumptions about the future. However, community needs and priorities tend to change over time, so amendments to the GLUP Map must be possible.

The second is that the GLUP Map is "general". The designations on the GLUP Map are not intended to follow property lines. Interfaces between different designations are purposefully non-site-specific so as to discourage using GLUP Map designations as the sole basis for making decisions on zone change applications. Having the appropriate GLUP Map designation is a prerequisite for a zone change. "Article II" of the Medford Land Development Code establishes specific criteria and procedures required for GLUP Map and Zoning Map amendments.

Approval Criteria:

The approval criteria for a Partition Tentative Plat is identified in section 10.170 of the Medford Land Development Code as follows:

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

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

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

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

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

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

(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 proposed tentative plat was prepared to comply with all elements of the Comprehensive Plan and the Transportation System Plan. And the Oregon Planning Rule.

The TSP identifies the importance of multi modal transportation opportunities in the land use planning process. All modes of transportation are to be considered in the planning process to include water, rail, air, mass transit, motor vehicle, bicycle and pedestrian transportation.

Water and rail transportation facilities are not available to serve the subject property. The property is located 2.6 miles from Interstate 5 and 6.5 miles from the Rogue Valley International Airport.

The subject property currently has frontage on two classified streets. West Main is classified as a Minor Arterial and Lozier Lane is classified as a major collector. The property is not located in an area of an adopted circulation plan.

West Main Street is fully developed with a paved section, curb, gutter bike land and sidewalk. Lozier Lane is fully improved with a paved section curb and gutter, bike lanes and sidewalk. These improvements are consistent with the TSP and promote multimodal transportation opportunities.

As Stated above in the Project Summary, the property currently has two General Land Use Plan (GLUP) Map designations, and one zoning district. The property is currently zoned C-C, which is consistent with the CM commercial GLUP designation.

This application will propose a 2 lot partition to conform to the GLUP Map. Parcel 1 is within the C-C zoning district, and a zone change application has been submitted concurrently with this partition application to rezone Parcel 2 to the MFR-30 zoning district. The MFR-30 zoning district is consistent with the UH GLUP Map designation.

Conclusions of Law:

The Planning Director can conclude the proposed partition is consistent with the Comprehensive Plan, the Transportation System Plan and the Oregon Planning Rule and any other applicable plans.

> *(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 primary objective of this partition application is to prepare the subject property for future development consistent with the Comprehensive Plan, including the GLUP Map.

The approval of the proposed tentative plat will create two parcels. Parcel 1 contains existing commercial buildings and is developed at, or near, current urban standards and densities. The applicant does not propose additional development on Parcel 1 at this time.

Parcel 2 is proposed as reserve acreage. Reserve acreage is defined in the MLDC as follows:

> *Reserve acreage. That portion of the lot which is not intended to be part of the development and can be separately developed at a later time.*

Parcel 2 will be available for future development and subject to all current standards of the MLDC when development applications are submitted to the City for review and approval.

Conclusions of Law:

The Planning Director can conclude the partition application is consistent with the MLDC, Parcel 1 is developed at urban density and Parcel 2 is identified as Reserve Acreage and will be developed with future land use actions.

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

Findings of Fact:

The proposed partition does not create any new streets. Parcel 1 is developed and has frontage on a public street, West Main, and Parcel 2 is proposed as reserve acreage and will be subject to future development at the then current standards.

Conclusions of Law:

The Planning Director can conclude the proposed partition does not propose any new streets. Parcel 2 is proposed as reserve acreage and will be available for future development consistent with the standards at the time of the proposed future development.

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

Findings of Fact:

The proposed partition does not create any new streets, public or private.

Conclusions of Law:

The Planning Director can conclude the proposed partition does not propose any new streets.

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

Findings of Fact:

The subject property is not near any agricultural lands or properties in the EFU County zoning district. There will be no conflicts with any agricultural lands.

Conclusions of Law:

The Planning Director can conclude the proposed partition does create any conflicts with nearby agricultural lands.

Application Summary and Conclusions:

This application for a land partition is in compliance with the Comprehensive Plan Medford Land Development Code and all other applicable plans including the TSP. The Partition and the consolidated zone change application will change Parcel 2 from the C-C zoning district to the MFR-30 zoning district consistent with the GLUP Map.

The proposed Parcel 1 is currently developed to urban standards and Parcel 2 is proposed as reserve acreage and will be available for full development in future land use actions.

The proposed partition plat does not propose any new streets, public or private and the Parcel 2 is proposed as reserve acreage and will be subject to future development.

The proposed plat will not create any conflicts with any agricultural lands.

On behalf of the applicant I request the approval of this partition plat.

Regards

Mick Wyntergreen.
Hoffbuhr and Associates, Inc.

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SEP 21 2018
PLANNING DEPT

BEFORE THE PLANNING COMMISSION OF THE CITY OF MEDFORD, OREGON

IN THE MATTER OF A ZONE CHANGE	)	
OF THE PROPERTY IDENTIFIED AS 372W26DA	)	**FINDINGS OF FACT**
TAX LOT 1000	)	**AND**
MANJOH LLC APPLICANT	)	**CONCLUSIONS OF LAW**
SCOTT SINNER CONSULTING, INC. AGENT	)	

Applicant:

Manjoh, LLC
940 Mountain Ave
Central Point, OR 97502

Agent:

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

Property:

Manjoh, LLC
2267 West Main Street
Medford, OR 97501

4.46 Acres
Current Zoning Community Commercial

Project Summary:

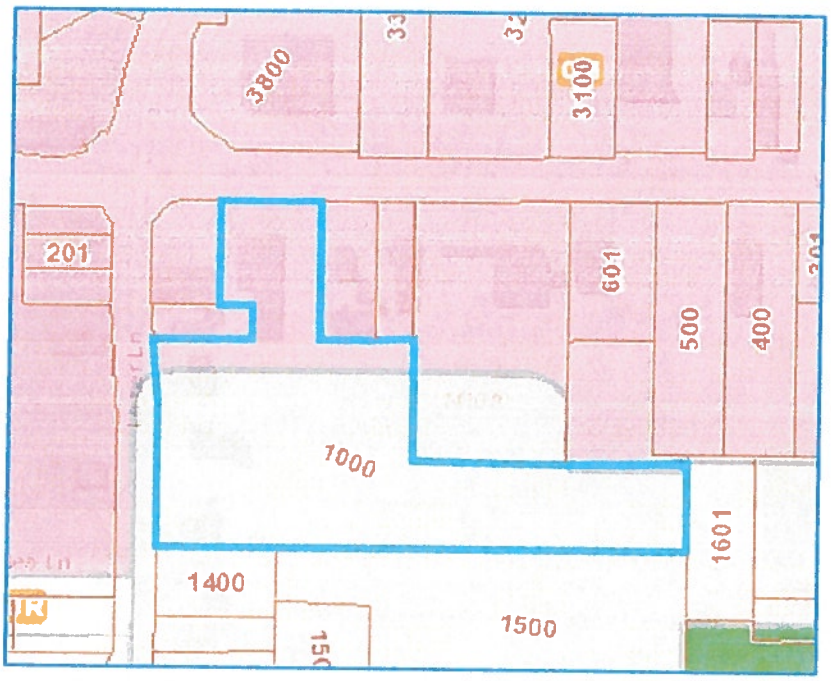
The subject property is currently in the Community Commercial zoning district. The property has split General Land Use Plan (GLUP) Map Designations, CM for Commercial on the portion of the property generally on the West Main frontage and Urban High Density (UH) on the larger portion of the property accessed from Lozier Lane.

This application is submitted with an application for a partition. The approval of both applications would result in a parcel approximately .64 acres within the C-C zoning district

CITY OF MEDFORD
EXHIBIT # E
FILE # LDP-18-140 / ZC-18-141

fronting on West Main and a new parcel approximately 3.67 acres within the MFR-30 zoning district.

The image below is the GLUP Map for the area. The GLUP boundaries are intended to be general in nature and the boundaries are intended to be adjusted to coincide with specific tax lots in the zone change process.



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>
> *To properly administer the GLUP Map, several things must be kept in mind. The first is that the GLUP Map is dynamic. The current projections for land needs are based on past and present trends, and assumptions about the future. However, community needs and priorities tend to change over time, so amendments to the GLUP Map must be possible.*

The second is that the GLUP Map is "general". The designations on the GLUP Map are not intended to follow property lines. Interfaces between different designations are purposefully non-site-specific so as to discourage using GLUP Map designations as the sole basis for making decisions on zone change applications. Having the appropriate GLUP Map designation is a prerequisite for a zone change. "Article II" of the Medford Land Development Code establishes specific criteria and procedures required for GLUP Map and Zoning Map amendments.

Approval Criteria:

The procedural requirements and the approval criteria for the requested zone change is identified in MLDC section 10.204. Only the relevant criteria for the requested zone change from the C-C zoning district to the MFR-30 zoning district are included below:

10.204 Zone Change

(A) Zone Change Initiation.
A zoning district boundary change may be initiated by the Planning Commission either on its own motion or at the request of the City Council, or by application of the property owner(s) in the area subject to the zone change.

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

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

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

(3) It shall be demonstrated that Category A urban services and facilities are available or can and will be provided, as described below, to adequately serve the subject property with the permitted uses allowed under the proposed zoning, except as provided in subsection (c) below. The minimum standards for Category

A services and facilities are contained in Section 10.462 as well as the Public Facilities Element and Transportation System Plan in the Comprehensive Plan.

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

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs: the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432.The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

(D) Zone Change Application Form
A zone change application shall contain the following items:

(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.

(2) Assessor's map with proposed zone change area identified.

(3) Legal description of area to be changed. Legal description shall be prepared by a licensed surveyor or title company.

(4) Property owner's names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.

(5) Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.204(B) Zone Change Criteria.

****

Findings of Fact:

(A) Zone Change Initiation.
A zoning district boundary change may be initiated by the Planning Commission either on its own motion or at the request of the City Council, or by application of the property owner(s) in the area subject to the zone change.

This application for a zone change from the Community Commercial (C-C) to the Multifamily Residential -30 MFR-30 zoning district is initiated by the applicant, the owner of the property.

Conclusions of Law:

The Planning Commission can conclude the application for a zone change has been submitted by the owner of the property, consistent with MLDC 10.204 (A).

Findings of Fact:

(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.

The TSP identifies the importance of multi modal transportation opportunities in the land use planning process. All modes of transportation are to be considered in the planning process to include water, rail, air, mass transit, motor vehicle, bicycle and pedestrian transportation.

Water and rail transportation are not available to serve the subject property. The property is located 2.6 miles from Interstate 5 and 6.5 miles from the Rogue Valley International Airport.

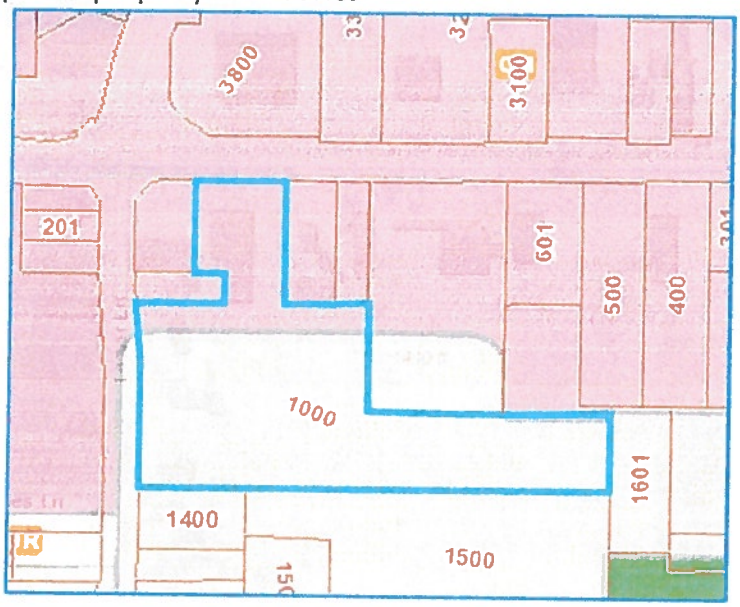
The subject property currently has frontage on two classified streets. West Main is classified as a Minor Arterial and Lozier Lane is classified as a major collector. The property is not located in an area of an adopted circulation plan.

West Main Street is fully developed with a paved section, curb, gutter bike land and sidewalk. Lozier Lane is fully improved with a paved section curb and gutter, bike lanes and sidewalk. These improvements are consistent with the TSP and promote multimodal transportation opportunities.

As Stated above in the Project Summary, the property currently has two General Land Use Plan (GLUP) Map designations, and one zoning district. The property is currently zoned C-C, which is consistent with the CM commercial GLUP designation.

This approval of this application will change the zoning district to the MFR-30 zoning district in conformance with the UH GLUP designation. The applicant has submitted an application for a partition to create two lots from the existing lot. The proposed lot line will conform generally to the intent of the GLUP Map.

The GLUP Map does not attempt to conform to existing lot lines. The intent of the GLUP Map is to demonstrate the broad goals for growth and development in the City. The Zoning Map is the official map maintained by the City which provides specific land use regulations to specific property boundaries



Conclusions of Law:

The Planning Commission can conclude the application for a zone change is consistent with the Medford Transportation System Plan and the General Land Use Plan Map designation for the City of Medford.

Findings of Fact:

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

(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 MLDC does not provide locational standards for the Multifamily zoning districts other than the requirement to the properties within the UH GLUP designation shall be suitable for either the MFR-20 or the MFR-30 zoning district.

Conclusions of Law:

The Planning Commission can conclude the subject property is within the UH GLUP designation and the Requested MFR-30 zoning district is suitable for the UH GLUP Designation.

Findings of Fact:

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

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

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

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

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

(iii) If it is determined that a street must be constructed or improved in order to provide adequate capacity for more than one proposed or anticipated land use, the Planning Commission may find the street to be adequate when the improvements needed to make the street adequate are fully funded. A street project is deemed to be fully funded when one of the following occurs: the project is in the City's adopted capital improvement plan budget, or is a programmed project in the first two years of the State's

current STIP (State Transportation Improvement Plan), or any other public agencies adopted capital improvement plan budget; or an applicant funds the improvement through a reimbursement district pursuant to the Section 10.432.The cost of the improvements will be either the actual cost of construction, if constructed by the applicant, or the estimated cost. The "estimated cost" shall be 125% of a professional engineer's estimated cost that has been approved by the City, including the cost of any right-of-way acquisition. The method described in this paragraph shall not be used if the Public Works Department determines, for reasons of public safety, that the improvement must be constructed prior to issuance of building permits.

(iv) When a street must be improved under (b)(ii) or (b)(iii) above, the specific street improvement(s) needed to make the street adequate must be identified, and it must be demonstrated by the applicant that the improvement(s) will make the street adequate in condition and capacity.

(c) In determining the adequacy of Category A facilities, the Planning Commission may mitigate potential impacts through the imposition of special development conditions, stipulations, or restrictions attached to the zone change request. Special development conditions, stipulations, or restrictions shall be established by deed restriction or covenant, and must be recorded at the County Recorder's office with proof of recordation returned to the Planning Department. Such special development conditions shall include, but are not limited to the following:

Storm Drainage

The parent parcel has direct access to the storm water facilities located in the West Main right of way. Since this application is being submitted with a partition to create a new parcel 2, a public storm drainage easement will be dedicated at the final plat of the partition.

The proposed public storm drainage easement will provide access to the storm drainage facilities in West Main and according to Roger Thom of Medford Public Works there is adequate capacity for storm drainage for the requested zone change from the C-C zoning district to the MFR-30 zoning district.

At the time of future development, a land division, the application will complete all improvements to the standards in effect at the time of development.

Sanitary Sewer

The subject property is within the Rogue Valley Sewer Services (RVSS) service territory. According to Nick Bakke of RVSS the subject property has access to the RVSS sanitary sewer facilities and there is adequate capacity for the purposes of the requested zone change from C-C zoning district to the MFR-30 zoning district.

At the time of future development, a land division, the application will complete all improvements to the standards in effect at the time of development.

Water

The subject parcel is within the Medford Water Commission (MWC) service territory. According to Rodney Grehn of the MWC there is an 12' waterline currently installed in Lozier Lane and West Main Street. A 12" line is also on the southerly boundary of the parent parcel.

There is adequate capacity for the purposes of the requested zone change from C-C to the MFR-30 zoning district.

At the time of future development, a land division, the application will complete all improvements to the standards in effect at the time of development.

Streets

The parent parcel is 4.37 net acres and 4.68 gross acres. The property is currently zoned C-C. The C-C zoning district has a traffic impact of 1,500 Average Daily Trips (ADT) per acre. At 4.68 acres the current traffic impact is 7,020 average daily trips.

The gross acreage of the proposed Parcel 2 to be rezoned to MFR-30 is 3.89 acres. The Traffic impact of the 3.89 acres at 1,500 ADT per acre is 5,835 ADT for the current C-C zoning.

The highest and best use of the proposed MFR-30 zoning district will allow 30 dwelling units per gross acre or a maximum of 116 dwelling units. The current traffic impact of a multifamily dwelling unit is 5.86 ADT per dwelling unit. The maximum traffic impact of 116 dwelling units is 679 ADT.

The proposed zone change on the proposed Parcel 2 will result in a reduction of 5,156 ADT. I wish I could save these trips for other projects.

There is a net reduction of 5,156 ADT from the approval of the proposed zone change from the C-C zoning district to the MFR-30 zoning district and there is adequate capacity for the proposed zone change.

10.460 Traffic Impact Analysis
10.461 Applicability

(1) The level of detail and scope of a traffic impact analysis (TIA) will vary with the size, complexity, and location of the proposed application. Prior to any TIA, the applicant shall submit sufficient information to the City for the Public Works Department to issue a scoping letter. If stipulations to reduce traffic are requested by an applicant, it must first be shown by means of an analysis that an unconditional approval is not possible without some form of mitigation to maintain an adequate LOS. This will determine whether a stipulation is necessary.

(3) When required:

If a proposed 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, a TIA will be required to evaluate development impacts to the transportation system. The Public Works Department may waive a TIA if it is concluded that the impacts are not substantial.

The traffic impact of the proposed zone change is let than the 250 ADT threshold for a Traffic Impact Analysis. The requested zone change results in a net reduction of 5,156 ADT to the transportation system and a TIA is not required.

At the time of future development of the Proposed Parcel 2, the applicant will be responsible for all improvements to the standards in effect at the time of development.

Conclusions of Law:

The Planning Commission can conclude the Category A Facilities are currently available or can be made available at the time of future development consistent with the criteria for the requested zone change.

Findings of Fact:

(D) Zone Change Application Form
A zone change application shall contain the following items:

(1) Vicinity map drawn at a scale of 1" = 1,000' identifying the proposed area of change.

(2) Assessor's map with proposed zone change area identified.

(3) Legal description of area to be changed. Legal description shall be prepared by a licensed surveyor or title company.

(4) Property owner's names, addresses, and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.

(5) Findings prepared by the applicant or his representative addressing the criteria for zone changes as per Section 10.204(B) Zone Change Criteria.

The City of Medford has published an application prepared to be consistent with the requirement of the MLDC. This submittal prepared for the requested zone change includes the city application and all submittal requirements identified above.

Application Summary and Conclusions:

This application has been prepared and submitted on the application forms prepared by the City.

These Findings of Fact demonstrate the request for a zone change from the C-C zoning district to the MFR-30 zoning district is in conformance with Transportation System Plan and therefore the Oregon Transportation Planning Rule.

The subject property is with the General Land Use Plan Map Urban High Density (UH) Residential designation. The requested SFR-10 zoning district is an appropriate zoning district the UH GLUP designation.

The Category A facilities for Water, Storm Drainage, Sanitary Sewer, and Streets are available or can be made available at the time of future development. The future improvements will comply with the standards for development at the time of submission.

On behalf of the application I request the approval of this application to include the subject property in the MFR-30 zoning district.

Regards

Scott Sinner
Scott Sinner Consulting, Inc

Scott Sinner Consulting, Inc.

Land Use Planning, Conservation Consulting

RECEIVED
NOV 13 2018
PLANNING DEPT.

November 13, 2018

Steffen Roennfeldt
City of Medford Planning Department
200 S Ivy
Medford, OR 97501

Re: Block Length Findings LDP-18-140

Steffen,

I would like to submit this letter as additional findings of fact for LDP-18-140 to address the block length section 10.426 of the Medford Land Development Code (MLDC).

This partition application will create 2 parcels, Parcel 1 fronts on West Main Street and is developed with a commercial building. Parcel 2 is 3.68 acres in size and is designated as reserve acreage. No development is proposed for the reserve acreage. The MLDC defines reserve acreage as *"That portion of the lot which is not intended to be part of the development and can be separately developed at a later time."*

Any development at urban standards will be subject to review at the time of development to assure compliance with the current development standards contained within the MLDC.

The property has multiple possible circulation patterns for east west access from Lozier Lane to provide public street access and connections for this parcel as well as abutting properties in the vicinity to provide connectivity in compliance with the MLDC 10.426.

There is an existing domestic waterline on the southerly boundary of the property. It is very conceivable future development would provide a public street dedication on this property line for the benefit of the subject parcel as well as the multifamily zoned parcel to the south.

Regards,

Scott Sinner, President
Scott Sinner Consulting, Inc.

A L L Y

4401 San Juan Drive, Suite G
Medford, Oregon 97504

Phone and Fax 541-772-1494
Cell 541-601-0917
Email scottsinner@yahoo.com

F
LDP-18-140
ZC-18-141

Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 10/31/2018
Revised 11/12/2018
File Numbers: LDP-18-140

PUBLIC WORKS DEPARTMENT STAFF REPORT
Lozier Lane Properties, LLC – 2-Lot Partition
West Main St & Lozier Lane (TL 1000)

Project: **Consideration of the possibility of partitioning a section of a 4.36 acre lot.**

Location: **Located on the south side of West Main Street, approximately 115 feet east of Lozier Lane within the C-C (Community Commercial) zoning district (372W26DA1000).**

Applicant: **Applicant: Lozier Lane Properties, LLC; Agent: Gary Stamps; 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 (if required) 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

West Main Street 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

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G
LDP-18-140
ZC-18-141

width of land along the frontage of this development to accommodate a 10-foot planter strip and 5-foot sidewalk. **The Developer's surveyor shall verify the amount of additional right-of-way required.**

Lozier Lane is classified as a Major Collector street within MLDC 10.428. **No additional right-of-way is required with this application.** However, with future development, the developer will be required to dedicate for additional right-of-way.

The developer will receive SSDC (Street System Development Charge) credits for the public right-of-way dedication on **West Main Street**, 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.**

Public Utility Easements, 10-feet in width, shall be dedicated along the street frontage of West Main Street. (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**

West Main Street is classified as a Minor Arterial street within the MLDC, Section 10.428. 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 sidewalk. **No additional public improvements are required.**

The portion of **Lozier Lane**, along this development's frontage, was improved as part of the City's capital improvement project P1806. **No additional public improvements are required.**

   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

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signs and place new signs provided the Developer.

c. Pavement Moratoriums

There is a pavement cutting moratorium currently in effect along this frontage to Lozier Lane, which is set to expire November 29th, 2022.

d. Access and Circulation

The existing parcel has multiple driveways on both West Main Street (a minor arterial) and on Lozier Lane (a major collector). The existing driveways would not be allowed per MLDC 10.550 but would be difficult to change with the existing buildings on the site. Giving consideration to the existing conditions, Public Works recommends that the Applicant be required to grant a cross-access easement across Parcel 1 for the benefit of Parcel 2. Parcel 2 will be required to reciprocate the cross-access easement upon development of the reserve acreage. Cross-access easements shall be recorded on the final plat.

The existing block length and block perimeter length do not comply with MLDC 10.426. The applicant shall provide findings addressing these requirements and the requirements of MLDC 10.464.

e. Easements

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

3. Section 10.668 Analysis

To support a condition of development that an Applicant dedicates 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

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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 dedication recommended herein can be found to be roughly proportional to the impacts reasonably anticipated to be imposed by this development.

West Main Street & Lozier Lane

The additional right-of-way on West Main Street and Lozier Lane will provide the needed width for a future planter strip. West Main Street is a 35 mile per hour facility, and currently carries approximately 12,200 vehicles per day. Lozier Lane is a 30 mile per hour facility, and currently carries approximately 9,200 vehicles per day. The 10-foot planter strip moves pedestrians a safe distance from the edge of the roadway on West Main Street and Lozier Lane. West Main Street and Lozier Lane will also be the primary routes for pedestrians traveling to and from this future development.

The City assesses System Development Charges (SDCs) to help pay for acquisition of right-of-way and construction of additional Arterial & Collector Street capacity required as a result of new development. Because a mechanism exists in the form of SDC credit for right-of-way dedication and street improvements in accordance with Medford Municipal Code (MMC) 3.815 and other applicable parts of the Code, to fairly compensate the applicant, the conditions of MLDC, Section 10.668 are satisfied.

Dedication of the 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 area required to be dedicated for this development is necessary and roughly proportional to that required in similar developments.

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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).

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 approva1. 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.

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5. Mains and Laterals

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

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.

Vertical datum of map is not on the city of Medford's datum. Please see, https://medford.maps.arcgis.com/apps/webappviewer/index.html?id=c908a88f0439467ca787f4f478ddfff5 for city vertical bench marks and datum narrative.

Proposed public storm drain along the east side of proposed Parcel 1 seems to have a possible ownership hiatus by the fence line being shown 3-3.6-feet west of the property line. That hiatus should be resolved prior to city accepting an easement with possible ownership issues. It appears that most of the property lines running north south have a hiatus of 3-5-feet and the south line of parcel 2 seems to have a hiatus of 1-foot between the property line and fence. Public Works recommends that these areas be resolved prior to platting as was done with the related PLA 18-116 to resolve the 2.5-feet and 0.8-feet encroachment shown on said PLA.

E. GENERAL CONDITIONS

1. Permits

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.

2. System Development Charges (SDC)

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

This division of land may be subject to a storm drain system development charges for the additional parcels being created thereby. The storm drain system development charge shall be paid prior to Final Plat Approval.

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FAX (541) 774-2552

3. 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

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

SUMMARY CONDITIONS OF APPROVAL

Lozier Lane Properties, LLC – Zone Change & 2-Lot Partition
West Main St & Lozier Lane (TL 1000)
LDP-18-140/ZC-18-141

A. Streets

1. **Street Dedications to the Public:**
   - **West Main Street** – Dedicate additional right-of-way.
   - **Lozier Lane** – No additional right-of-way is required with this application.
   - Dedicate 10-foot public utility easements (PUE).

2. **Improvements:**

   a. **Public Streets**
   - **West Main Street** – No additional improvements are required.
   - **Lozier Lane** – No additional improvements are required.

   b. **Lighting and Signing**
   - No additional street lights are required.

   c. **Access and Circulation**
   - Provide cross-access easements.
   - The applicant shall provide findings addressing these requirements and the requirements of MLDC 10.464.

   d. **Other**
   - **Pavement moratorium currently in effect along this frontage to Lozier Lane, which is set to expire November 29th, 2022.**

B. Sanitary Sewer:
   - The site is situated within the RVSS area. Provide individual private laterals to each lot.

C. Storm Drainage:
   - Provide an investigative drainage report, with future development.
   - Provide a comprehensive grading plan, with future development.
   - Provide water quality and detention facilities, with future development.
   - Provide engineers certification of stormwater facility construction, with future development.
   - Provide storm drain laterals to each tax lot, with future development.

D. Survey Monumentation
   - Provide all survey monumentation.
   - Resolve property encroachments.

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

▪ = City Code requirement.
○ = Discretionary recommendations/comments.

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

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

Medford – A fantastic place to live, work and play

CITY OF MEDFORD

LD Date: 10/31/2018
Revised 11/12/2018
File Numbers: ZC-18-141

PUBLIC WORKS DEPARTMENT STAFF REPORT

Lozier Lane Properties, LLC – Zone Change

West Main St & Lozier Lane (TL 1000)

Project: Consideration of the possibility of partitioning a section of a 4.36 acre lot.

Location: Located on the south side of West Main Street, approximately 115 feet east of Lozier Lane within the C-C (Community Commercial) zoning district (372W26DA1000).

Applicant: Applicant: Lozier Lane Properties, LLC; Agent: Gary Stamps; Planner: Steffen Roennfeldt.

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

I. Sanitary Sewer Facilities

This site lies within the Rogue Valley Sewer Service (RVSS) area. The applicant shall contact RVSS to see if sanitary sewer services and facilities are available and have capacity to serve this property under the proposed zoning.

II. Storm Drainage Facilities

This site lies within the Elk Creek Drainage Basin. The subject property currently drains to the northeast. The City of Medford has existing storm drain facilities in the area. This site would be able to connect to these facilities at the time of development.

III. Transportation System

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

Prepared by: Jodi K Cope
Review by: Doug Burroughs

The above report is based on the information provided with the Zone Change Application submittal and is subject to change based on actual conditions, revised plans and documents or other conditions. A full report with additional details on each item as well as miscellaneous requirements for the project, including requirements for public improvement plans (Construction Plans), design requirements, phasing, draft and final plat processes, permits, system development charges, pavement moratoriums and construction inspection shall be provided with a Development Permit Application.

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

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

H
LDP-18-140
ZC-18-141

BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

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

SUBJECT: LDP-18-140 & ZC-18-141

PARCEL ID: 371W30AC TL 2500

PROJECT: Consideration of a request for tentative plat approval of a proposed two-lot partition, along with a request for a change of zone from C-C (Community Commercial) to, in part, MFR-30 (Multi Family Residential, 20 to 30 dwelling units per gross acre) on a 4.31-acre parcel located at 59, 75 & 101 Lozier Lane and 2267 & 2287 W Main Street within the C-C zoning district (372W26DA1000); Applicant, Manjoh LLC; Agent Hoffbuhr & Associates, Co-Agent Scott Sinner Consulting; Planner, Steffen Roennfeldt.

DATE: October 31, 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. All parcels/lots of proposed property divisions will be required to have metered water service prior to recordation of final map, unless otherwise arranged with MWC.
3. On-site water facility improvements for Proposed Parcel 1 will not be required. (See Comment 4 below)
4. On-site water facility improvements for Proposed Parcel 2 will be review and conditioned at time of future planning application review.

COMMENTS

1. Off-site water line installation is not required for Proposed Parcel 1 or Parcel 2.
2. On-site water facility "Conditions of Development" will be required for Proposed Parcel 2 at time of future development review.
3. The MWC system does have adequate capacity to serve Proposed Parcel 2.
4. MWC-metered water service does exist to Proposed Parcel 1. A ¾" water meter serves each of the existing businesses located 2267 & 2287 W Main Street.

Continued to Next Page

Continued from Previous Page

5. Proposed Parcel 2 has three ¾-inch water meters that serve the existing homes located at 59, 75, and 101 Lozier Lane.

6. Access to MWC water lines is available. There is an existing 12-inch water line on the west side of Lozier Lane, along with a 12-inch water line being locate on the north side of West Main Street, and there's also an existing 12-inch water line located along the southerly property line.

Water Facility Map
City of Medford
Planning Application: LDP-18-140 & ZC-18-141

October 31, 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:

- C Control Station
- P Pump Station
- R Reservoir

MEDFORD WATER COMMISSION

Medford Fire-Rescue Land Development Report

Review/Project Information

Reviewed By: Kleinberg, Greg

Review Date: 10/29/2018
Meeting Date: 10/31/2018

LD File #: LDP18140 **Associated File #1:** ZC18141

Planner: Steffen Roennfeldt

Applicant: Manjoh LLC; Agent Hoffbuhr & Associates, Co-Agent Scott Sinner Consulting

Project Location: 59, 75 & 101 Lozier Lane and 2267 & 2287 W Main Street

ProjectDescription: Consideration of a request for tentative plat approval of a proposed two-lot partition, along with a request for a change of zone from C-C (Community Commercial) to, in part, MFR-30 (Multi Family Residential, 20 to 30 dwelling units per gross acre) on a 4.31-acre parcel located at 59, 75 & 101 Lozier Lane and 2267 & 2287 W Main Street within the C-C zoning district (372W26DA1000).

Specific Development Requirements for Access & Water Supply

Conditions

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

Construction General Information/Requirements

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

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

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

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

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

www.medfordfirerescue.org

LDP-18-140
ZC-18-141

Memo

To: Steffen Roennfeldt, Planning Department

From: Chad Wiltrout, Building Department (541) 774-2363

CC: Manjoh LLC, Applicant; Hoffbuhr & Associates, Agent; Scott Sinner Consulting, Co-Agent

Date: October 29, 2018

Re: LDP-18-140/ZC-18-141; Previous application PA-18-006; Lozier Lane Properties

---

Please Note:

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

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

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

General Comments:

1. For list of applicable Building Codes, please visit the City of Medford website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Design Criteria" on left side of screen and select the appropriate design criteria.

2. All plans are to be submitted electronically. Information on the website: www.ci.medford.or.us Click on "City Departments" at top of screen; click on "Building"; click on "Electronic Plan Review (ePlans)" for information.

3. A site excavation and grading permit will be required if more than 50 cubic yards is disturbed and to install utilities.

4. A separate demolition permit will be required for demolition of any structures not shown on the plot plan.

Comments:

5. Proposed construction in proximity to property lines shall comply with table 602 and code section 705 of the Oregon Structural Specialty Code.

6. ADA parking spaces shall be required in accordance with code section 1106 of the Oregon Structural Specialty Code.

7. There are 3 water line permits that are still open without inspections. These permits have now expired, 17-2659; 17-2661 and 17-2663. Per the Water Commission these were pulled as part of their project and will see they are completed.

K
LDP-18-140
ZC-18-141

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

October 23, 2018

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

Re: LDP-18-140, ZC-18-141, Manjoh, LLC Partition (Map 372W26D, Tax Lot 1000)
Ref: PA-18-006

ATTN: Steffen,

The subject property is within the RVSS service area. There are 18 inch and 10 inch sewer mains along Lozier Lane and W Main St respectively as well as a 10 inch main on tax lot 600 to the northwest. The existing commercial building is served by a 4 inch connection to the main along W Main Street while the three existing homes are served by 4 inch connections to the main along Lozier Lane. The proposed partition will not affect these services and the existing system has adequate capacity for the proposed zoning.

Sewer service for future development will require main line extension into proposed Parcel 2 from any of the adjacent sewer mains.

Rogue Valley Sewer Services requests that approval of future applications be subject to the following conditions:

1. All sewer design and construction must be performed in accordance with RVSS standards.
2. The applicant must pay sewer system development charges to Rogue Valley Sewer Service prior to issuance of building permits.

Feel free to contact me with any questions.

Sincerely,

Nicholas R. Bakke

Nicholas R. Bakke, P.E.
District Engineer

K:\DATA\AGENCIES\MEDFORD\PLANNG\LAND PART\2018\LDP-18-140_ZC-18-141_MANJOH, LLC PARTITION DOC

L
LDP 18-140
ZC-18-141

Steffen K. Roennfeldt

From: CAINES Jeff <Jeff.CAINES@aviation.state.or.us>
Sent: Monday, October 22, 2018 2:30 PM
To: Steffen K. Roennfeldt
Subject: Manjoh, LLC Partition & Zone CHange (File # LDP-18-140/ZC-18-141)

Steffen:

Thank you for allowing ODA to comment on the proposed partition and zone change located on lot 1000 Map 372W26DA (File # LDP-18-140/ZC-18-141). ODA has reviewed the proposed development and have the following comments: The site is approximately 3.25 miles SW of the Rogue Valley Int'l airport. There is existing development between the site and the airport as well as two highways (Hwy 99 & I-5). Due to the fact that there is existing development and two major transportation routes, ODA finds that this development will not pose a hazard to air navigation. Therefore no FAA form 7460-1 is required by ODA.

Please feel free to contact me if you or the applicant have any questions.

Thank you again,

Jeff

JEFF CAINES, AICP
OREGON DEPARTMENT OF AVIATION
AVIATION PLANNER / SCIP COORDINATOR

OFFICE 503-378-2529
CELL/TEXT 503-507-6965

EMAIL jeff.caines@aviation.state.or.us
WEBSITE www.oregon.gov/aviation

3040 25th Street SE, Salem, OR 97302

*****CONFIDENTIALITY NOTICE*****

This e-mail may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If you are not the addressee or it appears from the context or otherwise that you have received this e-mail in error, please advise me immediately by reply e-mail, keep the contents confidential, and immediately delete the message and any attachments from your system.

M
LDP- 18-140
ZC- 18141

City of Medford

Planning Department

Working with the community to shape a vibrant and exceptional city

MEMORANDUM

Subject	Legal Description
File no.	LDP-18-140/ZC-18-141
To	Jon Proud, Engineering
From	Steffen Roennfeldt, Planning Department
Date	October 17, 2018

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

1. LDP-18-140/ZC-18-141
   Applicant: Manjoh LLC
   Agent: Hoffbuhr & Associates

Description in process of being adjusted
See PLA 18-116.

THANKS, JOJ
10/25/18

cp

Attachments:

Vicinity Map, Legal description

N
~~LDP-18-140~~
ZC-18-141

OFFICIAL RECORD OF DESCRIP

OFFICE OF COUNTY ASSESSOR,

ACCOUNT NUMBER 37 2W 26 DA-1000

RP 1 3187-3

372W26DA01000 04983

CODE NUMBER

172 TAX LOT NUMBER	SECTION 26	TOWNSHIP 37 S	RANGE 2W W.M.	MAP NO. 26-37-2W	PHOTO
	LOT NO.	BLOCK NO.	SUBDIVISION		

RECEIVED SEP 21 2018 PLANNING DEPT

THIS INFORMATION FOR ASSESSMENT AND TAXATION PURPOSES ONLY.

INDENT EACH NEW COURSE TO THIS LINE

LEGAL DESCRIPTION	DEED RECORD YEAR	VOLUME	PAGE	ACRES REMAINING
Brill, W. B. & Lucille M.		5198	0579	
Beginning at a point on the South line of the Jacksonville-Medford Highway, which point is North 53 feet and West 291 feet from the East Northeast corner of DLC 76 in Twp. 37 South, Range 2 West of the W.M. in JCO; run thence	1938	219	101	
	1942	235	587	
	1942	237	386	
	1942	239	470	
	1944	251	13	
South 200 feet; thence	1950	338	412	
East 141 feet; thence				
South 175 feet; thence				
North 89° 40' East 400 feet; thence				
South 125 feet; thence				
South 89° 40' West 792 feet to East line of Lozier Lane; thence				
North along said East line 300 feet; thence				
North 89° 40' East 151 feet; thence				
North 200 feet to the South line of the Jacksonville-Medford Highway; thence				
North 89° 40' East 100 feet to the point of beginning.				
(Written for tax lotting purposes only)				
Also former account 26-37-2W-174-1	1959	468	163	
		JV 61-5647		
Less tax lot 372W26DA-1000A1 (1-82126-4)	Request/Separate Assess. J.V. 92-11638			
Less tax lot 372W26DA-1000A2 (1-82153-1)	Request/Separate Assess. J.V. 93-00028			
(BRILL TO BRILL TRUST)	O. R. 97-37341 (NOTE)			
BRILL, W. B., TRUSTEE AND BRILL, LUCILLE M, TRUSTEE FBO BRILL LOVING TRUST	PART OF O. R. 98-00364 J V 98-02378C			

CITY OF MEDFORD
EXHIBIT # O
FILE # LDP-18-140 / ZC-18-141

Jackson County Official Records 2018-016877
R-WD
Stn=3 FOOTENL 06/01/2018 11:00:41 AM
S20.00 S10.00 S8.00 S11.00 S20.00 $69.00

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

THIS SPACE RE

After recording return to:
Manjoh LLC
940 N. Mountain Ave.
Central Point, OR 97502

Until a change is requested all tax statements shall be sent to the following address:
Manjoh LLC
940 N. Mountain Ave.
Central Point, OR 97502

File No.: 7161-3030027 (lb)
Date: May 30, 2018

20

STATUTORY WARRANTY DEED

Lozier Lane Properties, LLC, an Oregon Limited Liability Company, Grantor, conveys and warrants to **Manjoh LLC, an Oregon Limited Liability Company** , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **$1,095,000.00**. (Here comply with requirements of ORS 93.030)

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

Dated this 31 day of May, 2018.

Lozier Lane Properties, LLC

BY:

Judith A. Addington

Judith A. Addington, Authorized Representative

Lozier Lane Properties, LLC

By Member: Judith A. Addington, Trustee of the Judith A. Addington Trust dated January 19, 2017

Judith A. Addington Trustee

Judith A. Addington, Trustee

STATE OF Oregon)
)ss.
County of Jackson)

This instrument was acknowledged before me on this 31 day of May, 2018 by Judith A. Addington as Authorized Representative of Lozier Lane Properties LLC, on behalf of the limited liability company.

OFFICIAL STAMP
LORI ANN BILLINGS
NOTARY PUBLIC-OREGON
COMMISSION NO. 969570
MY COMMISSION EXPIRES DECEMBER 12, 2021

Notary Public for Oregon
My commission expires: 12/12/21

STATE OF Oregon)
)ss.
County of Jackson)

This instrument was acknowledged before me on this 31 day of May, 2018 by Judith A. Addington, Trustee of the Judith A. Addington Trust dated January 19, 2017 as Member of Lozier Lane Properties LLC, on behalf of the limited liability company.

Notary Public for Oregon
My commission expires: 12/12/21

OFFICIAL STAMP
LORI ANN BILLINGS
NOTARY PUBLIC-OREGON
COMMISSION NO. 969570
MY COMMISSION EXPIRES DECEMBER 12, 2021

EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Jackson, State of Oregon, described as follows:

Commencing at the Northeast corner of the extreme East ell of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South 89° 40' West 352.0 feet; thence South 347.0 feet to the Southeast corner of Lot 7 of HOLZGANG SUBDIVISION (Unrecorded); thence continue South 100.0 feet to the true point of beginning; thence North 89° 40' East 602.075 feet; thence North 125.0 feet; thence South 89° 40' West 400.0 feet to the East line of that tract described in Volume 187, Page 381, Deed Records, Jackson County, Oregon; thence North along said East line, 175.0 feet, more or less, to the Southeast corner of that tract described in Document No. 93-42724, Official Records, Jackson County, Oregon; thence South 89° 40' West along the South line thereof and the South line of that tract described in Document No. 98-19960, said Official Records, 139.54 feet to the Southwest corner of said latter tract; thence North along the West line thereof, 200.0 feet, more or less, to a point on the South line of the Medford-Jacksonville Highway; thence South 89° 40' West along said South line, 150.0 feet, more or less, to the Northeast corner of that tract described in Document No. 91-19467, said Official Records; thence South along the East line thereof, 150.0 feet to a point on the North line of that tract described in Document No. 98-57818, said Official Records; thence North 89° 40' East along said North line, 50.0 feet to the Northeast corner thereof; thence South along the East line of said tract, 50.0 feet to the Southeast corner thereof; thence South 89° 40' West, along the South line of said tract, 151.0 feet, more or less, to a point on the East line of Lozier Lane; thence South along said East line, 300.0 feet, more or less, to the Northwest corner of that tract described in Document No. 90-23244, said Official Records; thence North 89° 45' East, along the North line of said tract, 190.0 feet, more or less, to the true point of beginning. EXCEPTING THEREFROM that portion of land conveyed to the City of Medford, an Oregon Municipal Corporation, by Deed recorded March 3, 2016 as 2016-006741, Official Records of Jackson County, Oregon.

NOTE: This legal description was created prior to January 1, 2008

OFFICIAL RECORD OF DESCRIPTIONS
OFFICE OF COUNTY ASSESSOR, JACKSO

RP 43190-5
372W26DA01300 49-5 04903

ACCOUNT NUMBER: 372W26DA-1300

E NUMBER: 49-5 49-3

175 TAX LOT NUMBER	SECTION / LOT NO.	TOWNSHIP S	RANGE W.M.	MAP NO. 26D-37-2W	AERIAL PHOTO
	THIS INFORMATION FOR ASSESSMENT AND TAXATION PURPOSES ONLY.	BLOCK NO.	ADDITION O'Harbaugh Subdiv.	CITY	

RECEIVED SEP 21 2018 PLANNING DEPT

INDENT EACH NEW COURSE TO THIS LINE

LEGAL DESCRIPTION

DEED RECORD YEAR	VOLUME	PAGE	FORM REMAINING
	JV78	05796	

Putman, Olive W.

Beginning at a point on the east line of the County Road known as Lozier Lane, said point being 150.0 feet South of the intersection of the east line of said Road with the south line of the Medford-Jacksonville Highway, said point also being 8.19 chains West and 97.0 feet South of the northeast corner of the extreme east ell of DLC 76 in Two. 37 South, Range 2 West of the W.M. in JCO; thence

North 89° 40' East 151.0 feet; thence

South 50.0 feet to the south line of tract described in Vol. 168 page 13 of the Deed Records of JCO; thence

South 89° 40' West 151.0 feet to a point on the east line of the County Road; thence

North along said road line 50.0 feet to the point of beginning.

1950	335	264	

Putman, Olive W % Heath, Audrey F & Clarissa P (C) 1950 335 264

Being
O.R. 79-20964
JV 79-11023

HEATH, AUDREY F & CLARISSA P — O. R. 98-57818
J V 99-04997

CITY OF MEDFORD
EXHIBIT # P
FILE # LDP-18-140 / ZC-18-141

98-57818 (45) 10 10 20

CT-ACCOM

WARRANTY DEED

OLIVE WARREN PUTMAN, hereinafter called Grantor, conveys to AUDREY F. HEATH and CLARISSA P. HEATH, husband and wife, all that real property situated in Jackson County, Oregon, described as follows:

Beginning at a point on the East line of the County Road, known as Lozier Lane, said point being 150.0 feet South of the intersection of the East line of said road, with the South line of the Medford-Jacksonville Highway, said point also being 8.19 chains West and 97.0 feet South of the Northeast corner of the extreme East ell of Donation Land Claim No. 76, Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence North 89°40' East, 151.0 feet; thence South, 50.0 feet, to the South line of tract described in Volume 168, Page 13, Jackson County, Oregon, Deed Records; thence South 89° 40' West, 151.0 feet, to a point on the East line of the County Road; thence North, along said road line, 50.0 feet, to the point of beginning.

SUBJECT TO:

1. These premises are situated in the Medford Irrigation District, and subject to the levies and assessments thereof, if any, and regulations concerning the same.

2. The premises herein described are within and subject to the statutory powers, including the power of assessment, if any, of the Bear Creek Valley Sanitary Authority.

That Grantor covenants that she is the owner of the above-described property, free of all encumbrances except as shown above; and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is $15,000.00.

DATED this 6-18 day of June, 1973.

Olive Warren Putman
OLIVE WARREN PUTMAN

WARRANTY DEED - 1 SEND TAX STATEMENTS TO: AS OF RECORD

CE-6331

98-57818

STATE OF OREGON)
: ss.
County of Douglas)

Personally appeared the above-named OLIVE WARREN PUTMAN and acknowledged the foregoing instrument to be her voluntary

BEFORE ME:

FRANCIS TODD NOTARY PUBLIC STATE OF OREGON

Notary Public for Oregon
My Commission expires:
10/4/75

Jackson County, Oregon
Recorded
OFFICIAL RECORDS
DEC 1 4 1998
2:00pm
COUNTY CLERK

WARRANTY DEED - 2

T.L. 1090

First American

First American Title Insurance Company

1225 Crater Lake Avenue, Suite 101
Medford, OR 97504
Phn - (541)779-7250
Fax - (866)400-2250

RECEIVED
SEP 21 2018
PLANNING DEPT

PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Hoffbuhr & Associates
880 Golfview DR STE 201
Medford, OR 97504
Phone: (000)779-4641
Fax:

Date Prepared	: August 07, 2018
Effective Date	: 8:00 A.M on July 30, 2018
Order No.	: 7169-3105700
Reference	: 2267-2287 West Main Street, Medford, OR 97501

The information contained in this report is furnished by First American Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

A. The Land referred to in this report is located in the County of Jackson, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

CITY OF MEDFORD
EXHIBIT # A
FILE # LDP-18-140 / ZC-18-141

EXHIBIT "A"
(Land Description Map Tax and Account)

Commencing at the Northeast corner of the extreme East ell of Donation Land Claim No. 76 in Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon; thence South 89° 40' West 352.0 feet; thence South 347.0 feet to the Southeast corner of Lot 7 of HOLZGANG SUBDIVISION (Unrecorded); thence continue South 100.0 feet to the true point of beginning; thence North 89° 40' East 602.075 feet; thence North 125.0 feet; thence South 89° 40' West 400.0 feet to the East line of that tract described in Volume 187, Page 381, Deed Records, Jackson County, Oregon; thence North along said East line, 175.0 feet, more or less, to the Southeast corner of that tract described in Document No. 93-42724, Official Records, Jackson County, Oregon; thence South 89° 40' West along the South line thereof and the South line of that tract described in Document No. 98-19960, said Official Records, 139.54 feet to the Southwest corner of said latter tract; thence North along the West line thereof, 200.0 feet, more or less, to a point on the South line of the Medford-Jacksonville Highway; thence South 89° 40' West along said South line, 150.0 feet, more or less, to the Northeast corner of that tract described in Document No. 91-19467, said Official Records; thence South along the East line thereof, 150.0 feet to a point on the North line of that tract described in Document No. 98-57818, said Official Records; thence North 89° 40' East along said North line, 50.0 feet to the Northeast corner thereof; thence South along the East line of said tract, 50.0 feet to the Southeast corner thereof; thence South 89° 40' West, along the South line of said tract, 151.0 feet, more or less, to a point on the East line of Lozier Lane; thence South along said East line, 300.0 feet, more or less, to the Northwest corner of that tract described in Document No. 90-23244, said Official Records; thence North 89° 45' East, along the North line of said tract, 190.0 feet, more or less, to the true point of beginning. EXCEPTING THEREFROM that portion of land conveyed to the City of Medford, an Oregon Municipal Corporation, by Deed recorded March 3, 2016 as 2016-006741, Official Records of Jackson County, Oregon.

NOTE: This legal description was created prior to January 1, 2008

Map No.: 372W26DA 1000
Tax Account No.: 1-043187-3

EXHIBIT "B"
(Vesting)

Manjoh LLC, an Oregon Limited Liability Company

EXHIBIT "C"
(Liens and Encumbrances)

1. Taxes for the fiscal year 2018-2019 a lien due, but not yet payable.

2. City liens, if any, of the City of Medford.

3. The premises herein described are within and subject to the statutory powers of the Rogue Valley Sewer Services.

4. These premises are situated in the Medford Irrigation District, and subject to the levies and assessments thereof, water and irrigation rights, easements for ditches and canals and regulations concerning the same.

5. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

6. Easement, including terms and provisions contained therein:

Recording Information:	February 11, 1949 as Volume 313, Page 153 and September 23, 1949 as Volume 323, Page 297
In Favor of:	California Oregon Power Company
For:	Transmission and distribution of electricity, and other purposes
Affects:	(Specific location not given)

7. Existing Leases as disclosed by Instrument recorded February 26, 1959 as Volume 468, Page 163. (Affects the North 100 feet)

8. Easement, including terms and provisions contained therein:

Recording Information:	August 16, 1965 as Volume 593, Page 277 and October 25, 1990 as Document No. 90-27005
In Favor of:	Pacific Power & Light Company
For:	Transmission and distribution of electricity, and other purposes
Affects:	(Specific location not given)

9. Deed of Trust and the terms and conditions thereof.

Grantor/Trustor:	Manjoh LLC, an Oregon limited liability company
Grantee/Beneficiary:	Lozier Lane Properties LLC, an Oregon limited liability company
Trustee:	First American Title Company of Oregon
Amount:	$595,000.00
Recorded:	June 01, 2018
Recording Information:	Document No. 2018-016878

Re-Recorded July 03, 2018 as Document No. 2018-020910

10. Unrecorded leases or periodic tenancies, if any.

NOTE: Taxes for the year 2017-2018 PAID IN FULL

Tax Amount:	$11,860.35
Map No.:	372W26DA 1000

Property ID:	1-043187-3
Tax Code No.:	49-01

NOTE: This Public Record Report-Subdivision does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
   (a) "Customer": The person or persons named or shown as the addressee of this report.
   (b) "Effective Date": The effective date stated in this report.
   (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
   (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
   (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
   (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
   (c) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
   (d) In any event, the Company assumes no liability for loss or damage by reason of the following:

      (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
      (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
      (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
      (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
      (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
      (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
      (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.

4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

T.L. 1300

First American

First American Title Insurance Company

1225 Crater Lake Avenue, Suite 101
Medford, OR 97504
Phn - (541)779-7250
Fax - (866)400-2250

RECEIVED
SEP 21 2018
PLANNING DEPT

PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Hoffbuhr & Associates
880 Golfview DR STE 201
Medford, OR 97504
Phone: (000)779-4641
Fax:

Date Prepared	: August 15, 2018
Effective Date	: 8:00 A.M on August 07, 2018
Order No.	: 7169-3111348
Reference	: 372W26DA 1300

The information contained in this report is furnished by First American Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

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B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

CITY OF MEDFORD
EXHIBIT # R
FILE # LDP-18-140 / ZC-18-141

EXHIBIT "A"
(Land Description Map Tax and Account)

Beginning at a point on the East line of the County Road, known as Lozier Lane, said point being 150.0 feet South of the intersection of the East line of said road, with the South line of the Medford-Jacksonville Highway, said point also being 8.19 chains West and 97.0 feet South of the Northeast corner of the extreme East ell of Donation Land Claim No. 76, Township 37 South, Range 2 West, Willamette Meridian, Jackson County, Oregon; thence North 89° 40' East, 151.0 feet; thence South, 50.0 feet, to the South line of tract described in Volume 168, Page 13, Jackson County, Oregon, Deed Records; thence South 89° 40' West, 151.0 feet, to a point on the East line of the County Road; thence North, along said road line, 50.0 feet, to the point of beginning.

NOTE: This Legal Description was created prior to January 01, 2008.

Map No.: 372W26DA 1300
Tax Account No.: 1-043190-5

EXHIBIT "B"
(Vesting)

Vicki H. Lanfear

EXHIBIT "C"
(Liens and Encumbrances)

1. Taxes for the fiscal year 2018-2019 a lien due, but not yet payable.

2. City liens, if any, of the City of Medford.

3. The premises herein described are within and subject to the statutory powers of the Rogue Valley Sewer Services.

4. Easement, including terms and provisions contained therein:

Recording Information:	January 23, 1991, Document No. 91-01523
In Favor of:	CP National Corporation
For:	right of construct, reconstruct, and maintain a gas pipe and all necessary valves and appurtenances over, under and upon a strip of land 5 feet in width

5. Easement, Right of Way, and Permit Assignment and Assumption Agreement and the terms and conditions thereof:

Between:	CP National Corporation (formerly known as California-pacific utilities company), a California corporation
And:	The Washington water power company (doing business as WP Natural Gas), a Washington Corporation
Recording Information:	September 30, 1991, Document No. 91-23655

6. Dedication of Street Right-of-Way, including terms and provisions thereof.

Recorded:	March 03, 2016 as Document No. 2016-006733

NOTE: Taxes for the year 2017-2018 PAID IN FULL

Tax Amount:	$1,605.95
Map No.:	372W26DA 1300
Property ID:	1-043190-5
Tax Code No.:	49-01

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
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   (c) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
   (d) In any event, the Company assumes no liability for loss or damage by reason of the following:

      (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
      (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
      (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
      (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
      (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
      (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
      (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
      (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.

4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

RECEIVED
SEP 21 2018
PLANNING DEPT

STORM DRAIN EASEMENT

Neal L. Hurley and Sandra T. Hurley, Trustees of the Neal L. and Sandra T. Hurley Trust dated August 6, 2002, Grantors, do hereby grant unto the City of Medford, Oregon, a municipal corporation, a perpetual easement described as follows:

> The westernmost 10 feet of Property "B," and, from and including the area where the aforementioned easement meets Property "A," a 10 foot easement along the southernmost 10 feet of Property "A" to the southwestern corner of Property "A," and the westernmost 10 feet of Property "A" until Property "A" meets West Main Street.

For the purpose of constructing and maintaining, therein, wholly beneath the surface of the ground, a storm drain as part of the storm drainage system of the said City, including a right to go upon the premises hereinabove described with such personnel and equipment as may be necessary to accomplish the purposes hereof, reserving to the Grantor herein the right to possess and make such use of the premises above described as shall not conflict with the said City in the exercise of this easement; and the City by these presents covenants that it shall promptly fill to grade of adjoining property, and to restore the surface over, any excavation it may make pursuant hereto.

DATED: 1/31/06 — Neal L. Hurley, Trustee of the Neal L. and Sandra T. Hurley Trust dated August 6, 2002

DATED: 1/31/06 — Sandra T. Hurley, Trustee of the Neal L. and Sandra T. Hurley Trust dated August 6, 2002

STATE OF OREGON)
County of Jackson) ss)

This instrument was acknowledged before me appeared Neal L. Hurley, Trustees of the Neal L. and Sandra T. Hurley Trust dated August 6, 2002 on this 31st day of January, 2006.

K M Smitherman
Notary Public for Oregon
My Commission Expires: 9/18/06

OFFICIAL SEAL
K M SMITHERMAN
NOTARY PUBLIC - OREGON
COMMISSION NO. 361377
MY COMMISSION EXPIRES SEPTEMBER 18, 2008

STATE OF OREGON)
County of Jackson) ss)

This instrument was acknowledged before me appeared Sandra T. Hurley, Trustees of the Neal L. and Sandra T. Hurley Trust dated August 6, 2002 on this 31st day of January, 2006.

K M Smitherman
Notary Public for Oregon
My Commission Expires: 9/18/06

OFFICIAL SEAL
K M SMITHERMAN
NOTARY PUBLIC - OREGON
COMMISSION NO. 361377
MY COMMISSION EXPIRES SEPTEMBER 18, 2008

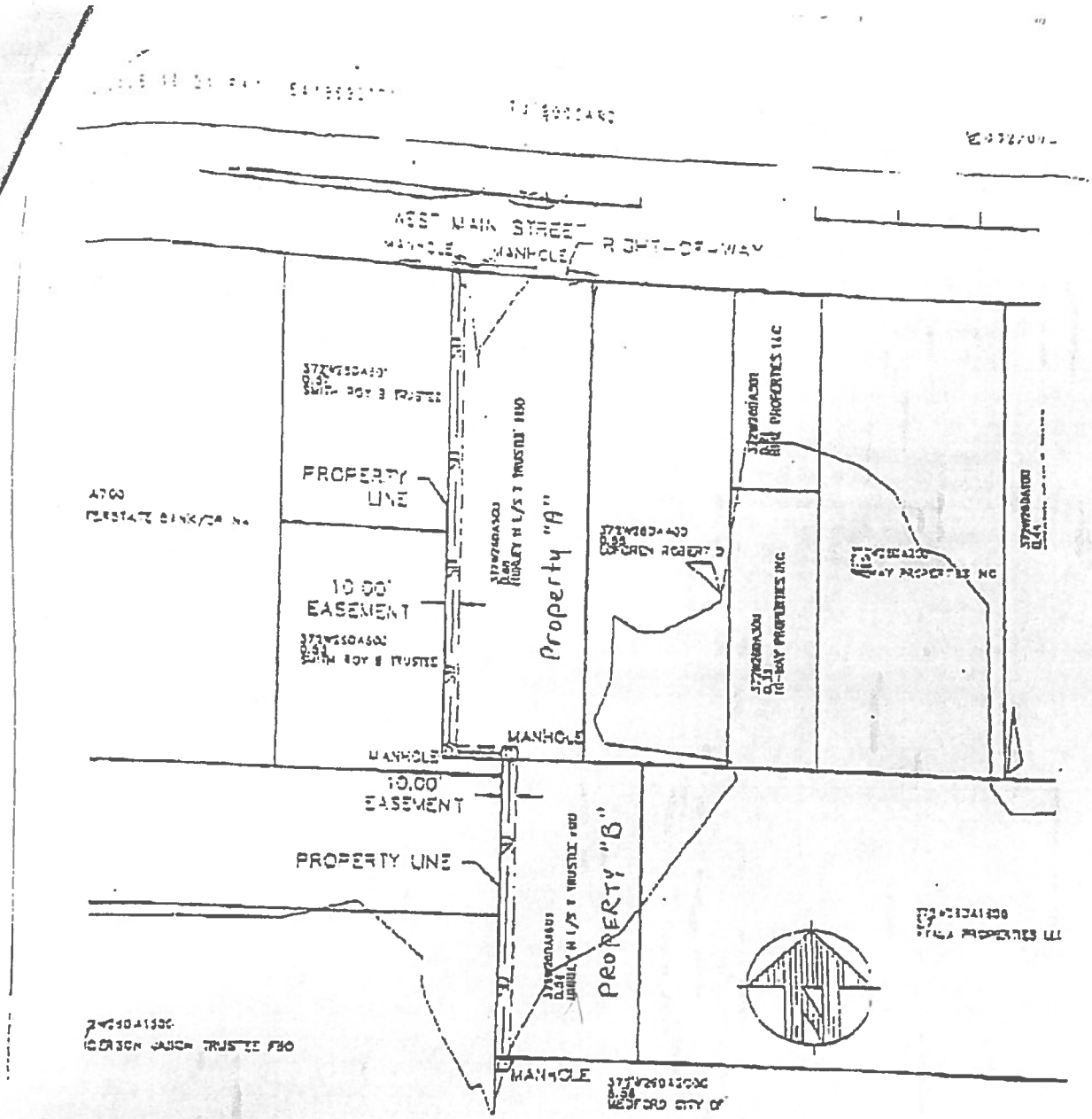
CITY OF MEDFORD:
By: _____
Title: _____
Date: _____

STATE OF OREGON)
County of Jackson) ss)

The foregoing instrument was acknowledged before me this ___ day of January 2006, by _____.

Notary Public for Oregon
My Commission Expires: _____

03/13/2007 09:18 4790215 DAVID YOUNG MD PC PAGE 01



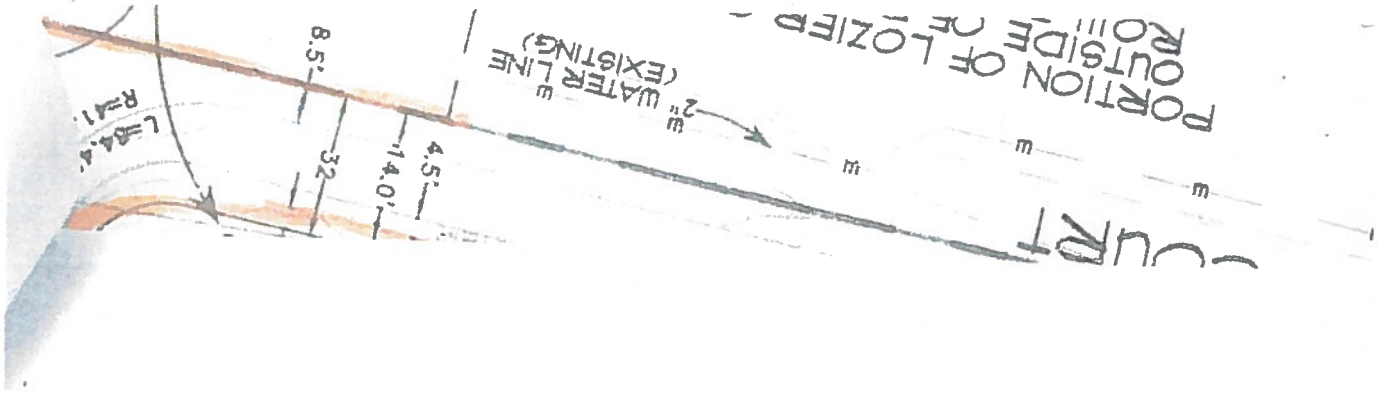
NOTES:

1. APPROXIMATE COST TO INSTALL 18" STORM LINE AND MANHOLES: $31,000
2. APPROXIMATE COST TO INSTALL 24" STORM LINE AND MANHOLES (25% PRICE INCREASE $38,750
3. FINAL CONNECTION POINT IN WEST MAIN STREET MAY VARY DUE TO JACKSON COUNTY FUTURE IMPROVEMENT PLANS

T.J. BOSSARD, INC.
Civil & Structural Engineering
133 N.W. "D" Street
Grants Pass, OR. 97526
TEL. : (541) 479-5774
FAX : (541) 471-8064

DWG: HURLEY 072005 | SCALE: 1" = 100
DATE: 07/20/2005
TITLE: STORM LINE ACROSS HURLEY PROPERTY
PROJECT: LOZIER MEADOWS

EXHIBIT "C"



PROPERTY "A"

Commencing at the Quarter corner common to Sections 25 and 36, Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence South, 56.47 feet to a point which is 30.0 feet South of the center line of the Medford-Jacksonville Highway pavement; thence South 89° 30' West, 364.6 feet to the point of beginning; thence South 89° 30' West, 104.0 feet to a point 30.0 feet South of the center line of the pavement; thence South, 366.2 feet to a 3/4" gas pipe; thence East, 104.0 feet; thence North, 367.1 feet to the point of beginning.

SUBJECT TO all encumbrances, covenants, restrictions, reservations, easements, conditions, and rights appearing of record.

PROPERTY "B"

The West 100.0 feet of the following:

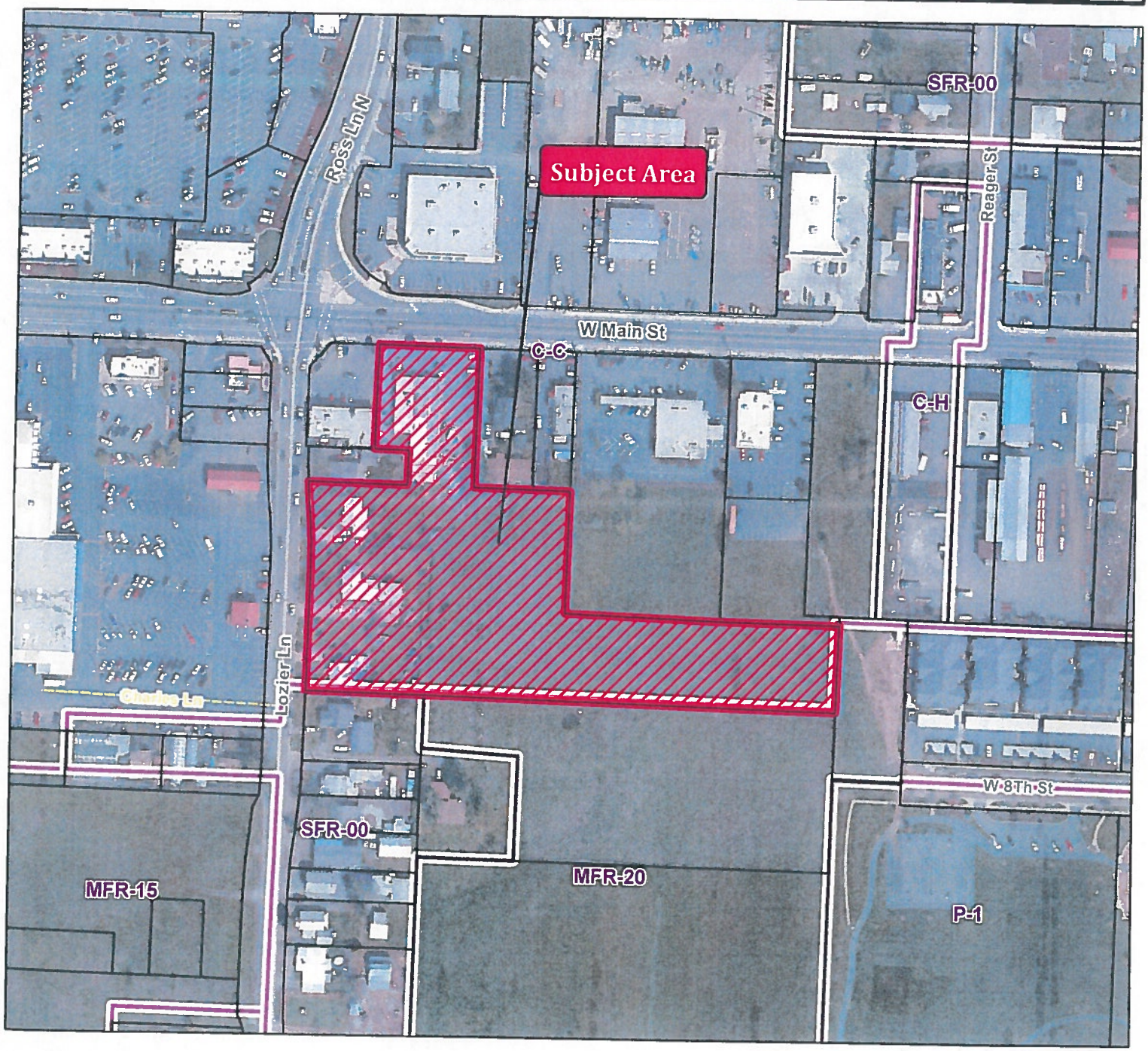
From the Quarter Section corner between Sections 25 and 26 in Township 37 South, Range 2 West of the Willamette Meridian in Jackson County, Oregon; thence East, 363.6 feet to the West line of West Walnut Park Addition in the City of Medford, said County and State; thence South along said West line, 430.62 feet to an iron pin, the true point of beginning; thence West, 780.1 feet to a point 250.075 feet East of the East line of Donation Land Claim No. 76, said Township and Range; thence South, and parallel with the East line of said Donation Land Claim No. 76, a distance of 235.0 feet; thence East, 780.7 feet to a point South of the true point of beginning; thence North 235.0 feet to the true point of beginning.

SUBJECT TO all encumbrances, covenants, restrictions, reservations, easements, conditions, and rights appearing of record.

City of Medford
Planning Department

Vicinity Map

File Number: LDP-18-140
ZC-18-141



Project Name:

Manjoh, LLC
Partition/Zone Change

Map/Taxlot:

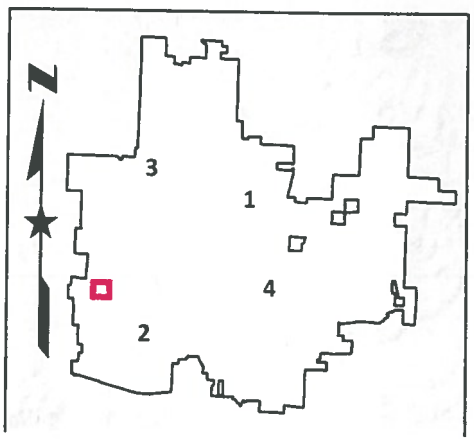
372W26DA TL 1000

0 155 310 Feet

10/12/2018

Legend

- Subject Area
- Zoning Districts
- Tax Lots



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

Project	Urban Reserve Local Wetland Inventory (2016) and Wetland Regulations
Applicant	City of Medford
File no.	CP-17-117 & DCA-17-118
To	Planning Commission *for 11/29/2018 hearing*
From	Carla Angeli Paladino, Principal Planner, Long-Range Planning
Reviewer	Matt Brinkley, Planning Director
Date	November 15, 2018

BACKGROUND

Proposal

A legislative amendment to incorporate by reference the 2016 Urban Reserve Local Wetlands Inventory report (*Exhibit C*) into the Comprehensive Plan and amend applicable sections of the Environmental Element related to wetlands (*Exhibit A*). The changes to the Environmental Element also include an Economic, Social, Environmental, and Energy (ESEE) analysis related to the 2016 inventory (*See Exhibit B*). (CP-17-117)

The 2016 Urban Reserve Local Wetlands Inventory can be found at the following link: https://docs.dsl.state.or.us/PublicReview/ElectronicFile.aspx?docid=3117200&&dbid=0

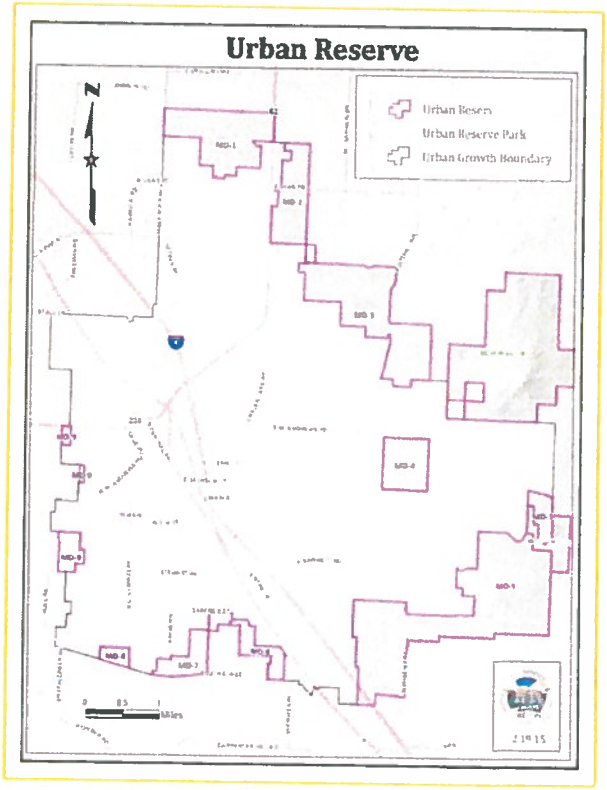
This project is filed in conjunction with a Development Code Amendment to revise Chapter 10 of the Municipal Code to incorporate procedural requirements, modify definitions, make revisions to the riparian corridor sections, and add wetland regulations within the applicable articles of; the code. *(See Exhibit D)*. (DCA-17-118)

Authority

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

History and Analysis

As noted in the Comprehensive Plan, the City completed its first Local Wetland Inventory in 1995 and updated the information in 2002 with adoption of the inventory in 2003. Since that time, the City established an Urban Reserve in 2012. In 2015, in anticipation of expanding the Urban Growth Boundary (UGB), the City hired SWCA Environmental Consultants to conduct a Local Wetland Inventory (LWI) within the Urban Reserve area noted on the map below (approximately 6,400 acres). In 2018, the City successfully completed the land use process to expand its UGB. Subsequently, the City is responsible for ensuring implementation of the Comprehensive Plan and necessary land use regulations are updated to comply with State law and prepare for future urbanization of these lands. The adoption of a Local Wetland Inventory and wetland regulations is one of the supplemental tasks in this process to comply with Goal 5 of Statewide Planning Goals.



A Local Wetland Inventory is a comprehensive survey of a geographic area. In this case, the entire Urban Reserve was studied, to identify, characterize, and locate the approximate boundaries of wetlands and other waterways. The information gathered is a resource tool that provides property owners, future property owners, and local jurisdictions with data to help inform future decisions affecting the usage of a property. The inventory is a preliminary assessment to help describe the function and relevance of the wetlands identified (significant wetlands versus other wetlands).

An informational meeting about the project was held on March 18, 2015. Notices of the meeting were mailed to over 200 property owners. Fourteen people attended the meeting which kicked-off the project and informed the public about the field work to be conducted. The consultants conducted field work at the end of March and April. The preliminary findings were presented to the public at a second informational meeting held on July 1, 2015. The same number of notices were mailed and attendance was the same as the prior meeting.

The consultants drafted the inventory report by October 2015 and submitted the findings to the Department of State Lands (DSL) in November of the same year. The City received a letter from the Department of State Lands approving the Local Wetland Inventory and Assessment for the Urban Reserve in January 2017 (*See Exhibit E*).

The report identifies 82 wetlands within the study area, with 58 identified as locally significant, totaling 185 acres. The locally significant wetlands are found in the northern, eastern, and southern extents of the Urban Reserve (MD-1 through MD-6).

Recognizing new development will occur within the expanded Urban Growth Boundary, the City has chosen to develop its wetland regulations based upon an Economic, Social, Environmental, and Energy (ESEE) analysis, as allowed by state law, rather than follow the Safe Harbor provisions described within the statute. The regulations are intended to help manage and protect the wetland resources understanding that some development impacts such as street and utility extensions may impact portions of these wetlands. A 50 foot buffer is proposed to surround identified locally significant wetlands and a 25 foot buffer is proposed for all other identified wetlands. If development is proposed to impact the wetlands, the intrusion into the resource will be minimized to the extent possible through restoration, enhancement or mitigation of the wetlands.

<u>Related Planning Commission & City Council Review & Actions</u>

The Planning Commission reviewed the project at several study sessions on the following dates:

- May 23, 2016
- August 22, 2016

An additional study session is scheduled for November 26, 2018, to review the latest draft and help answer any questions before the hearing on November 29, 2018.

City Council held a study session on September 13, 2018, and is scheduled for another one on November 29, 2018.

FINDINGS AND CONCLUSIONS

Applicable criteria

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

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

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

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

Findings

The Department of State Lands (DSL) approved the 2016 Local Wetland Inventory (LWI) report submitted by the City that identifies the location of wetlands within the Urban Reserve (covering approximately 6,400 acres). This LWI was conducted in order to understand where wetlands are located and to categorize their significance within this geographic region. The wetlands were evaluated using the *Oregon Freshwater Wetland Assessment Methodology (OFWAM)* and grouped into units. A total of 82 wetlands were identified with 58 designated as locally significant. Wetlands are evaluated for significance based on whether certain conditions are met such as water quality features, the presence of rare plants or inhabited by species listed as threatened or endangered, its hydrologic control function, and other criteria.

The Comprehensive Plan includes a set of Conclusions for topics related to Natural Resources, Air Quality, Wetlands, and Wildlife Habitat. Conclusion #5 was expanded upon in order recognize the 2016 LWI. The wetland section of the plan was also updated in order to summarize the inventory and list the significant wetlands and provide maps with their locations.

Conclusions

The City has a DSL approved Local Wetland Inventory for the Urban Reserve areas. A summary of the inventory has been provided in the Comprehensive Plan and the Conclusions of the plan have updated to reflect this new information. This criterion is found to be satisfied.

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

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

   Findings

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

   Conclusions

   Based on the discussion under the *Amendments to Conclusions* criterion cited above this criterion is found to be satisfied.

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

   Findings

   The Comprehensive Plan helps guide and inform how and where the City will grow in the future. The adoption of the Urban Growth Boundary expansion provides new opportunities for urban-level development and requires the City to recognize and evaluate the potential impacts to the environment that accompanies such growth. The City took steps in 2015 to hire a consultant to identify the location of wetlands within the City's designated Urban Reserve. This information helps provide a starting point for both property owners and the City to understand generally where these resources are present and what their significance is, thereby enabling more informed decision-making related to development and public infrastructure projects.

   Conclusions

   The 2016 Local Wetland Inventory provides new information about an environmentally sensitive natural feature (wetlands) that was previously unknown and is being incorporated into the City's Comprehensive Plan. This criterion is found to be satisfied.

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

   Findings

   The City worked on expanding its Urban Growth Boundary (UGB) for nearly two decades starting with the Regional Problem Solving process. As of 2018, the State had acknowledged the City's proposal to expand its UGB which will provide new and additional opportunities for the development of residential and employment lands.

   New development will transition rural lands to intensive urban uses. With that come changes to the natural environment and impacts to identified resources. The City has developed a Local Wetland Inventory for the Urban Reserve and new expansion areas

and is responsible for maintaining and protecting valuable natural assets in a manner that balances the City's need to accommodate urban land uses with the need and responsibility to ensure adequate ecological function of environmentally sensitive lands.

Conclusions

The approval to expand the City's Urban Growth Boundary provides a shift in community priorities which requires the relevant elements of the Comprehensive Plan be updated and new regulations be implemented before development can take place. The adoption of the 2016 Local Wetland Inventory is one of the necessary steps the City must take in order to ensure future development of these areas is consistent with the City's Comprehensive Plan and State law. This criterion is found to be satisfied.

4. *Demonstrable inconsistency with another Plan provision.*

Findings

The proposal to amend and incorporate the 2016 Local Wetland Inventory into the Environmental Element of the Comprehensive Plan is necessary to reflect new information and resources identified within the Urban Reserve and specifically within the 2018 Urban Growth Boundary expansion areas. The Plan already recognizes natural resources including wetlands and the new inventory is being integrated accordingly. The data is not found to be inconsistent with other plan provisions.

Conclusions

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

5. *Statutory changes affecting the Plan.*

Findings

Oregon Administrative Rules, Division 23 establish procedures and criteria for inventorying and evaluating Goal 5 resources and developing land use programs to conserve and protect significant resources. Medford is updating the Comprehensive Plan and Land Development Code to address one of the Goal 5 resources, wetlands. The statutory requirements have not been amended and the City is following the guidance in the OAR.

Conclusions

There are no known statutory changes that impact the proposal. This criterion is not applicable.

6. *All applicable Statewide Planning Goals.*

Goal 1—Citizen Involvement

Findings

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

The development of the Local Wetland Inventory included involvement and discussions with property owners and property owners' representatives. Informational meetings were held at the start of the inventory process and once preliminary findings were available. The information was provided on the City's UGB page on the website for review and comment. Additional relevant information in the form of an approved wetland delineation for one of the properties was provided during this comment period and incorporated into the inventory.

Property owners have been invited to attend the upcoming hearing with the Planning Commission and will be provided notice of the City Council meeting in December. These public hearings provide additional forums for public comment and feedback on the amendments.

Conclusions

Based on information noted above, it is found that Goal 1 is satisfied.

Goal 2—Land-use Planning

Findings

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

Conclusions

The proposal is found to comply with Goal 2.

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

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

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

Findings

The proposal is directly related to Goal 5 and the presence of natural resources in the form of wetlands. The City has inventoried wetlands in compliance with applicable administrative rules and statutes that govern how these resources are identified and evaluated within the Urban Reserve areas. The report was approved by the Department of State Lands in 2017 and is proposed to be incorporated into the Comprehensive Plan for use as future development occurs within the Urban Growth Boundary expansion areas. In addition, the City undertook evaluating each of the significant wetland units through an Economic, Social, Environmental, and Energy (ESEE) analysis in order to make a decision on whether to allow, limit, or prohibit conflicting uses that may impact the resource. The analysis recognizes that proposed streets, utilities, and uses within these expansion areas may impact wetlands and prevent the preservation of these wetlands in their current undisturbed state. In many instances, the ESEE analysis has been determined that conflicting uses will be allowed but need to be reduced as much as possible through implementation of alternatives, minimizing intrusion, and where impacts are unavoidable through mitigation.

The ESEE analysis proposes a 50 foot buffer around significant wetlands. All other wetlands would require a 25 foot buffer. Buffers are commonly used to protect environmentally sensitive features such as wetlands and riparian habitat surrounding surface bodies of waters (streams, lakes, etc.), and are ubiquitous in wetland regulations.

Conclusions

The City has taken necessary steps to identify and evaluate the wetland resources within the Urban Reserve and expanded Urban Growth Boundary. The Local Wetland Inventory provides the basis for managing and protecting these resources over time through the ESEE analysis and proposed code amendments. Goal 5 is found to be satisfied.

Goal 6—Air, Water, and Land Resources Quality

Findings

As the City urbanizes within the Urban Growth Boundary, the exposure to different types of pollutants and contaminants will be introduced into these areas. Research has shown that the use of buffers surrounding a wetland can aid in protecting water quality and act as a filter to help process pollutants that may impact water and land. The City proposes to minimize disruption of these natural areas and help reduce potential contamination and degradation of local water resources by using the wetlands for their water quality benefits.

Conclusions

Wetlands are a resource to aid in the reduction of pollution to land and water. The City is taking steps to identify and manage these resources as development occurs. Goal 6 is found to be satisfied.

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

Goal 8—Recreation Needs

Findings

Wetland resources can provide opportunities for open space amenities, natural and educational experiences, and locations for trail connections. Per the Regional Plan, a certain percentage of open space will be required as land develops within the Urban Growth Boundary. These natural resources will count towards meeting the open space requirements.

Conclusions

The Regional Plan includes the preservation of land for recreational and open space needs. Wetlands within these new expansion areas can help accomplish that goal. Goal 8 is found to be satisfied.

Goal 9—Economic Development

Findings

The Urban Growth Boundary amendment detailed the need for additional economic opportunities and employment land to serve Medford and the region. The balance between preserving the natural environment and accommodating growth has been reviewed in part through evaluation of the ESEE analysis and potential impacts to wetlands. Understanding where the wetlands exist will aid in designing and approving sites that balance development needs with environmental stewardship responsibilities.

Wetlands identified in the inventory are able to be used by developers to meet Regional Plan open space requirements, thereby reducing the need to allocate land that is better suited for development to satisfy this requirement of the Regional Plan.

Conclusions

The City must consider a number of factors as development occurs in the Urban Growth Boundary. The 2016 Local Wetland Inventory provides information about the location of wetland resources and how they may be impacted and preserved over time. Goal 9 is found to be satisfied.

Goal 10—Housing

Findings

The Urban Growth Boundary amendment detailed the need for additional housing to serve Medford. The wetland resources can serve as amenities to proposed new residential developments, and are increasingly integrated into the built environment along with naturalized stormwater management methods (bioswales, raingardens, etc.). Wetlands also represent an opportunity for developers to meet Regional Plan open space requirements without using land that is more suitable for residential development to meet that obligation.

Conclusions

Housing will be developed within the expansion areas and the wetland resources can serve as complimentary amenities for such developments ensuring the protection and use of the wetlands. Goal 10 is found to be satisfied.

Goal 11—Public Facilities and Services

Findings

It is understood that future urban services and infrastructure will be constructed in the expansion areas and that impacts to the natural environment will occur. The proposed changes to the Comprehensive Plan include an ESEE analysis to help evaluate conflicting uses and impacts that most frequently are related to providing and extending public facilities. The analysis tries to balance an allowance for necessary services with minimizing and reducing impacts to the wetlands.

Conclusions

Goal 11 is found to be satisfied.

Goal 12—Transportation

Findings

As noted under Goal 11 above, transportation infrastructure will be constructed in the expansion areas and will cause impacts to the natural environment. The proposed changes to the Comprehensive Plan include an ESEE analysis to help evaluate conflicting uses and impacts that include the extension and construction of streets and pathways. The analysis tries to balance an allowance for necessary services with minimizing and reducing impacts to the wetlands.

Conclusions

The 2016 Local Wetland Inventory helps identify the conflict points between proposed street extensions and the presence of wetlands. Considering alternatives and minimizing impacts to the wetlands as development occurs will be evaluated. Goal 12 is found to be satisfied.

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

Goal 14—Urbanization

Findings

The City has an adopted an Urban Growth Management Agreement with the County that outlines the orderly development and transition of rural lands to urban lands. The Local Wetland Inventory (LWI) proposal contemplates this transition based on the environmental impacts of development. It recognizes a balance is needed in order to preserve the wetland resources identified in the inventory while strategically and consciously balancing development impacts with maintaining these natural systems and the environmental and health benefits they provide.

Conclusions

It is the City's responsibility to ensure the efficient and orderly development of these new areas is consistent with the City's Comprehensive Plan and State Law. The transition from rural land uses to urban land uses must be considered from an environmental, natural functions, and water quality standpoint. The adoption of the 2016 Local Wetland Inventory is one mechanism to manage these resources. Goal 14 is found to be satisfied.

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

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

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

Findings

The proposed ordinance does not "significantly change" any Goals or Policies; rather, it provides a process for ensuring compliance with existing Goals and Policies, particularly those found in the Environmental Element.

Conclusions

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

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

Findings

The criterion is not applicable.

Conclusions

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

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

Findings

Currently, the City is relying on the adopted 2002 Local Wetland Inventory to provide information about the presence of wetlands on property. As the City expands into the new Urban Growth Boundary locations, it proposes to adopt the 2016 Local Wetland Inventory to be used for these areas, maintaining the 2002 Inventory for the existing City limits and 1993 UGB expansion areas. The adoption of the inventory is a critical first step in locating wetland resources on properties. To date, however, the current (2002) inventory has stood alone in managing wetlands and is not coupled with code regulations in the Land Development Code. Projects that contain wetlands are provided to the Department of State Lands to provide comments and direction to determine next steps for an applicant or property owner. Comments may include surveying the extent of the wetlands on the property through a delineation and receiving concurrence from the state on the boundaries. In other circumstances, it may also require an applicant to obtain a permit in order to impact or modify a wetland. There is no local say on how these wetlands are managed.

In addition to the existing and proposed inventories, the City proposes to adopt wetland regulations in the Land Development Code. These regulations are intended to protect wetlands to the extent possible by addressing issues such as the width of buffers around the wetlands, addressing permitted uses, possible buffer reductions, and mitigation plans. The Comprehensive Plan Policy 6-B and Implementation Strategy 6-B(1) direct the City to regulate land use that may affect wetlands and develop code language in the Land Development Code to adopt protections for locally significant wetlands. This provides the City with some measure of local control in determining impacts and protection measures for wetlands that the State and Federal regulations may not address. It is also the intent of the regulations to provide property owners and developers with

Conclusions

The current reliance on State and Federal agencies to address wetlands has been effective, but by incorporating additional regulations at the local level, the City is better able to manage its natural resources in coordination with State and Federal agencies. This criterion is found to be satisfied.

4. *Statutory changes affecting the Plan.*

Findings

Oregon Administrative Rules, Division 23 establish procedures and criteria for inventorying and evaluating Goal 5 resources and developing land use programs to conserve and protect significant resources. Medford is updating the Comprehensive Plan and Land Development Code to address one of the Goal 5 resources, wetlands. The statutory requirements have not been amended and the City is following the existing guidance in the OAR.

Conclusions

There are no known statutory changes that impact the proposal. This criterion is not applicable.

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

Findings

There are no identified budgetary constraints related to the proposal.

Conclusions

This criterion is not applicable.

6. *All applicable Statewide Planning Goals.*

Findings

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

Conclusions

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

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

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

Findings

The current process of regulating wetlands is described in Criterion 3 (*Demonstrable ineffectiveness of present strategy)* above and points to a need for more local say in how wetlands are managed and regulated based on community needs and desired outcomes.

Wetlands are a valuable natural resource that have been shown to provide environmental benefits for wildlife habitat, water quality and flood control management, the protection of endangered or threatened plant or animal life, and aesthetic, recreational, and educational factors. Research also indicates that the inclusion of a wetland buffer provides added benefits. Wetland buffers are a defined distance surrounding the wetland to limit development impacts and separate the natural functions from the adjacent land uses. Buffers that include wide or dense vegetation are generally more effective then narrow and thinly vegetated buffers and help to limit intrusion from conflicting uses. Additionally, buffers serve as habitat for aquatic or wetland-dependent species, remove sediment from urban runoff, screen wildlife habitat from human disturbance, and serve as natural corridors within the landscape (*Planner's Guide to Wetland Buffers for Local Governments, Environmental Law Institute, March 2008*).

The amendment proposes to require a 50 foot buffer around locally significant wetlands and a 25 foot buffer around all other identified wetlands. The intent is that with these added local controls the impacts to these natural areas will be minimized and will ensure better protection of their beneficial natural function.

Conclusions

Wetlands are important natural features within the community. The City seeks to protect the wetlands where possible by creating local regulations that include buffer areas. This criterion is found to be satisfied.

§10.218. The justification for the amendment with respect to the following factors:

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

Findings

The amendment relates to the goals, policies, and implementation strategies found in the Environmental Element specifically found in Goals 6 and 7.

Goal 6: *To recognize Medford's waterways and wetlands as essential components of the urban landscape that improve water quality, sustain wildlife habitat, and provide open space.*

Policy 6-B: *The City shall regulate land use activities and public improvements that could prevent meeting the federal performance standard of no net loss of wetland acreage.*

Implementation 6-B(1): *Prepare amendments to the Medford Land Development Code for consideration by the City Council to adopt "safe harbor" protections or protection developed through an ESEE*

(environmental, social, economic, and energy) analysis for locally significant wetlands, as defined, pursuant to Oregon Administrative Rules 660-23.

Policy 6-C: *The City of Medford shall encourage the incorporation of waterways, wetlands, and natural features into site design and operation of development projects.*

Goal 7: *To preserve and protect plants and wildlife habitat in Medford.*

Policy 7-A(1): *The City of Medford shall encourage the conservation of plants and wildlife habitat, especially those that are sensitive, rare, declining, unique, or that represent valuable biological resources, through the appropriate management of parks and public and private open space.*

The wetland regulations directly seek to fulfill Implementation Strategy 6-B(1) identified above. The 2002 and 2016 Local Wetland Inventories provide the framework for identifying the approximate location of these resources throughout the City limits, Urban Growth Boundary, and within the Urban Reserve. The accompanying regulations proposed within the Land Development Code will define the parameters for regulating these resources as land develops. The City is better positioned to meet the goals in the Environmental Element and protect Medford's wetlands with the proposed code changes.

Conclusions

The amendment is relevant to the goals and policies in the Environmental Element. This criterion is found to be satisfied.

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

Findings

The proposed development code amendment was distributed to internal and external agencies for review and comments earlier this month. The comment period is still open and no agencies have provided feedback to date. If any comments are received between the time of publication of this report and the hearing date, the Commission will be provided with the information for consideration.

Conclusions

The City has distributed the draft language to internal and external agencies for review. Any comments received will be provided to the Planning Commission. This criterion is found to be satisfied.

3. *Public comments.*

Findings

Most recently, the draft language was distributed by e-mail to interested property owners, business owners, and land use representatives for review and comments. No comments have been received thus far.

Earlier on in the development of the Local Wetland Inventory and regulations, the Planning Commission held two study sessions, one on May 23, 2016 and the second on August 22, 2016. Additionally, two informational meetings were held on March 18, 2015 and July 1, 2015, to discuss the inventory process, field work, and to discuss preliminary findings.

Property owners within the entire Urban Reserve were notified of this amendment in order to provide an opportunity for additional public comments during the public hearing process.

Conclusions

The proposal has been distributed directly to property owners and land use representatives to solicit input and feedback on the proposal. Property owners have been notified of the public hearing(s) and are afforded an opportunity to comment. This criterion is found to be satisfied.

4. *Applicable governmental agreements.*

Findings

The City and Jackson County have adopted an Urban Growth Management Agreement and Urban Reserve Management Agreement to ensure the efficient and orderly development of rural land uses to urban land uses within the Urban Growth Boundary (UGB) and Urban Reserve (UR). These agreements are intended to enhance long-range planning efforts and facilitate communication and coordination between both jurisdictions as development occurs. The 2016 Local Wetland Inventory is the best available data currently for use by the City and County to identify and regulate these resources as land transitions within the UGB and UR. As land is annexed from the Urban Growth Boundary to the City, the regulations within the Land Development Code will apply.

Conclusions

The City and County have adopted agreements to help ensure an organized and coordinated development pattern within the Urban Growth Boundary and Urban Reserve. These agreements are applicable in the review of these natural features. This criterion is found to be satisfied.

RECOMMENDED ACTION

Based on the findings and conclusions that all of the applicable criteria are either satisfied or not applicable, forward a favorable recommendation for approval of CP-17-117 and DCA-17-118 to the City Council per the staff report dated November 15, 2018, including Exhibits A through E.

EXHIBITS

A Comprehensive Plan Amendments (Environmental Element)
B ESEE analysis for the 2016 Local Wetland Inventory
C 2016 Local Wetland Inventory report
D Development Code Amendments
E Letter from the Department of State Lands approving the 2016 LWI

PLANNING COMMISSION AGENDA: NOVEMBER 29, 2018

WETLANDS

In the past, few standards regulated the planning, development, or preservation of wetlands in Oregon's urban areas. Further, variations from one locale to another across the state resulted in inconsistent policies for preservation or development. More recently, a renewed appreciation of wetlands has led to the development and enforcement of greater federal and state regulations to guide wetland planning in urban areas. There has been increased recognition of wetlands as:

- Important habitats necessary for the survival of many aquatic and terrestrial species
- Integral parts of the hydrologic system necessary for the maintenance of water supplies and water quality

FEDERAL AND STATE REGULATIONS

The principal federal law that regulates activities in wetlands is Section 404 of the Clean Water Act. Section 404 restricts the discharge of wastes, including fill material, into the waters of the United States, which are broadly defined as coastal waters, rivers, streams, estuaries, and wetlands. The U.S. Army Corps of Engineers is responsible for administering Section 404. Wetlands are defined as "those areas that are inundated or saturated with surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions."[24]

To be considered a jurisdictional wetland, or one regulated by Clean Water Act regulations, the wetland must contain wetland plants, hydric soils, and saturated or inundated substrate. Permits are required from the U.S. Army Corps of Engineers and the Oregon ~~Division~~ Department of State Lands (DSL) to fill or drain a jurisdictional wetland. If the activity cannot be justified, permits are not issued. If the activity is justified, the permits are likely to require compensatory mitigation, to replace the acreage and values of the wetland area lost.[25]

Planning efforts to satisfy federal and state wetland regulations are shifting to the local level. The Oregon Department of Land Conservation and Development (DLCD) has established the responsibilities that cities and counties have regarding wetlands under Goal 5. To comply with the wetlands requirements of Goal 5, local governments must conduct a Local Wetland Inventory (LWI) and adopt ~~a~~ "safe harbor" or similar regulations ~~ordinance~~ that protect~~s~~ locally significant wetlands, and/or develop protections through an ESEE analysis process as described in the previous section.

[24] *Comprehensive Medford Area Drainage Master Plan*, September 1996.

[25] *West Eugene Wetlands Plan*, City of Eugene and Lane Council of Governments, December 1992.

In 1995, the City of Medford completed its first *"Local Wetlands Inventory (LWI) and Oregon Fresh Water Wetland Assessment Method Analysis,"* which documented the presence, location and size of the wetlands in the UGB. The LWI and OFWAM analyses were updated and approved by DSL in 2002 (*Medford Local Wetland Inventory and Locally Significant Wetland Determinations*, 2002 by Wetland Consulting). See **Figure 6** for a general vicinity map of Medford area wetlands. The official LWI maps are available in the Medford Planning Department. A qualitative assessment of the wetlands was conducted according to the Oregon Freshwater Wetland Assessment Method (OFWAM)[26]. DSL is required to be notified of all applications ~~to the City of Medford~~ for development activities, including applications for plan ~~authorizations~~approvals, development permits, or building permits, and of development proposals by the City of Medford, that may affect any wetlands, streams, or waterways identified and/or mapped in the *Local Wetlands Inventory*.

The 2002 LWI inventoried and mapped 134 wetland sites in the UGB, and mapped, but did not inventory the waterways. The waterways were inventoried, mapped, and assessed in a separate process. See the *Medford Riparian Inventory and Assessment Bear Creek Tributaries*, 2002 by Wetland Consulting. There was a total of 293 acres of wetlands inventoried, including created ponds ~~in addition to the~~ and natural wetlands. *Palustrine forested* and *scrub~~-~~shrub* wetland plant communities are common along stream corridors, typically confined to a narrow strip along steeply banked watercourses. Dominant tree species include black cottonwood, white alder, and Oregon ash. Understory shrubs include willow, choke cherry, wild rose, and snowberry. Himalayan blackberry vines, an invasive introduced species, often dominate understory areas, especially those that have been disturbed. The *palustrine emergent* wetlands are dominated by herbaceous plants such as cattails, rushes, sedges, and reed-canary grass in inundated areas, and teasel, tall fescue, buttercup, and velvet grass adjacent to the water.

Vernal pools, which are rare rain-fed seasonal wetlands, have been found in the Agate Desert area north of the Medford UGB and in the northern portion of the UGB in and near the Airport in areas having Agate-Winslo soils. The hard pan underlying the soil restricts infiltration, causing prolonged inundation. An inventory and assessment of the vernal pools in the Agate Desert area was completed by DSL in 1997. Most historic vernal pools located within the Medford UGB have been severely altered or obliterated due to grading and vegetation alterations, although some may still be identified as wetlands.

Some threatened or endangered plant species are known to occur in conjunction with vernal pools in Jackson County, including Cooks (Agate Desert) lomatium and large-flowered wooly meadowfoam. Both are listed as Endangered Species by the state of Oregon and Candidate Species under the federal *Endangered Species Act*. Agate Desert lomatium (*loamtium cookii*), which is known to occur only in Jackson and Josephine Counties, has been identified on the grounds of the Rogue Valley International-Medford Airport, which is within the UGB.[27] The RVCOG is managing a cooperative effort, the Agate Desert Vernal Pools Project, initiated to develop a wetland conservation plan for the Agate Desert vernal pool area. Jackson County, the City of Medford, the Nature Conservancy, DSL, ODFW, the U.S. Army Corps, and the U.S. EPA are among the participating agencies.

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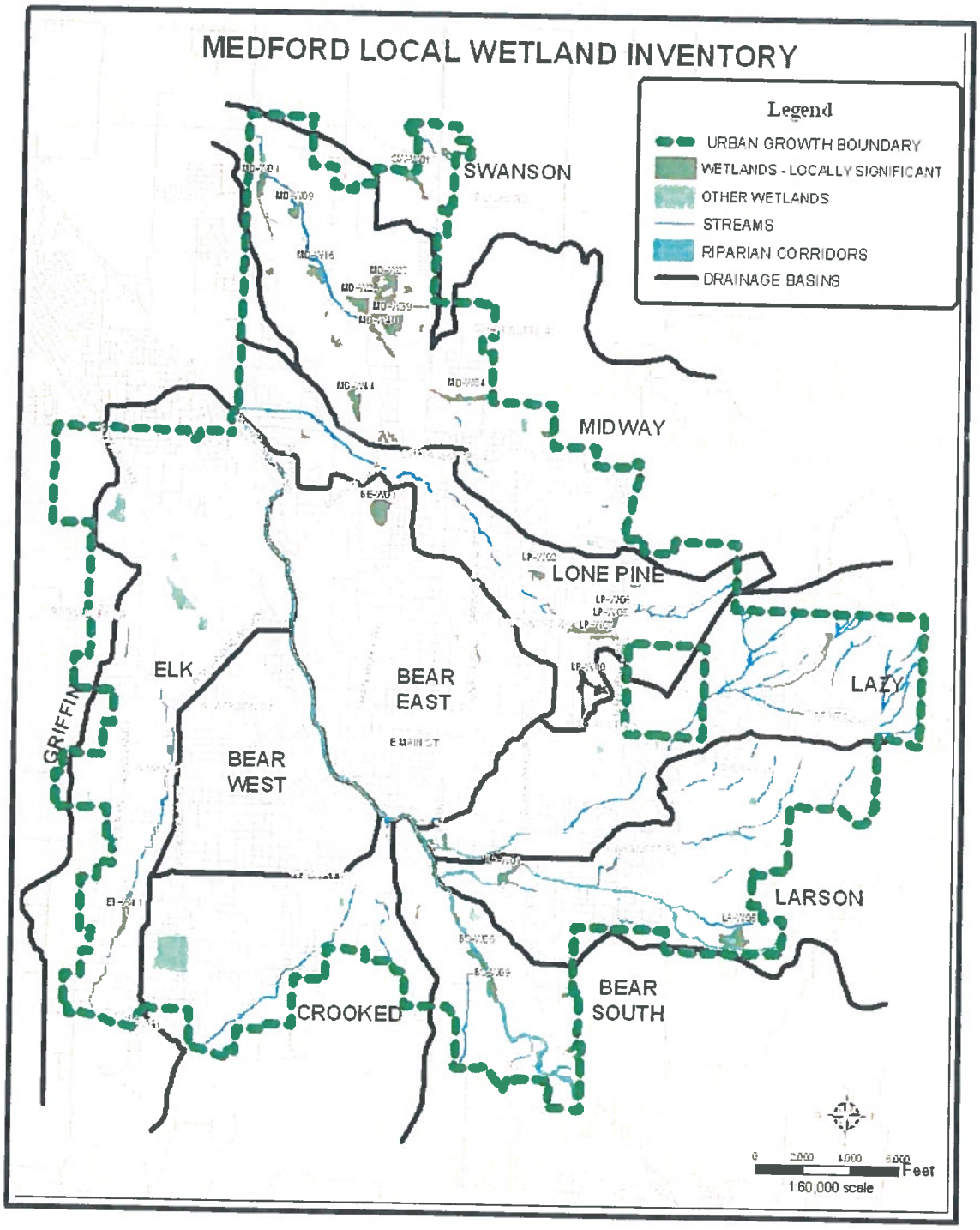
[26]Statewide methodology used in the *Local Wetlands Inventory* for assessing and determining the significance of the wetlands in Medford.

[27]*Draft Environmental Assessment, Rogue Valley International-Medford Airport, Proposed Improvements*, March 1999, David Evans and Associates, Inc.

Figure 6: Medford Area Wetlands



The City of Medford owns property in the vicinity of the Water Reclamation Facility and Whetstone Creek, located outside the UGB near Antelope Road, that contains vernal pools and other wetlands. Some of this land is potentially suitable as mitigation sites for wetland impacts caused by City infrastructure projects.

Determination of Local Significance

The LWI/OFWAM is a "first layer" planning tool for identifying the most valuable wetlands in the Medford UGB. OFWAM assessments of the wetlands are used in making a determination of *significance* according to state standards (OAR 141-086-0350). In addition, other wetlands may be adopted by the City Council as *locally significant*. Using the OFWAM criteria, 45 of the inventoried wetlands in the Medford UGB were determined to be locally significant. Nearly half are locally significant due to having a water quality function and being located within one-quarter mile of a "water-quality-limited stream". Several significant wetlands have direct surface water connections to Bear Creek and Larson Creek, which are habitat for "indigenous anadromous salmonids". See **Appendix C** for the inventory of locally significant wetlands.

Uses Conflicting with Wetland Protection

Occasionally, the protection of a locally significant wetland may conflict with other important community goals. After a sound ESEE analysis, the City Council may make a finding that a particular "conflicting use" is more important to the long-term needs of the citizens than preservation of the wetland area. The most common conflicting uses have been critical links in the City's arterial and collector street system. In many cases, a street crossing can be accomplished without serious disruption of a wetland, such as along a riparian corridor. In other cases, fill and compensatory mitigation may be required if an alternative location is not available. The ESEE analysis will result in a determination that the identified conflicting use will be permitted, limited, or prohibited.

Wetland Mitigation

Under current federal and state laws, any wetland losses must be compensated through creation of new wetlands, restoration of former wetlands, and/or enhancement of existing wetlands. Mitigation efforts not only satisfy federal and state laws, but attempt to achieve a balance between competing land uses. The 1995 LWI recommended that *"an active land acquisition plan and schedule are required to acquire key locations for future wetlands mitigation. Without such a plan, many potential sites may be permanently lost."* A *Wetlands Mitigation Concept Plan* prepared for the City of Medford in 1996, presented methods for mitigating wetland losses. The 2002 LWI identified some potential mitigation sites within the UGB.

One means to achieve wetland preservation objectives is through the establishment of a regional wetland mitigation bank. Freshwater mitigation banking is addressed in the *Oregon Mitigation Bank Act of 1987*. Often, wetland loss compensation is conducted on a piecemeal basis as individual development projects are completed. As a result, many newly created wetlands are small, isolated, and of marginal value as wildlife habitat, a primary intent of wetland mitigation. In some circumstances, development is slowed by a lack of suitable wetland mitigation sites. As noted in the 2002 LWI, the most appropriate mitigation sites in the Medford UGB are those that are made up of dewatered hydric soils over five acres in size. They are often located near existing drainageways, including one in the undeveloped Southeast Medford area near Larson Creek, a primary tributary of Bear Creek, that could serve several functions, including water quality control and open space connections, possibly through the designation of conservation areas and greenways. The Bear Creek corridor is also being evaluated to determine if suitable mitigation sites are located along the waterway.

Refer to the *Wetlands Mitigation Concept Plan* for a more detailed description of the suggested wetland mitigation strategies.

WETLAND FUNCTIONS IN AN URBAN ENVIRONMENT

Wetlands in urban areas serve a variety of roles in achieving community needs and objectives, including the provision of educational and recreational opportunities. Locally significant wetlands are those that have been determined to serve one or more of the following functions: preservation/diversification of wildlife, maintenance of fish habitat, improvement of water quality, or hydrologic control.

The critical functions wetlands can provide within urban areas include, but are not limited to:

Stormwater Management
The use of open channels and wetlands in an integrated storm drainage system provides a better balance between stormwater conveyance and flood control needs, and environmental and community needs. The *Drainage Master Plan* recommends the development and implementation of a local wetlands management plan that incorporates flood control, water quality control, and principles of natural resource management. Such efforts, in the long term, will assist in reducing stormwater pollution, improving water quality, and creating pleasant urban open spaces and waterways.

Water Quality Improvements
Wetlands can contribute to the improvement of water quality. The vegetation in both natural and constructed wetlands functions as a biological filter in removing sediments, excessive nutrients, and other water pollutants from stormwater runoff resulting in cleaner surface water and improved aquatic habitat.

Improved Flood Control
Additional flood storage capacity can be gained by protecting existing wetlands, by creating new wetlands, and by widening and returning channels to their natural meandering patterns. Design conventions, such as widened channel bottoms, allow the resulting low flow channels to meander among wetlands, re-establishing the original stream bank habitat, and reducing the downstream impacts of stormwater runoff that originates in urban areas. Other flood storage improvements such as on-site detention ponds can provide multiple benefits, for example, provision of flood control, open space, and wildlife habitat.

Improved Plant and Animal Habitat
Greater protection of wildlife habitat is a priority of Goal 5, and wetland areas provide critical wildlife habitat. By protecting and restoring a variety of wetland types, and buffering them from the impacts of nearby development, diversity of habitats can be sustained and improved.

Recreation, Education, and Research
Trails, multi-use paths, and wildlife observation areas within a diverse system of wetlands and stream corridors can provide opportunities for public enjoyment of the natural environment. Wetland environments provide excellent opportunities for education and recreation, particularly if utilized by elementary and secondary schools. The completion of the Bear Creek Greenway from Ashland to Central Point and beyond is progressing, and encompasses many habitat types along Bear Creek, including wetlands. The Greenway is already used for educational purposes, combining classroom learning with field experience in environmental programs, such as those where students

adopt creek sections, plant trees, and release salmon fry. The Bear Creek Watershed Education Partners, a committee of the Bear Creek Watershed Council, is currently overseeing such programs.

Corridors and Connections

By providing greenways and open space along existing waterways and wetlands, a connected system could be established throughout the UGB, and ultimately linking communities in the Bear Creek Valley. Greenways provide corridors for wildlife movement and species interchange, as well as connections for human use. One example is the riparian corridor and proposed multi-use path along Larson Creek, which would connect the Southeast area with the Bear Creek Greenway.

WETLAND PROTECTION ORDINANCE

As noted above, to comply with Goal 5 requirements for wetland protection, specific regulations must be adopted in the Medford Municipal Code ~~*Land Development Code*~~. Medford's proposed ~~W~~wetland ~~P~~protection ~~ordinances~~ regulations would address locally significant wetlands and other identified wetlands that are not locally significant. ~~could address other wetlands.~~ ~~.~~ In the case of some wetlands, a "safe harbor ~~ordinance~~ regulation" may be adopted, which ~~forbids~~ prohibits disturbance of the wetland, but does not include buffer areas. In other cases, after the ESEE (Energy, Social, Environmental, and Energy) analysis is completed, regulations ~~ordinances~~ that address allowing, prohibiting, or limiting ~~permitting, limiting, or allowing~~ conflicting uses would be adopted. These may include required buffers. When reviewing ~~development~~ permits or ~~plan authorization~~ land use applications for properties containing a wetland ~~Wetland Protection Area~~, the approving authority would consider how well the proposal satisfies the objectives of the ~~ordinance~~ regulations. The objectives of Medford's proposed ~~W~~wetland ~~P~~protection ~~Ordinance~~ regulations include:

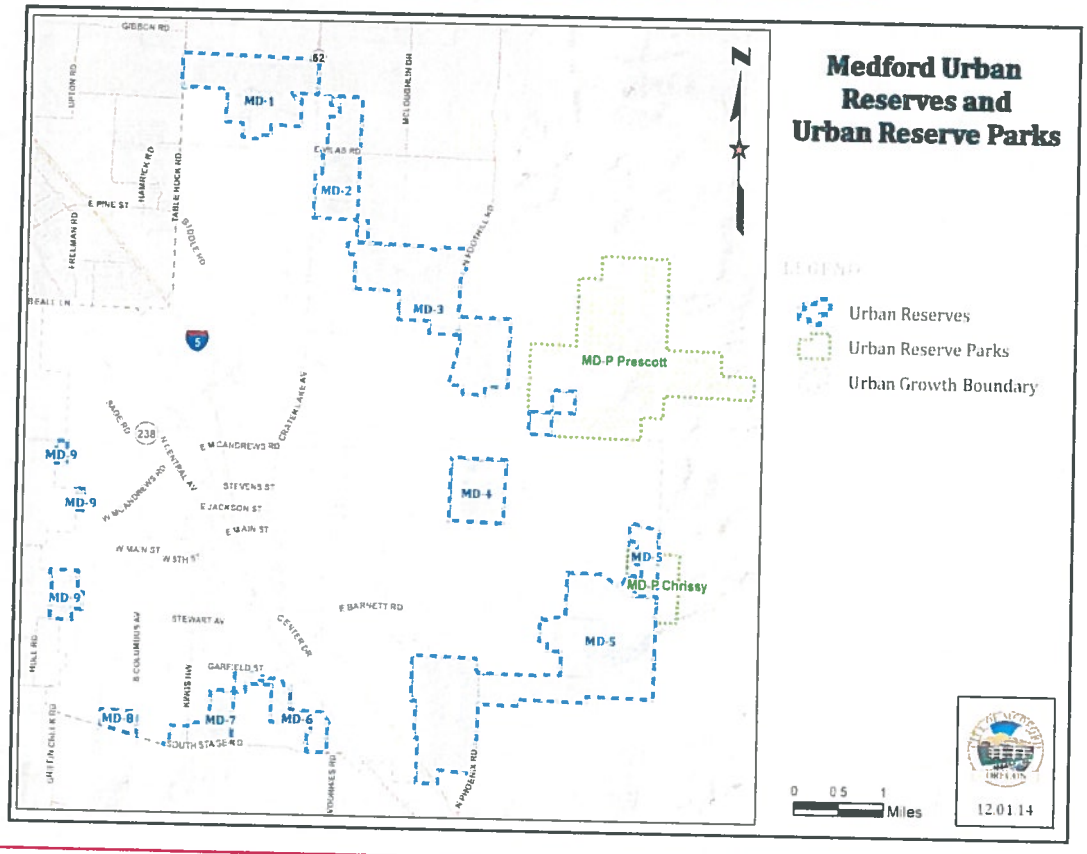
- To implement the goals and policies of the "Environmental Element" of the Medford *Comprehensive Plan* and achieve their purposes.
- To protect and restore Medford's wetland areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.
- To protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, preserve native vegetation, and reduce the effects of flooding.
- To protect and restore the natural beauty and distinctive character of Medford's wetlands as community assets.
- To enhance the value of properties near wetlands by utilizing the wetland as a visual amenity.
- To enhance coordination among local, state, and federal agencies regarding development activities near wetlands.
- To implement state and federal law with respect to protecting Medford's significant wetlands and the protection of clean water, pollution and flooding control, and preservation of endangered species.

- To improve public awareness and appreciation of wetlands for their unique ecosystem functions and the visual and environmental benefits they provide.

URBAN RESERVE LOCAL WETLAND INVENTORY (2016)

In 2015, the City of Medford hired SWCA Environmental Consultants to conduct a Local Wetland Inventory (LWI) for the areas in the City's Urban Reserve (UR). This inventory was started to follow the external study area portion of the Urban Growth Boundary project and address Goal 5 requirements related to wetlands. The entire UR was studied to cover all possible areas considered for inclusion in the UGB. Each of the 11 UR areas is labeled with a "MD" number starting at 1 through 9 (See Figure 16). The study area encompassed roughly 6,400 acres including Prescott and Chrissy Parks within four identified drainage basins.

Figure 16: Study Area - Medford Urban Reserves and Urban Reserve Parks



The consultants followed the approach outlined in the Oregon Administrative Rules (OAR) using a combination of on-site and off-site inventory methods to identify the resources. Wetlands were evaluated using the *Oregon Freshwater Wetland Assessment Methodology (OFWAM)* and grouped into units. These results were in turn used to identify Locally Significant Wetlands (LSW) within the study area. The report identifies 82 wetlands (58 identified as locally significant) totaling 185 acres (not including rivers, streams, or artificially created waters). The list and maps of the 58

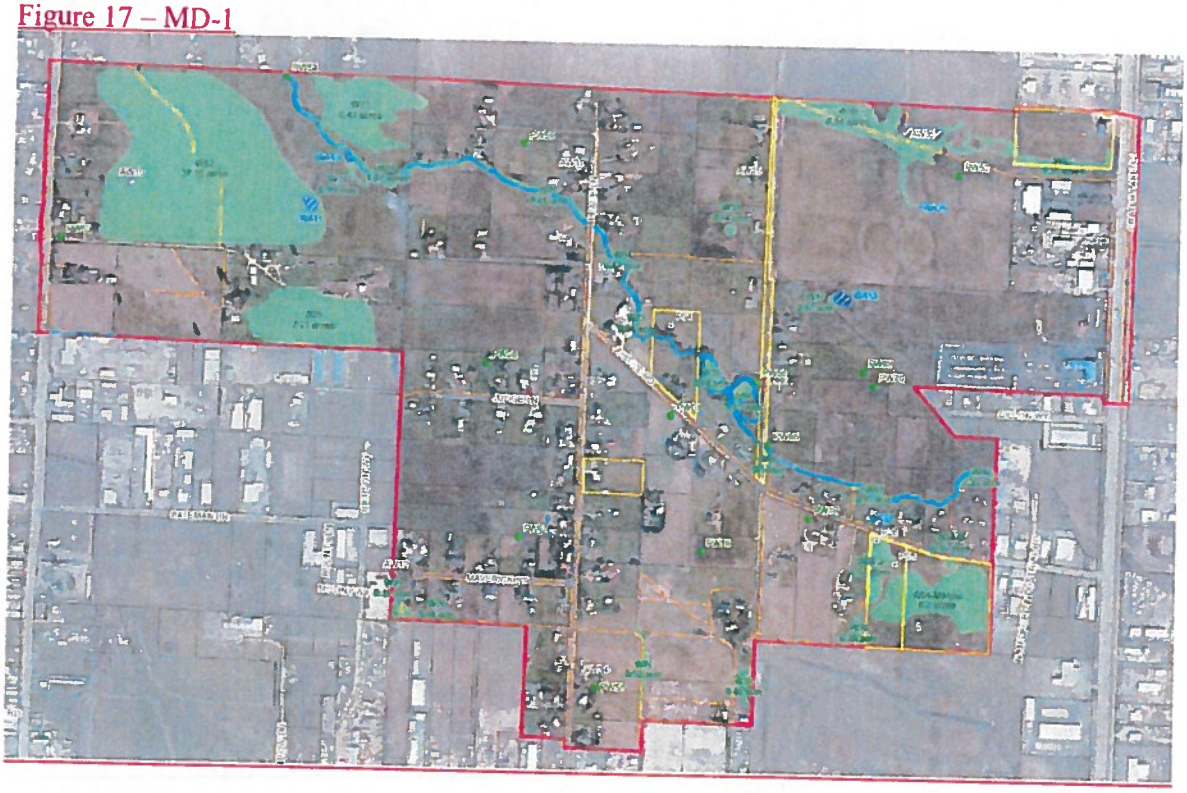
Locally Significant Wetlands are provided below for each applicable MD area. The remaining wetlands identified are dispersed throughout the MD locations. All wetlands are subject to review by the applicable state and federal agencies.

MD-1

	OFWAM Grouping*	Unique Identifier	Size (acres)	DSL File Number
1.	MWC-1	W04-A	1.67	None
2.	MWC-1	W04-B	0.15	None
3.	MWC-1	W04-Mosaic	6.20	None
4.	MWC-2	W06	0.30	WD2012-0181
5.	MWC-3	W07	1.35	WD2005-0692
6.	MWC-2	W23	6.41	None
7.	MWC-2	W24	0.19	None
8.	MWC-8	W25	7.71	None
9.	MWC-2	W34	0.41	None
10.	MWC-2	W35	0.66	None
11.	MWC-1	W36	0.28	None
12.	MWC-3	W38	5.90	WD-2012-0181
13.	MWC-7	W82	37.15	None
14.	MWC-2	W83	0.04	None
15.	MWC-2	W84	0.47	None
16.	MWC-2	W85	0.71	None
17.	MWC-2	W86	1.87	None
18.	MWC-2	W87	0.42	WD2002-0010
19.	MWC-2	W88	0.35	None

*OFWAM assessment code: MWC = Midway Creek Drainage

Figure 17 – MD-1



MD-2

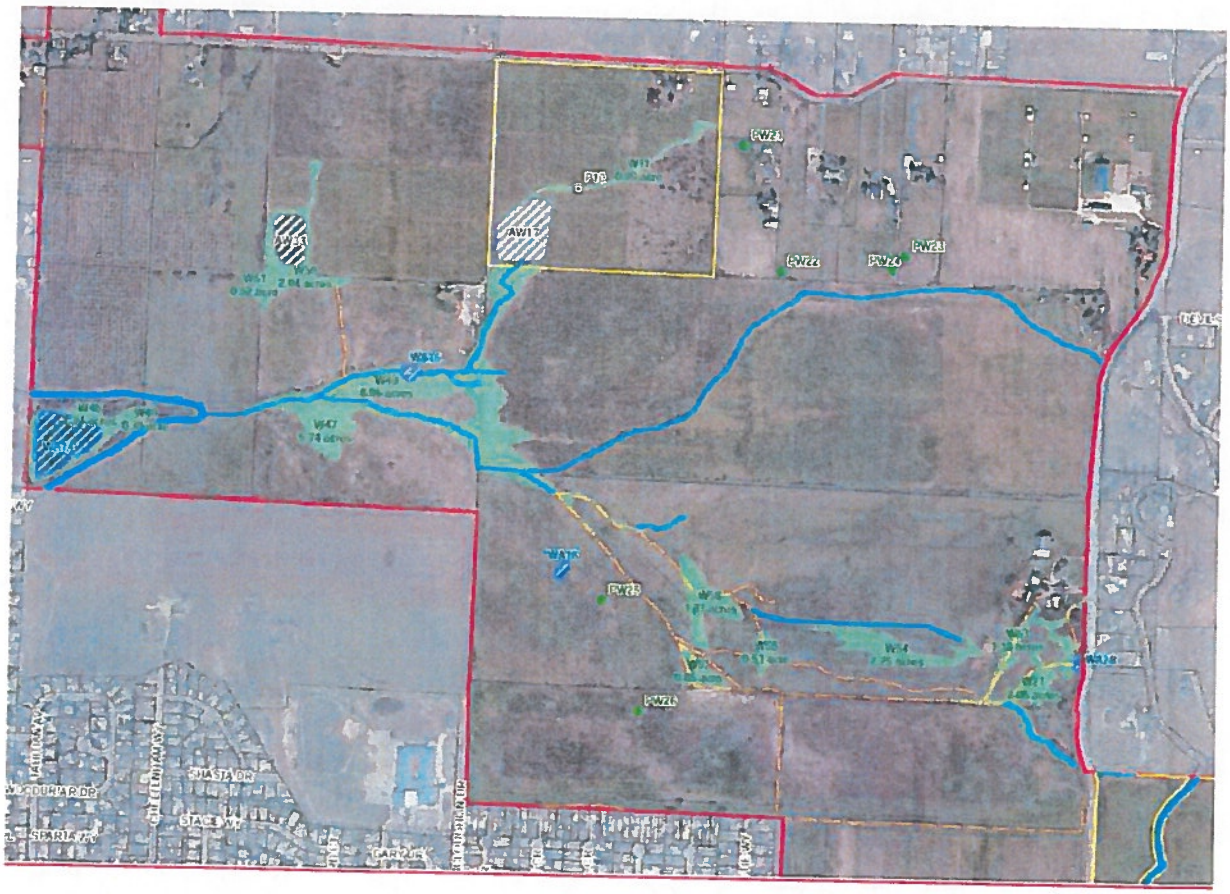
	OFWAM Grouping	Unique Identifier	Size (acres)	DSL File Number
1.	MWC-4	W08	1.76	None
2.	MWC-4	W09	11.52	WD2009-0470
3.	MWC-5	W10-A	3.06	WD2007-0106
4.	MWC-5	W10-D	0.60	WD2007-0106
5.	MWC-5	W10-E	0.61	WD2007-0106
6.	MWC-5	W10-F	3.80	WD2007-0106
7.	MWC-5	W10-G	1.84	WD2007-0106
8.	MWC-5	W22	1.49	None
9.	MWC-4	W39-A	3.61	WD2009-0470
10.	MWC-4	W39-B	0.97	None
11.	MWC-4	W40	0.29	WD2009-0470
12.	MWC-4	W41	1.80	None
13.	MWC-4	W42	0.58	None
14.	MWC-4	W43	0.63	None

Figure 18 – MD-2

MD-3

	OFWAM Grouping	Unique Identifier	Size (acres)
1.	MWC-6	W11	0.98
2.	MWC-6	W21	2.06
3.	MWC-6	W46	1.34
4.	MWC-6	W47	5.74
5.	MWC-6	W48	0.39
6.	MWC-6	W49	6.96
7.	MWC-6	W50	2.04
8.	MWC-6	W51	0.52
9.	MWC-6	W53	1.18
10.	MWC-6	W54	2.25
11.	MWC-6	W55	0.51
12.	MWC-6	W56	1.87
13.	MWC-6	W57	0.65

Figure 19 - MD-3

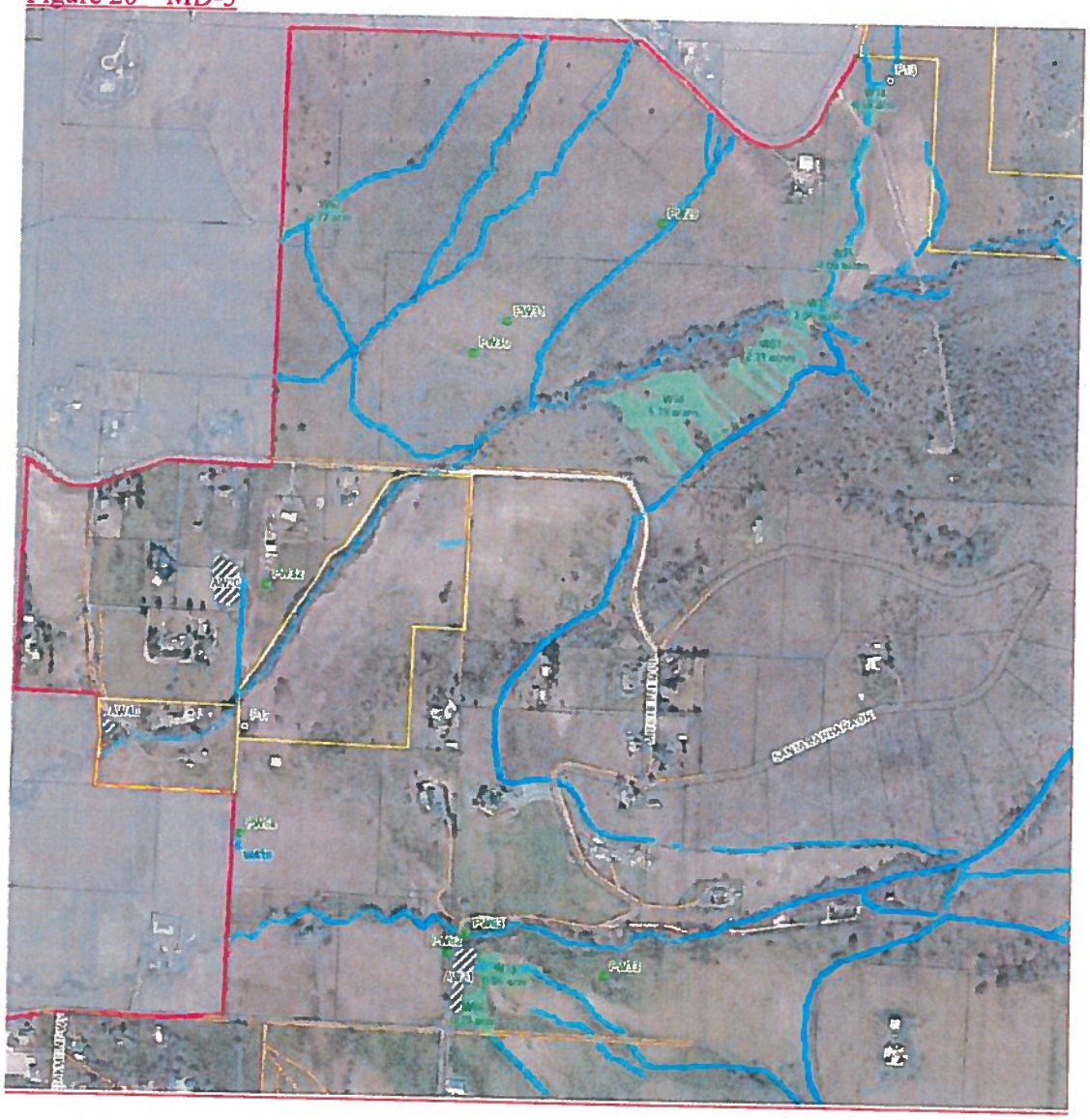


MD-5

	OFWAM Grouping*	Unique Identifier	Size (acres)
1.	BCS-2	W13	0.96
2.	LSC-1	W14	0.59
3.	LSC-2	W15	2.05
4.	BCS-5	W18	0.96
5.	BCS-2	W66	0.79
6.	BCS-4	W70	2.32
7.	BCS-4	W71	2.51
8.	BCS-4	W72	2.28
9.	BCS-4	W74	5.83
10.	BCS-5	W79	2.82

*OFWAM assessment codes: BCS= Bear Creek South Drainage, LSC = Larson Creek Drainage

Figure 20 – MD-5

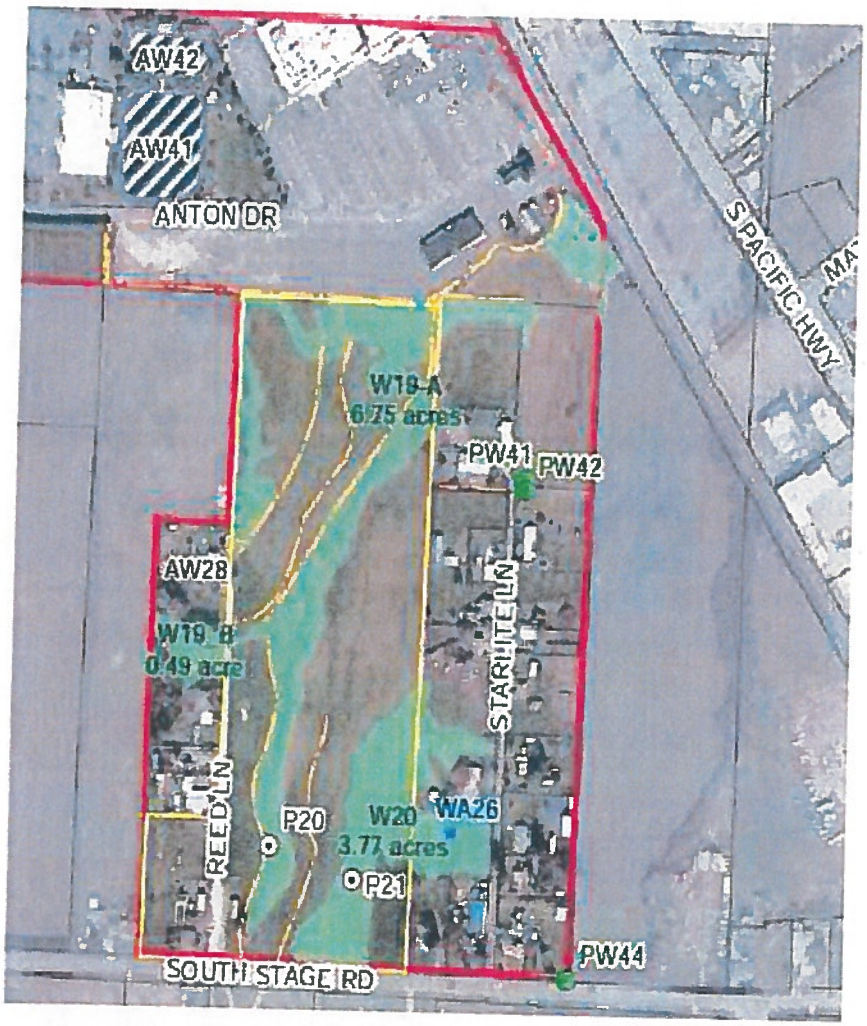


AW39
PW08
PW39
PW48
AW27
WA25
W74
5.83 acres
W73
0.35 acre
WA23
WA24
W72
2.28 acres
PW40
WA21
WA22
W71
2.51 acre
W70
2.32 acres
WA08
PW67
P17
W19
2.82 acre
W18
0.96 acre
PW60
INTERSTATE 5

MD-6

	OFWAM Grouping	Unique Identifier	Size (acres)
1.	BCS-7	W19-A	6.75
2.	BCS-7	W19-B	0.49

Figure 21 – MD-6



WETLAND REGULATIONS

The Urban Reserve was established by adoption of the Regional Plan in 2012. The City approved an Urban Growth Boundary expansion in 2016 and received State acknowledgement in 2018. Existing agreements with the County and other elements of the City's Comprehensive Plan identify how development will occur in these expansion areas.

Standards are needed to address how the goals of the wetland regulations above are being met. Wetlands (either significant or not) have been identified in almost all of the study areas. The City seeks to protect and manage these wetlands over time as land is annexed to the City.

As noted above, the State outlines two paths for regulating wetlands, the safe harbor and standard (ESEE analysis) approaches. The City has conducted an ESEE analysis for the locally significant wetlands identified within the 2016 inventory (See full analysis in Appendix F). A summary of the conclusions follows.

Site	MD Location	Wetland IDs	Quality Determination	Recommended Buffer/Setback Area	Goal 5 Recommendation
1	MD-6	W19-A W19-B	Moderate	50 feet	Allow but reduce impacts
2	MD-5	W18 W79	High	50 feet	Protect; Extend Riparian Corridor
3	MD-5	W70 W71 W72 W74	High	50 feet	Allow but reduce impacts
4	MD-5	W13 W66	Moderate	50 feet	Allow but reduce impacts
5	MD-5	W14 W15 W63 (not significant)	Moderate	50 feet	Allow but reduce impacts; Extend riparian corridor
6	MD-3	W11 W21 W46 W47 W48 W49 W50 W51 W53 W54 W55 W56	Moderate	50 feet	Allow but reduce impacts
7	MD-2	W10-A W10-D W10-E W10-F W10-G W22	Moderate	50 feet	Allow but reduce impacts
8	MD-2	W08 W09 W39-A W39-B W40 W41 W42 W43	High	50 feet	Allow but reduce impacts; Extend riparian corridor

9	MD-1	W82	High- Wetland of Special Interest	50 feet	Protect
10	MD-1	W25	High – Wetland of Special Interest	50 feet	Protect
11	MD-1	W06 W23 W24 W34 W35 W83 W84 W85 W86 W87 W88	High	50 feet	Allow but reduce impacts, Extend riparian corridor
12	MD-1	W07 W38	Moderate	50 feet	Allow but reduce impacts
13	MD-1	W04-A W04-B W04-mosaic W36	High; W04-Mosaic (Wetland of Special Interest)	50 feet (W04A, W04-B, W36) 50 feet (W04-Mosaic)	Allow but reduce impacts; Minimize impacts to the wetland mosaic

The adoption of the 2016 Local Wetland Inventory (LWI) and associated regulations to protect the wetlands (significant or not) are an important step in meeting State requirements as land is developed in the 2018 Urban Growth Boundary.

The 2016 Urban Reserve Local Wetlands Inventory report and appendices are adopted by reference.

The Conclusions and Goals, Policies, and Implementation Measures for the Natural Resources - Wetlands section are listed below in conjunction with those for the Water Quality and Wildlife Habitat sections.

NATURAL RESOURCES
WATER QUALITY, WETLANDS, AND WILDLIFE HABITAT
CONCLUSIONS

1. While the groundwater beneath the valley floor is not the domestic water source for the Medford planning area, it is a regionally important natural resource primarily due to its use as a domestic water source for individual wells.

2. Bear Creek and its tributaries are critically important natural resources, yet suffer from poor water quality due to forest and agricultural practices and urban point and non-point discharges.

3. The poor water quality of Bear Creek and its tributaries is partially attributable to non-point pollution from diffuse sources, such as stormwater, agricultural runoff, and septic system seepage. Non-point pollution sources can significantly damage water quality, yet are more difficult to pinpoint and treat than conventional point sources of water pollution.

4. Natural resource cleanup programs involving local schools, clubs, and civic organizations, such as those sponsored by the Bear Creek Watershed Council, are excellent means to engage the public in environmental education. The presence of waterways such as Bear Creek and Larson Creek, and various wetlands in Medford provides a platform for such programs.

5. The City of Medford recognizes wetlands as valuable urban resources that can provide water quality maintenance, stormwater detention, wildlife habitat, and open space. Medford's 2002 Medford *Local Wetlands Inventory and Locally Significant Wetland Determinations* by Wetland Consulting identified and assessed most of the wetlands, in the Urban Growth Boundary. The 2002 *Medford Riparian Inventory and Assessment Bear Creek Tributaries* by Wetland Consulting inventoried and assessed the waterways that are tributary to Bear Creek. The City of Medford hired SWCA Environmental in 2015 to conduct a Local Wetland Inventory for the Urban Reserve established in 2012. Locally significant wetlands were identified in five of the MD areas.

6. Occasionally, the protection of a locally significant wetland (one that has been determined to have significant value according to state criteria) must be balanced against other important community goals. An exceptional "conflicting use" may be more important to the long-term needs of the citizens than preservation of the wetland area.

7. The Medford UGB has been evaluated for potential wetland mitigation sites. Wetland mitigation involves the restoration, enhancement, or creation of wetlands to compensate for permitted wetland losses elsewhere. Restoration and enhancement of existing wetlands is the wetland mitigation most likely to be successful in Medford due to its ecologic and climatic characteristics.

8. Although Bear Creek and the Bear Creek Greenway contain Medford's most valuable fish and wildlife habitat, fish and wildlife habitat exists elsewhere within the Urban Growth Boundary. As of June 8, 2005, portions of the following streams have been identified by ODFW as fish bearing streams, and should be protected per Statewide Planning Goal 5

Site-Specific Wetland ESEE Analysis for Locally Significant Wetlands identified in the 2016 Local Wetland Inventory

The following site-specific Economic, Social, Environmental, and Energy (ESEE) analysis has been conducted addressing how conflicting uses, if allowed, could adversely impact each significant wetland resource and how the wetland may impact proposed uses. The wetlands are located in both proposed Urban Growth Boundary expansion areas as well as Urban Reserves. A partnership and agreement with Jackson County on how to manage the protection or impacts of these wetlands will be very important over the long term. Information below is based on wetland summary sheets found in the 2016 Medford Urban Reserve Local Wetland Inventory report, the 2018 Urban Growth Boundary amendment comprehensive plan designations, proposed and conceptual transportation plans, the 2016 Leisure Services Plan, floodplain and riparian corridor data, and County zoning.

Locally Significant Wetlands

The 2016 Local Wetland Inventory provides information on the locally significant wetland criteria found for each wetland. Wetlands within the Medford Urban Reserves and 2018 Urban Growth Boundary are considered *significant* if, through the Oregon Freshwater Wetland Assessment Methodology (OFWAM) evaluation yes is the answer to any of the following questions:

1. Does the wetland provide diverse wildlife habitat?
2. Is the wetland's fish habitat function intact?
3. Is the wetland's water quality function intact?
4. Is the wetland's hydrologic control function intact?
5. Is the wetland less than ¼ mile from a water body listed by DEQ as a water quality limited water body (303(d) list) and is the wetland's water quality function intact, or impacted or degraded?
6. Does the wetland contain a rare plant community?
7. Is the wetland inhabited by any species listed federally as threatened or endangered, or state listed as sensitive, threatened or endangered?
8. Does the wetland have a direct surface water connection to a stream segment mapped by ODFW as habitat for indigenous anadromous salmonids and is the wetland's fish habitat function intact, or impacted or degraded?

High and Moderate Quality Wetlands

The analysis further designates a quality ranking of either High or Moderate to the locally significant wetlands. High quality wetlands are designated using a combination of key assessment variables (functions and values) used to determine wetland significance. High Quality Wetlands are locally significant wetlands that provide highly rated ecological functions and have at least one of the following characteristics:

1. Have at least two "high" OFWAM function ratings (i.e., diverse wildlife habitat, intact fish habitat, intact water quality function, or intact hydrologic control function); or
2. Contain one or more rare plant communities; or
3. Provide habitat for listed species; or
4. Connect directly to a salmon-bearing stream.

Moderate quality wetlands are categorized as those locally significant wetlands that do not meet the above criteria.

The ESEE analysis starts in reverse MD order starting in MD-6 and ending in MD-1.

Site 1: MD-6 (Bear Creek South - South Stage Road)

The Bear Creek South site contains two significant wetlands, W-19A and W-19B. These wetlands are located in MD-6 southeast, west of South Pacific Highway and north of South Stage Road. These wetlands have the following characteristics:

Wetland IDs:	W19-A & W19-B
OFWAM Grouping Code:	BCS-7
Watershed Boundary:	Larson Creek-Bear Creek
Wetland Size:	7.24 acres
Number of Parcels Affected:	7
Combined Parcel Area:	111.78 acres
Key Assessment Variable:	Hydrologic Control
Quality Determination:	**Moderate**

Summary of Affected Parcels

Wetland/ Tax Lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/ Overlay	Flood-plain	Current Use(s)
W19-A						
381W05 4800	22.62	UGB	Commercial	Exclusive Farm Use	N/A	Vacant
381W05B 2000	2.55	UR	N/A	Rural Residential (RR-5)	N/A	Partially Improved
381W05 1300	2.38	UR	N/A	Rural	N/A	Vacant

				Residential (RR-5)		
381W05 2400	81.70	UGB	Heavy Industrial	Light Industrial	N/A	Improved
W19-B						
381W05 4800	22.62	UGB	Commercial	Exclusive Farm Use	N/A	Vacant
381W05B 2100	1.37	UGB	Commercial	Rural Residential (RR-5)	N/A	Improved
381W05B 2200	0.50	UGB	Commercial	Rural Residential (RR-5)	N/A	Vacant
381W05C 800	0.66	UGB	Commercial	Rural Residential (RR-5)	N/A	Improved

Distinguishing Site Characteristics

W19-A is located over a large area with varying topography. It is fed by groundwater and ditches in some portions. Both wetlands are connected to each other by a culvert under Reed Lane. Additional wetlands that are not locally significant also are present in the southeast portion of tax lot 4800 and extend into the Urban Reserve properties along Starlite Lane.

Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	X
Service Commercial	
Heavy Industrial	X
General Industrial	
Parks and Schools	
Public Facilities	X
Greenway Corridor	
Vegetation removal and grading	X

Economic Consequences

The proposed General Land Use Plan designations for these areas include Heavy Industrial and Commercial. Development of these properties is intended to meet future land needs that will accommodate industrial and commercial uses. Fully protecting these wetlands could have

adverse economic impacts on adequately developing these properties. Although no higher order streets are proposed in this location, the extension of local streets and utilities may be required in order to serve future development causing disturbance to the wetlands. Impacts to the wetlands shall be minimized to the extent possible.

Social Consequences

The wetlands could provide a green space or buffer between the proposed commercial and industrial developments and the existing residential properties that surround them. The wetlands could be incorporated to serve as a connection between the different types of development.

Environmental Consequences

By allowing conflicting uses fully within the wetlands would mean the loss of wetlands ranked moderate for hydrologic control. Development plans that identify ways to limit conflicts or use low impact development strategies could protect some of the wetland functions but there are inherent conflicts between the location of the wetlands and opportunities to develop the properties that will result in the loss of wetlands to some degree.

Energy Consequences

There are no energy consequences identified.

Goal 5 Recommendation

Allow but reduce, to the extent possible, impacts to the wetlands. Add 50 foot buffer to retained wetlands.

Site 2: MD-5 (Bear Creek South – South of Interstate 5)

This site contains two significant wetlands, W-18 and W-79. These wetlands are located in MD-5 southwest, south of Interstate 5. These wetlands have the following characteristics:

Wetland IDs:	W18 & W79
OFWAM Grouping Code:	BCS-5
Watershed Boundary:	Larson Creek-Bear Creek
Wetland Size:	3.78 acres
Number of Parcels Affected:	1
Combined Parcel Area:	11.62 acres
Key Assessment Variable:	Wildlife Habitat, Fish Habitat, Connects to Bear Creek
Quality Determination:	**High**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W18 & W79						
381W04 401	11.62	UGB	Parks and Schools	Exclusive Farm Use (EFU)	Yes	Vacant (Adjacent to the Bear Creek Greenway)

Distinguishing Site Characteristics

W18 is a Bear Creek Greenway wetland from ODOT Salmon Resource and Sensitive Area Mapping survey (SRSAM) in 2004. This wetland extends offsite and connects to wetland W79, a riparian wetland along the creek also. The wetlands are located on property owned by Jackson County and located north and east of the greenway trail. The City's riparian corridor along Bear Creek terminates at this tax lot and could be extended to encapsulate the identified wetlands. The property to the south is developed with the Medford Estates Mobile Home Park.

Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	
Greenway Corridor	**X**
Vegetation removal and grading	**X**

Economic Consequences

Fully protecting these wetlands in this location is optimal. The site is publicly owned by Jackson County and is part of the Bear Creek Greenway network. The location provides opportunities to extend the City's riparian corridor, Parks and Schools General Land Use Plan designations and Greenway overlay to ensure public benefit and wetland protection in the long term.

Social Consequences

The site is vacant and not impacted by development. It includes a portion of the Bear Creek Greenway trail which serves regionally as a transportation and recreational corridor. Its continued use as a greenway and as a natural area are important to the livability of the citizens and visitors of Medford and surrounding communities.

Environmental Consequences

The site contains a section of Bear Creek and its associated mapped floodplain which extends to the majority of the property. The site is bordered by Interstate 5 to the east and limited emergency vehicle access from the Bear Creek Greenway trail. The location and existing site constraints limit future development beyond its use as a greenway corridor making it a likely candidate for protection of the wetlands and an extension of the riparian corridor.

Energy Consequences

Maintaining this site in its current conditions to the extent possible enhances and protects the functions of the Creek, the existing vegetation, and wetlands. It maintains flood storage capacity by retaining the natural floodplain boundaries of the creek. The vegetation provides shade and protection to wildlife within and surrounding the creek.

Goal 5 Recommendation

Protect the wetlands and extend the existing riparian corridor overlay within this parcel to encompass the wetland areas and natural functions of the creek. Add a 50 foot buffer.

Site 3: MD-5 (Bear Creek South – North of Interstate 5)

This site contains four significant wetlands, W70, W71, W72, and W74. These wetlands are located in MD-5 southwest, north of Interstate 5. These wetlands have the following characteristics:

Wetland IDs:	W70, W71, W72, & W74
OFWAM Grouping Code:	BCS-4
Watershed Boundary:	Larson Creek-Bear Creek
Wetland Size:	12.94 acres
Number of Parcels Affected:	2
Combined Parcel Area:	149.08 acres
Key Assessment Variable:	Water Quality, Hydrologic Control
Quality Determination:	**High**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W70						
381W04 400	56.76	UGB	General Industrial	Exclusive Farm Use (EFU)	N/A	Structures on site, Mostly undeveloped
381W04 501	92.32	UGB	Service Commercial	Exclusive Farm Use (EFU)	N/A	Structure on site, Mostly undeveloped
W71, W72, and W74						
381W04 400	56.76	UGB	General Industrial and Service Commercial	Exclusive Farm Use (EFU)	N/A	Structures on site, Mostly undeveloped

Distinguishing Site Characteristics

W70 is a National Wetland Inventory (NWI) mapped wetland located east of I-5 in flood irrigated pasture with extensive ditching throughout. It connects to two water bodies identified as WA08 and WA22. W71 is located on the southwest edge of a flood irrigated field which also has extensive ditching throughout. There are limited outlets due to I-5 bordering on the western edge and is connected to wetland W72. Wetland W72 is also from NWI map data and is located in a pasture and is connected to a ditch that runs along the southern edge of the parcel. It has potential for connection to waterbody WA25 to the east and has outflow to the west via a ditch. There are mapped significant wetlands from the 2002 inventory on the adjacent tax lot to the west (t.l. 300). Bear Creek Orchards hired Montero, Cafferata Consulting LLC, and Schott and Assoc. to delineate the wetlands on tax lot 501. The delineation was submitted to DSL for review and approval. The delineation was included as an attachment in the Local Wetland Inventory document. (Permit #WD2015-0492 (approved with revisions))

Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	**X**

Heavy Industrial	
General Industrial	X
Parks and Schools	
Public Facilities	X
Greenway Corridor	
Vegetation removal and grading	X

Economic Consequences

Future transportation networks and utility extensions are proposed along the northern property line of tax lot 400 with the extension of South Stage Road from the west as well as the north-south street extension of Golf View Drive that crosses both tax lots. Adjustments to shift Golf View Drive to the east could lessen the impact to wetland W70 and should be considered as an alternative. There is potential to maintain the high quality wetlands along the I-5 edge (W71 and W72) as future street connections are not anticipated and access to the site from I-5 is unlikely. Impacts due to future street locations may affect the wetlands and shall be permitted but reduced as much as possible.

Social Consequences

The wetlands have recreational and aesthetic values providing opportunities for open space and potential walking and biking amenities that could connect to the Bear Creek Greenway and development within the residential lands to the north. Limiting conflicting uses and using the wetlands as assets to balance the social values versus the development opportunities are important.

Environmental Consequences

The wetlands are determined to be high quality so completely permitting the conflicting industrial and commercial uses would result in a loss to these wetlands and the functions of water quality and hydrologic control they provide. These wetlands were identified as unbuildable in the evaluation of the Urban Growth Boundary expansion however considerations for street and utility connections need to be evaluated to allow these uses but reduce their impact on the wetlands. A 50-foot buffer is needed around the perimeter of the wetlands retained on site.

Energy Consequences

On balance with the natural functions of the wetlands, future street connectivity between the east and west side of I-5 and north-south routes are important in creating more direct routes for vehicles and more opportunities for walking and biking.

Goal 5 Recommendation

Allow but reduce, to the extent possible, impacts to the wetlands. Impacts are likely to occur with wetlands W71 and W74. Opportunities to protect wetlands W71 and W72 are more probable. Add a 50 feet buffer to the wetlands.

Site 4: MD-5 (Larson Creek South – East of Santa Barbara Drive)

This site contains two wetlands W13 and W66 located northeast of the intersection of Coal Mine Road and Santa Barbara Drive. These wetlands have the following characteristics:

Wetland IDs:	W13 and W66
OFWAM Grouping Code:	BS-2
Watershed Boundary:	Larson Creek- Bear Creek
Wetland Size:	1.75 acres
Number of Parcels Affected:	1
Combined Parcel Area:	166.21 acres
Key Assessment Variable:	Within ¼ mile of Larson Creek
Quality Determination:	**Moderate**

Summary of Affected Parcels

Wetland/ Tax lot	**Parcel (acres)**	**UGB or UR**	**Medford GLUP Map**	**County Zoning/Overlay**	**Floodplain**	**Current use(s)**
W13 & W66						
371W35 126	166.21	UR	N/A	Exclusive Farm Use (EFU)	Not Mapped	Vacant

Distinguishing Site Characteristics

Both wetlands are located in a valley and boundaries were copied from the National Wetland Inventory (NWI) mapping data. The wetlands are connected to Larson Reservoir (AW21). The property is not proposed to be included in the 2016 Urban Growth Boundary expansion.

Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	**X**
Greenway Corridor	
Vegetation removal and grading	**X**

Economic Consequences

The property is currently zoned Exclusive Farm use and will be under County jurisdiction well into the future. The impacts of urban development are not yet anticipated as the site will remain in the Urban Reserve and subject to County regulations. Higher order streets are planned along Santa Barbara Drive and Coal Mine Road. Wetland W66 crosses an access road to a residence to the east. The grading, graveling, or paving of this existing access road is likely to occur as necessary. The street and utility facilities could impact these wetlands in the future but protecting them until those improvements happen is possible.

Social Consequences

A fork of Larson Creek is north of the wetlands and an extension of planned pedestrian and bike paths along its bank are likely, providing educational, recreational, and aesthetic benefits by limiting conflicting uses at this site.

Environmental Consequences

There is opportunity to protect the majority of these wetlands identified. Allowing but reducing conflicting uses for these moderate quality wetlands in the location of the access road and protecting the other can conserve the wetland functions.

Energy Consequences

There are no energy consequences identified.

Goal 5 Recommendation

Allow but reduce impacts to the wetlands. It is recommended the two wetlands be protected in the long term except in the areas of the existing private access road. Transportation and utility extensions in the future may necessitate further impacts to these wetlands. Wetlands shall be protected by a 50 foot buffer to reduce impacts.

Site 5: MD-5 (Larson Creek North– South of Cherry Lane)

This site contains two wetlands W14 and W15 located southeast of Cherry Lane. These wetlands have the following characteristics:

Wetland IDs:	W14 and W15
OFWAM Grouping Code:	LSC-1 and LSC-2
Watershed Boundary:	Larson Creek – Bear Creek
Wetland Size:	2.64 acres
Number of Parcels Affected:	1
Combined Parcel Area:	163.63 acres
Key Assessment Variable:	Water Quality
Quality Determination:	**Moderate**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W14 & W15						
371W26 104	163.63	UGB and UR	Urban Residential (UR)	Exclusive Farm Use	Not mapped	Residence

Distinguishing Site Characteristics

Wetland W15 connects to Mud Creek, a spur from the North Fork of Larson Creek. WetlandW14 is separated by W15 by a road. The site is grazed and impacted by cattle. Other not locally significant wetlands (W63 and W64) are identified. W15 and W63 were determined to be connected based on the riparian corridor of Mud Creek.

Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	X
Urban Medium Residential	
Urban High Residential	
Commercial	X
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	
Greenway Corridor	
Vegetation removal and grading	X

Economic Consequences

Higher order streets are proposed to the west of the significant wetlands impacting W64 (not locally significant). The existing access road (driveway) into the property will be maintained over time or converted into street and utility access in the future potentially impacting the wetlands. Extension of the riparian corridor is proposed to include the wetlands along Mud[CGP1] Creek and the North Fork of Larson Creek (W14, W15, and W63 (not locally significant)).

Social Consequences

A pedestrian and bike path intended to connect to Chrissy Park is proposed along the North Fork of Larson Creek which provides recreational and aesthetic benefits. Limiting the conflicting uses of these wetlands will help maintain the integrity of these wetlands.

Environmental Consequences
Some impacts are likely to these wetlands due to conflicting uses with urban development (transportation, utility and recreational purposes). There are opportunities to limit these conflicts through extension of the riparian corridor protections.

Energy Consequences
Transportation benefits may be seen both for vehicular and bike/pedestrian users with the addition of new street and trail connections.

Goal 5 Recommendation
It is recommended the wetlands be protected to the extent possible by allowing but reducingg conflicting uses. The riparian corridor shall be extended to include W14, W15, and W63 and an additional 50 foot buffer added.

Site 6: MD-3 (Whetstone Creek – Rogue River)

This site contains twelve wetlands located south of Coker Butte Road and west of N. Foothill Road. These wetlands have the following characteristics:

Wetland IDs:	W11, W21, W46, W47, W48, W49, W50, W51, W53, W54, W55, W56
OFWAM Grouping Code:	MWC-6
Watershed Boundary:	Whetstone Creek – Rogue River
Wetland Size:	26.49 acres
Number of Parcels Affected:	8
Combined Parcel Area:	429.22 acres
Key Assessment Variable:	Hydrologic Control
Quality Determination:	**Moderate**

Summary of Affected Parcels

Wetland/ Tax lot	**Parcel (acres)**	**UGB or UR**	**Medford GLUP Map**	**County Zoning/Overlay**	**Floodplain**	**Current use(s)**
W11						
371W09 800	36.35	UR	N/A	Exclusive Farm Use (EFU)	Not Mapped	Residence; Farming
W21						
371W09 2600	99.35	UGB	Urban Residential, Urban High Density Residential, and	Exclusive Farm Use (EFU)	Not Mapped	Residence; plus additional structures

			Commercial			
371W09 2700	58.96	UGB	Urban residential, Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W46						
371W08 800	20.01	UGB	Urban Medium Residential & Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Farming
W47						
371W08 1000	40.27	UGB	Urban High Density Residential, Service Commercial, and Commercial	Exclusive Farm Use (EFU)	Not Mapped	Vacant
371W09 2600	99.35	UGB	Urban Residential	Exclusive Farm Use (EFU)	Not Mapped	Residence; plus additional structures
371W09 900	99.54	UR	N/A	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W48						
371W08 900	35.13	UGB and UR	Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W49						
371W08 900	35.13	UGB and UR	Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Vacant
371W08 1000	40.27	UGB	Urban High Density Residential, Service Commercial,	Exclusive Farm Use (EFU)	Not Mapped	Vacant

			and Commercial			
371W09 800	36.35	UR	N/A	Exclusive Farm Use (EFU)	Not Mapped	Residence; Farming
371W09 900	99.54	UR	N/A	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W50						
371W08 100	39.61	UR	N/A	Exclusive Farm Use	Not Mapped	Farming
371W08 1000	40.27	UGB	Urban High Density Residential, Service Commercial, and Commercial	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W51						
371W08 1000	40.27	UGB	Urban High Density Residential, Service Commercial, and Commercial	Exclusive Farm Use (EFU)	Not Mapped	Vacant
371W08 100	39.61	UR	N/A	Exclusive Farm Use	Not Mapped	Farming
371W08 900	35.13	UGB and UR	Urban High Density Residential	Exclusive Farm Use (EFU)	Not Mapped	Vacant
W53, W54, W55, W56, and W57						
371W09 2600	99.35	UGB	Urban Residential, Urban High Density Residential, and Commercial	Exclusive Farm Use (EFU)	Not Mapped	Residence; plus additional structures

Distinguishing Site Characteristics

Starting on the west side of MD-3, wetland W46 is located at the headwaters of Midway Creek (Upton Slough) and Swanson Creek, on the banks of a pond located within converging arms of Hopkins Canal. This wetland connects to wetland W48. Wetlands W47 and W49 are connected and located at the headwaters of Midway Creek and Swanson Creek. Wetlands W50 and W51 are adjacent to each other and surrounded by an irrigation pond. Wetland W11 is located within a former orchard and is connected to a man-made pond (AW17). Wetlands W21, W53-W57 are located west of N. Foothill Road and interwoven among mapped ditches.

Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	**X**
Urban Medium Residential	**X**
Urban High Residential	**X**
Commercial	**X**
Service Commercial	X
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	**X**
Greenway Corridor	
Vegetation removal and grading	**X**

Economic Consequences

The property is proposed to include a mix of residential and commercial uses as well as a pattern of higher order streets. Fully protecting these wetlands as land develops would preclude orderly development of these areas over time. Protection of some of these wetlands until development occurs is achievable especially in the areas that will remain in the Urban Reserves. Allowing but reducing impacts is reasonable to balance development needs with the retention of natural resources.

Social Consequences

There are opportunities for the construction of a recreational trail within MD-3 as identified in the Leisure Services Plan (2005). A trail location adjacent to the wetlands enhances the aesthetic value of the wetland and may reduce the degradation or lose of all of it. Allowing but reducing impacts is important.

Environmental Consequences

Fully allowing impacts to these wetlands will degrade their hydrologic control function. Higher order street connections and other road improvements will affect the functions of these wetlands. Impacts could be minimized by considering realignments that avoid large portions of

the wetlands and by fully analyzing the location of the street from where its extension starts to where it ends.

Energy Consequences

A well planned street network, a mix of residential and commercial services as well as an identified trail system within this MD can have positive energy benefits on travel time and varied travel modes such as walking and biking that result in less fuel consumption.

Goal 5 Recommendation

Allow but reduce impacts to the extent possible. Include a 50 foot buffer around wetlands that are retained.

Site 7: MD-2 (Whetstone Creek – Rogue River - South of E. Vilas Road)

This site contains six wetlands located south of E. Vilas Road. These wetlands have the following characteristics:

Wetland IDs:	W10-A, W10-D, W10-E, W10-F, W10-G, W22
OFWAM Grouping Code:	MWC-5
Watershed Boundary:	Whetstone Creek – Rogue River
Wetland Size:	11.4 acres
Number of Parcels Affected:	5
Combined Parcel Area:	210.81 acres
Key Assessment Variable:	Hydrologic Control
Quality Determination:	**Moderate**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W10-A, W10-D, W10-E						
371W05 300	53.34	UGB	Commercial, Service Commercial, and Urban Residential	Exclusive Farm Use (EFU)	No	Structures on site, Mostly undeveloped
371W05 313	3.99	UGB	Commercial	Exclusive Farm Use (EFU)	No	Utility station; South half undeveloped
W10-F						
371W05 900	76.45	UGB	Commercial and Urban	Exclusive Farm Use (EFU)	No	Vacant

			Residential			
W10-G						
371W05 300	53.34	UGB	Commercial, Service Commercial, and Urban Residential	Exclusive Farm Use (EFU)	No	Structures on site, Mostly undeveloped
371W05 600	77.03	UGB	Commercial, Service Commercial, and Urban Residential	Exclusive Farm Use (EFU)	No	Vacant
W22						
371W05 300	53.34	UGB	Commercial, Service Commercial, and Urban Residential	Exclusive Farm Use (EFU)	No	Structures on site, Mostly undeveloped

Distinguishing Site Characteristics

All these wetlands were identified in a 2007 wetland delineation approved by the Department of State Lands. Wetland W10-F was a former pond that no longer exists due to decommissioning of orchard and associated irrigation.

Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	X
Urban Medium Residential	
Urban High Residential	
Commercial	X
Service Commercial	X
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	X
Greenway Corridor	
Vegetation removal and grading	X

Economic Consequences

The property is proposed to include a mix of residential and commercial uses as well as a pattern of higher order streets. Fully protecting these wetlands as land develops would preclude orderly development of these areas over time. Protecting and incorporating wetlands into the commercial developments that include wetlands W10-D, W10-E, W22 are feasible as well as incorporating wetland W10-F into the residential plans. Allowing but reducing impacts to the wetlands is reasonable to balance development needs with the retention of natural resources.

Social Consequences

Fully impacting these wetlands will degrade or eliminate their hydrologic function. Limiting conflicting uses and incorporating the wetlands into the development of these properties will preserve some of their value and allow development to occur.

Environmental Consequences

Development in or near the wetlands may degrade the value and function of the wetlands. Limiting conflicting uses as much as possible could retain some of their function.

Energy Consequences

Energy benefits may be seen with future road connections and proximity of different land uses together in one area potentially reducing vehicular trips and increasing walking and biking trips.

Goal 5 Recommendation

Allow but reduce impacts to the extent possible. Include a 50 foot buffer around wetlands that are retained.

Site 8: MD-2 (Whetstone Creek – Rogue River - North of E. Vilas Road)

This site contains eight wetlands located north of E. Vilas Road. These wetlands have the following characteristics:

Wetland IDs:	W08, W09, W39-A, W39-B, W40, W41, W42, & W43
OFWAM Grouping Code:	MWC-4
Watershed Boundary:	Whetstone Creek – Rogue River
Wetland Size:	20.53 acres
Number of Parcels Affected:	3
Combined Parcel Area:	90.12 acres
Key Assessment Variable:	Wildlife Habitat, Water Quality, Hydrologic Control
Quality Determination:	**High**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W08 & W41						
361W32C 500	10.11	UR	N/A	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant
361W32C 100	40.33	UR	N/A	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Structures in NW corner; remaining site undeveloped
W09 & W39-B						
361W32C 2400	39.68	UGB	General Industrial	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Development on the southern portion of the property; remaining is undeveloped
361W32C 100	40.33	UR	N/A	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Structures in NW corner; remaining site undeveloped
W39-A & W40						
361W32C 100	40.33	UR	N/A	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Structures in NW corner; remaining site undeveloped
W42 & W43						
361W32C 500	10.11	UR	N/A	Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant

Distinguishing Site Characteristics
Wetlands are adjacent to or north of Swanson Creek.

Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	X
Parks and Schools	
Public Facilities	X
Greenway Corridor	
Vegetation removal and grading	X

Economic Consequences

Urban development is proposed on tax lot 2400 where the wetlands are located in the northeast corner of the property. Wetlands on this property can be protected fully. The majority of the wetlands in this group are located in the Urban Reserve along Swanson Creek providing an opportunity to protect these resources until future urban development is allowed. Future higher order streets are planned within the UR areas so future creek crossings and impacts to the wetlands will be seen unless alternative alignments are proposed.

Social Consequences

Opportunities for trail connectivity along Swanson Creek is identified in the Leisure Services Plan within this MD. Impacting these wetlands will result in loss of functions as well as impacts to recreational, aesthetic, and educational benefits. Protecting these wetlands until future urban development is possible and then evaluating how to minimize impacts as development occurs will conserve the functions and values of these wetlands.

Environmental Consequences

Fully allowing conflicting uses within these sites would degrade and potentially cause the loss of wetlands that rank high for wildlife habitat, water quality, and hydrologic control. Due to the longevity of urban development occurring, limiting conflicting uses and protecting the functions of these wetlands is achievable. Future urban impacts including higher order street connectivity are issues that will need to be addressed when construction is contemplated.

Energy Consequences

Protecting the wetlands near Swanson Creek will have positive energy benefits for the existing wildlife and support the vegetation, temperature, and surrounding habitat along the creek.

Goal 5 Recommendation
Allow but reduce impacts to these wetlands. Extend the riparian corridor protections along Swanson Creek and encapsulate the adjacent wetlands. Include a 50 foot buffer along the wetlands.

Site 9: MD-1 (Whetstone Creek – Rogue River – North – Northwest corner)

This site contains one wetland located east of Table Rock Road. This wetland has the following characteristics:

Wetland IDs:	W82
OFWAM Grouping Code:	MWC-7
Watershed Boundary:	Whetstone Creek – Rogue River
Wetland Size:	37.15 acres
Number of Parcels Affected:	4
Combined Parcel Area:	77.58 acres
Key Assessment Variable:	Wildlife Habitat, Fish Habitat, Water Quality, Hydrologic Control
Quality Determination:	**High – Wetland of Special Interest for Protection**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W82						
362W36A 102	63.04	UR	N/A	Open Space Reserve (OSR) and Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant
362W36A 103	4.81	UR	N/A	Open Space Reserve (OSR)	No	Residence
362W36A 100	4.86	UR	N/A	Open Space Reserve (OSR)	No	Vacant
362W36A 104	4.87	UR	N/A	Open Space Reserve (OSR)	No	Residence

Distinguishing Site Characteristics
This wetland is a vernal pool/wetland mosaic mapped from the Agate Desert Vernal Pool Planning Technical Advisory Committee in 2000. The approximate percentage of vernal pool is unknown. The feature crosses into the 100-year floodplain of Swanson Creek. There are two small water bodies present within the mapped mosaic (AW10 – a man-made pond) and WA11 (potentially natural water).

Conflicting Uses
The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	
Greenway Corridor	
Vegetation removal and grading	**X**

Economic Consequences
Fully protecting this wetland may be possible. The site is in the Urban Reserve and will not be impacted by urban development in the immediate future. This site has County Comprehensive Plan designations of farm and forest and zoning designations of Open Space Reserve and Exclusive Farm Use. The wetland area is not currently impacted by structures. It is unknown if the site is being farmed. Development of these properties will be processed through the County for many years so protection and/or limits on impacts will fall to them to enforce.

Social Consequences
This wetland is rated high quality and of special interest. If conflicting uses are allowed to the maximum extent, this wetland of special interest would be lost or degraded. Protecting and/or limiting the conflicts would preserve this wetland for its educational and social values.

Environmental Consequences
Protecting and limiting conflicting uses for this high quality wetland are possible. The County zoning designations in place help support protection of this wetland.

Energy Consequences
There are no energy consequences of note.

Goal 5 Recommendation
Protect this wetland and apply a 50 foot buffer to it.

Site 10: MD-1 (Whetstone Creek – Rogue River – South – Northwest corner)

This site contains one wetland located east of Table Rock Road and is south of wetland W82. This wetland has the following characteristics:

Wetland IDs:	W25
OFWAM Grouping Code:	WMC-8
Watershed Boundary:	Whetstone Creek – Rogue River
Wetland Size:	7.71 acres
Number of Parcels Affected:	2
Combined Parcel Area:	20.2 acres
Key Assessment Variable:	Hydrologic Control
Quality Determination:	**Moderate – Wetland of Special Interest for Protection**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W25						
362W36A 600	10.2	UR	N/A	Exclusive Farm Use (EFU)	No	Structures on site
362W36A 700	10	UR	N/A	Exclusive Farm Use (EFU)	No	Structures on site; mostly vacant

Distinguishing Site Characteristics

This wetland is a vernal pool/wetland mosaic.

Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	
Greenway Corridor	

Vegetation removal and grading	X

Economic Consequences
Fully protecting this wetland is not expected to have significant economic consequences. Development on the site is along the wetland edges so impacts have already been limited. The property is in the Urban Reserve and will not develop with urban uses for many years.

Social Consequences
This wetland is rated moderate but of special interest. If conflicting uses are allowed to the maximum extent, this wetland of special interest would be lost or degraded. Protecting and/or limiting the conflicts would preserve this wetland for its educational and natural values.

Environmental Consequences
Fully allowing conflicting uses within this wetland would mean the loss of a moderate but wetland of special interest and its associated functions and values. Prohibiting or limiting conflicting uses would preserve this wetland.

Energy Consequences
There are no energy consequences of note.

Goal 5 Recommendation
Protect this wetland and apply a 50 foot buffer to it.

Site 11: MD-1 (Whetstone Creek – Rogue River – Along Swanson Creek)

This site contains eleven wetlands located north and northwest of Justice Road. This wetland has the following characteristics:

Wetland IDs:	W06, W23, W24, W34, W35, W83, W84, W85, W86, W87, W88
OFWAM Grouping Code:	WMC-2
Watershed Boundary:	Whetstone Creek – Rogue River
Wetland Size:	11.83 acres
Number of Parcels Affected:	18
Combined Parcel Area:	135.47 acres
Key Assessment Variable:	Wildlife Habitat, Fish Habitat, Water Quality, Hydrologic Control
Quality Determination:	**High**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W06						
361W31A 2800	3.04	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
361W31D 1400	1.95	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31A 800	2.75	UR	N/A	Rural Residential land (RR-5)	Yes, Swanson Creek	Jackson County owned; Highway 62 Expressway future right-of-way
W23						
361W31B 500	4.94	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
362W36A 102	63.04	UR	N/A	Open Space Reserve (OSR) and Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant
W24						
362W36A 102	63.04	UR	N/A	Open Space Reserve (OSR) and Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant
W34						
361W31B 2600	5.68	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
W35						
361W31B 2500	5	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
W83						
361W31B 2300	4.01	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson	Residence

					Creek	
W84						
361W31B 1700	5	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 2000	5.61	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 2300	4.01	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
W85						
361W31B 1600	4.93	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 1300	4.93	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 700	4.94	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
W86						
361W31B 1300	4.93	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 700	4.94	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 1400	4.94	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 1500	4.92	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31B 600	4.94	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
362W36A 102	63.04	UR	N/A	Open Space Reserve (OSR) and Exclusive Farm Use (EFU)	Yes, Swanson Creek	Vacant

W87						
361W31D 1200	2.98	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31D 1300	2.4	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
W88						
361W31D 1000	2.54	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence
361W31D 900	4.27	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Residence

Distinguishing Site Characteristics
These wetlands are located along Swanson Creek.

Conflicting Uses
The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	**X**
Greenway Corridor	
Vegetation removal and grading	**X**

Economic Consequences
There are two higher order streets plus the Highway 62 Expressway project proposed to impact portions of the wetlands along Swanson Creek. The Highway 62 Expressway project has been in review for several years and is proposed for construction. The Oregon Department of Transportation (ODOT) has conducted its own environmental assessments of the impacts of this project. Planning staff has also provided the Local Wetland Inventory findings to ODOT. Portions of wetlands along the Highway 62 Expressway route will be impacted. Other north-south streets identified are likely decades away from construction but impacts may occur. Fully protecting the wetlands would prelude planned road improvements. Limiting impacts to the

wetlands in the locations of future roads minimizes the extent of damage to the wetlands. Extending the riparian corridor and encapsulating the wetlands that surround it along Swanson Creek will help protect the wetlands and provide a means to extend street and utility infrastructure in the future.

Social Consequences

The wetlands along Swanson Creek have been identified as high quality providing all four of the key assessment values regarding water quality and habitat benefits. Limiting conflicting uses to the wetlands to the extent possible, understanding impacts near the road crossings will occur, provides the best scenario for maintaining segments of the wetlands and providing the road connections.

Environmental Consequences

Allowing conflicting uses fully within the wetlands would mean the loss of high quality wetlands and their functions. Imminent impacts due to the Highway 62 Expressway project will occur to portions of the wetlands along the road corridor. Other parallel road connections are identified but would not occur for many years providing opportunities to maintain and protect those wetlands. By allowing but limiting the future street connections, the wetland functions and values could be maintained.

Energy Consequences

Understanding there are impacts to the wetlands, the Highway 62 Expressway project could have positive energy consequences as the project is anticipated to reduce congestion and collisions along the commercial corridor of Highway 62.

Goal 5 Recommendation

Allow but reduce conflicting uses related to the planned road projects. Extend the riparian corridor along Swanson Creek to incorporate the wetlands. Add a 50 foot buffer to the wetlands that remain.

Site 12: MD-1 Northeast (Whetstone Creek – Rogue River)

This site contains two wetlands located west of Crater Lake Highway. These wetlands have the following characteristics:

Wetland IDs:	W07 & W38
OFWAM Grouping Code:	MWC-3
Watershed Boundary:	Whetstone Creek- Rogue River
Wetland Size:	7.25 acres
Number of Parcels Affected:	2
Combined Parcel Area:	62.19 acres
Key Assessment Variable:	Water Quality
Quality Determination:	**Moderate**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W07						
361W31A 200	55.47	UR	N/A	Exclusive Farm Use (EFU)	No	Vacant
361W31A 100	6.72	UR	N/A	Light Industrial	No	Structure on site
W38						
361W31A 200	55.47	UR	N/A	Exclusive Farm Use (EFU)	No	Vacant

Distinguishing Site Characteristics

These wetlands were delineated separately in 2005 and 2012 respectively. The mapped area incorporates the DSL wetland delineation data with the City of Medford data.

Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	X
Greenway Corridor	
Vegetation removal and grading	X
County Light Industrial	X

Economic Consequences

Fully protecting these wetlands would preclude planned street improvements such as the Highway 62 Expressway project underway, future street connections as MD-1 is urbanized, and potentially County industrial uses on tax lot 100. The western extent of W38 will be impacted by the Highway 62 Expressway project. Future street connections may impact segments of wetland W38 along its eastern extensions. Wetland W07 may also be impacted as MD-1 urbanizes due to street connections to Highway 62 and the build out of industrial uses on the site.

Interim protection of W38 (except for areas near the Expressway project) and W07 are possible by limiting conflicting uses until urbanization occurs.

Social Consequences

These wetlands are rated moderate based on their water quality values. By limiting the conflicting uses (street connections) until future urbanization occurs will help to retain their values over time. Industrial uses on tax lot 100 are still possible as the wetlands are found along the southern property line also providing an opportunity for protection.

Environmental Consequences

Fully allowing conflicting uses within the wetlands would mean the loss of a moderate quality wetland. Allowing but reducing impacts would help to conserve these wetlands to the extent possible recognizing urban development is in the distant future and development of the industrial lot can still be accomplished with little to no impacts.

Energy Consequences

As noted in Site 10, energy benefits are likely to be achieved with the Highway 62 Expressway project. Other street connections in the distant future are also likely to see benefits through reduced travel times and new alternate routes.

Goal 5 Recommendation

Allow but reduce conflicting uses. Minimize impacts to the majority of wetlands W38 and W07 until future urbanization occurs. Add a 50 foot buffer to the wetlands.

Site 13: MD-1 Southeast (Whetstone Creek – Rogue River)

This site contains four wetlands located south of Justice Road. These wetlands have the following characteristics:

Wetland IDs:	W04-A, W04-B, W04-Mosaic, W36
OFWAM Grouping Code:	MWC-1
Watershed Boundary:	Whetstone Creek – Rogue River
Wetland Size:	8.3 acres
Number of Parcels Affected:	3
Combined Parcel Area:	20 acres
Key Assessment Variable:	Hydrologic Control
Quality Determination:	**Moderate except W04-Mosaic is noted as a wetland of special interest for protection (rare/unique)**

Summary of Affected Parcels

Wetland/ Tax lot	Parcel (acres)	UGB or UR	Medford GLUP Map	County Zoning/Overlay	Floodplain	Current use(s)
W04-A						
361W31D 1700	5	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Structures on site
361W31D 1800	5.01	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
W04-B						
361W31D 1900	9.99	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
W04-Mosaic						
361W31D 1800	5.01	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
361W31D 1900	9.99	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
W36						
361W31D 1800	5.01	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Vacant
361W31D 1700	5	UR	N/A	Rural Residential Land (RR-5)	Yes, Swanson Creek	Structures on site

Distinguishing Site Characteristics

Wetland W04-A connects to Wetland W04-B by a ditch line, and is likely connected hydrologically to W04-mosaic. Wetland W04-B is depresssional and fed by ditch inflow and distinct from the mosaic complex. Wetland W04-mosaic appears to be a vernal pool/wetland mosaic. The northeast corner of the feature has been graded and has a selection of flowering vernal pool herbs.

Conflicting Uses

The following conflicting uses apply within this resource site and its impact area.

Urban Residential	
Urban Medium Residential	
Urban High Residential	
Commercial	
Service Commercial	
Heavy Industrial	
General Industrial	
Parks and Schools	
Public Facilities	X
Greenway Corridor	
Vegetation removal and grading	X

Economic Consequences

Fully protecting these wetlands may preclude an identified higher order street proposed to connect Justice Road to E. Vilas Road through MD-1 in the future. Review of alternative routes that minimize the impact to the rare wetland need to be considered. Future urban uses may result in industrial zoning further impacting the wetlands. Allowing but reducing the impacts to these wetlands to the extent possible will help ensure future street connectivity and urban uses.

Social Consequences

The wetlands are rated as moderate and one is rated as rare of special interest. The Leisure Services Plan (2005) identifies a trail network bisecting the properties providing recreational and educational opportunities. A future, higher order north-south street is proposed to cross the rare wetland. By considering alternate routes, the rare wetland could see reduced impacts that will help preserve a larger portion of it into the future.

Environmental Consequences

Fully allowing the conflicting uses would impact a rare wetland of special interest identified on the properties and degrade or lose its significance. Future urban industrial uses on the properties also will cause impacts that would result in loss of the wetlands. Shifting the future street connection around the perimeter of the rare wetland could protect it. This action however may result in additional impacts to Wetlands W04-A and W-04B just west of the rare wetland (W04-mosaic). Interim protection of these wetlands until urban development occurs is possible.

Energy Consequences

There are no energy consequences of note.

Goal 5 Recommendation

Allow but reduce impacts to the wetlands. Identify alternate routes for street connection to avoid the rare wetland and limit its impact. Add a 50 foot buffer around the wetlands (W04-A, W04-B, W36). Add a 50 foot buffer around wetland W04-mosaic.

Summary of Analysis

Site	MD Location	Wetland IDs	Quality Determination	Recommended Buffer/Setback Area	Goal 5 Recommendation
1	MD-6	W19-A W19-B	Moderate	50 feet	Allow but reduce impacts
2	MD-5	W18 W79	High	50 feet	Protect; Extend Riparian Corridor
3	MD-5	W70 W71 W72 W74	High	50 feet	Allow but reduce impacts
4	MD-5	W13 W66	Moderate	50 feet	Allow but reduce impacts
5	MD-5	W14 W15 W63 (not significant)	Moderate	50 feet	Allow but reduce impacts; Extend riparian corridor
6	MD-3	W11 W21 W46 W47 W48 W49 W50 W51 W53 W54 W55 W56	Moderate	50 feet	Allow but reduce impacts
7	MD-2	W10-A W10-D W10-E W10-F W10-G W22	Moderate	50 feet	Allow but reduce impacts

8	MD-2	W08 W09 W39-A W39-B W40 W41 W42 W43	High	50 feet	Allow but reduce impacts; Extend riparian corridor
9	MD-1	W82	High- Wetland of Special Interest	50 feet	Protect
10	MD-1	W25	High – Wetland of Special Interest	50 feet	Protect
11	MD-1	W06 W23 W24 W34 W35 W83 W84 W85 W86 W87 W88	High	50 feet	Allow but reduce impacts, Extend riparian corridor
12	MD-1	W07 W38	Moderate	50 feet	Allow but reduce impacts
13	MD-1	W04-A W04-B W04-mosaic W36	High; W04-Mosaic (Wetland of Special Interest)	50 feet (W04A, W04-B, W36) 50 feet (W04-Mosaic)	Allow but reduce impacts; Minimize impacts to the wetland mosaic

EXHIBIT C

Comprehensive Plan
2016 City of Medford Urban Reserve
Local Wetland Inventory (LWI) Report

The 2016 City of Medford Urban Reserve Local Wetland Inventory Report is being adopted into the Environmental Element by reference.

The 2016 LWI contains the following information:

Introduction
General Description of the Study Area
Wetland Inventory Process and Methodology
Local Wetland Inventory Results
Literature Cited
Appendices A through I
Tables 1 through 12

The above document can be found on the State's website at the link below:
https://docs.dsl.state.or.us/PublicReview/ElectronicFile.aspx?docid=3117200&&dbid=0

DEFINITIONS.
10.012 **Definitions, Specific.**

Jurisdictional delineation – A delineation of a wetland boundary, approved by the Oregon Department of State Lands, and the U.S. Army Corps of Engineers if required. A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a determination may only be a rough map or a presence/absence finding.

Local Wetland Inventory (LWI) – A comprehensive survey showing the estimated location of wetlands and a description of each wetland's classification type within a designated area. Reports include: ~~entitled~~ *Local Wetlands Inventory and Oregon Freshwater Assessment Method Analysis, City of Medford, October 1995*, *Medford Local Wetland Inventory and Locally Significant Wetland Determination, 2002*, and *City of Medford Urban Reserve Local Wetlands Inventory Report Jackson County, Oregon, 2016.* ~~and any subsequent revisions.~~

Locally significant wetland ~~– Wetland sites that provide functions or exhibit characteristics that are pertinent to community planning decisions made at the local level. Locally significant wetlands are as determined by OAR 141-86-350. The Medford Comprehensive Plan specifies the optional wetlands, if any, determined to be locally significant.~~ A wetland that is determined to be significant under the criteria of OAR 141-86-0300 et seq. These criteria include those wetlands that score a high rating for fish or wildlife habitat, hydrologic control, or water quality improvement functions. The Medford Comprehensive Plan specifies the wetlands determined to be locally significant.

Oregon Freshwater Wetland Assessment Methodology (OFWAM) – A wetland function and quality assessment methodology developed by the Oregon Department of State Lands.

Wetland - An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland buffer – An area surrounding or adjacent to a locally significant wetland in which development is limited to reduce the adverse effects of land uses on water quality and habitat functions of the wetland. The buffer is either 50 feet or 25 feet in width based on the type of wetland.

RIPARIAN CORRIDORS (10.920 – 10.928)

10.920 **Riparian Corridors, Purposes.**
The purposes of establishing riparian corridors are:
(1) To implement the goals and policies of the "Environmental Element" and the "Greenway" General Land Use Plan (GLUP) designation of the *Medford Comprehensive Plan* and achieve their purposes.
(2) To protect and restore Medford's waterways and associated riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.

(3) To protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, preserve native vegetation, and reduce the effects of flooding.
(4) To protect and restore the natural beauty and distinctive character of Medford's waterways as community assets.
(5) To provide a means for coordinating the implementation of the Bear Creek Greenway and other greenways or creek restoration projects within the City of Medford.
(6) To enhance the value of properties near waterways by utilizing the riparian corridor as a visual amenity.
(7) To enhance coordination among local, state, and federal agencies regarding development activities near waterways.
[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000.]

10.921 **Riparian Corridors, Definitions.**
The following definitions shall apply to Sections 10.920 through 10.928, "Riparian Corridors":

Fish-bearing stream - A stream inhabited at any time of the year by anadromous or game fish species, or fish that are listed as threatened or endangered species under the federal or state Endangered Species Act.

Jurisdictional delineation – A delineation of a wetland boundary, approved by the Oregon Department of State Lands, and the U.S. Army Corps of Engineers if required.~~, of the wetland boundary.~~ A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a determination may only be a rough map or a presence/absence finding.

Locally significant wetland – ~~Wetland sites that provide functions or exhibit characteristics that are pertinent to community planning decisions made at the local level. Locally significant wetlands are as determined by OAR 141-86-350. The Medford Comprehensive Plan specifies the optional wetlands, if any, determined to be locally significant.~~ A wetland that is determined to be significant under the criteria of OAR 141-86-0300 et seq. These criteria include those wetlands that score a high rating for fish or wildlife habitat, hydrologic control, or water quality improvement functions. The Medford Comprehensive Plan specifies the wetlands determined to be locally significant.

Local Wetland Inventory (LWI) – A comprehensive survey showing the estimated location of wetlands and a description of each wetland's classification type within a designated study area. Reports include: *Local Wetlands Inventory and Oregon Freshwater Assessment Method Analysis, City of Medford, October 1995*, *Medford Local Wetland Inventory and Locally Significant Wetland Determination, 2002*, and *City of Medford Urban Reserve Local Wetlands Inventory Report Jackson County, Oregon, 2016.*

Oregon Freshwater Wetland Assessment Methodology (OFWAM) – A wetland function and quality assessment methodology developed by the Oregon Department of State Lands.

Riparian area - The area adjacent to a stream consisting of the area of transition from the aquatic ecosystem to a terrestrial ecosystem.

Riparian corridor - The area that includes the water, fish habitat, riparian area, and wetlands of an identified stream.

Riparian corridor boundary – An imaginary line that is a defined distance upland from the top of bank.

Riparian vegetation - Native ground cover, shrubs, trees, and other vegetation predominately influenced by their association with water.

Stream – A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

Top-of-bank - The two-year recurrence interval flood elevation.

Wetland – An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland buffer – An area surrounding or adjacent to a locally significant wetland in which development is limited to reduce the adverse effects of land uses on water quality and habitat functions of the wetland. The buffer is either 50 feet or 25 feet based on the type of wetland.
[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000; Amd. Sec. 1, Ord. No. 2011-124, Oct. 6, 2011.]

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10.108 **Land Use Review Procedure Types.**

Table 10.108-1. Land Use Review Procedures

Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
Hardship Exception in Wetland Protection Area	III	10.949	Planning Commission	Yes
Permitted Uses in Wetland Protection Areas	II or III	10.947	Planning Director or Planning Commission/SPAC/LHPC	Yes

Reduction to Wetland Protection Area	II	10.948	Planning Director	Yes

10.110 **Designation and Duties of Approving Authorities.**
****

(D) Planning Commission Authority.

(1) The Planning Commission shall have all powers set forth in ORS 227.090 (Powers and Duties of Commission) except as otherwise provided by ordinance of the City Council.

(2) The Planning Commission is hereby designated as the approving authority for the following land use reviews:

Land Use Review
Appeals (See Section 10.140)
Conditional Use Permit
Exception
Hardship Exception in Wetland Protection Area
Park Development Review
Permitted Uses in Wetland Protection Area
Preliminary Planned Unit Development (PUD) Plan
Subdivision Tentative Plat
Zone Change (Minor)

(H) Site Plan and Architectural Commission Authority.
The Site Plan and Architectural Commission is hereby designated as the approving authority for the following land use reviews:

Land Use Review
Exception
Hardship Exception in Wetland Protection Area
Major Modification of Site Plan and Architectural Review Approval
Permitted Uses in Wetland Protection Area
Site Plan and Architectural Review

(L) The Landmarks and Historic Preservation Commission Authority.
The Landmarks and Historic Preservation Commission is hereby designated as the approving authority for the following land use reviews:

Land Use Review
Appeals (See Section 10.140)
Exceptions
Hardship Exception in Wetland Protection Area
Historic Review
Permitted Uses in Wetland Protection Area

(Q) Planning Director Authority. The Planning Director is hereby designated as the approving authority for Type I and II land use reviews as well as issuance of the Development Permit. This includes the following land use reviews:

Land Use Review
De Minimis Revision(s) to Approved PUD Plan
Final PUD Plan
Final Plat, Partition/Subdivision
Minor Historic Review
Minor Modification to Conditional Use Permit
Minor Modification to a Park Development Review
Minor Modification to Site Plan and Architectural Review
Nonconformities
Permitted Uses in Wetland Protection Area
Pre-Application
Property Line Adjustment
Reduction to Wetland Protection Area
Riparian Corridor Reduction or Deviation
Sign Permit
Tentative Plat, Partition
Wireless Communication Facilities in Public Right-of-Way

10.182 **Type III Land Use Actions.**
(A) Type III actions comprise the following land use reviews:

Land Use Action
Conditional Use Permit
Exception
Hardship Exception in Wetland Protection Area
Historic Review
Park Development Review
Permitted Uses in Wetland Protection Area
Preliminary PUD Plan
Site Plan and Architectural Review
Subdivision Tentative Plat
Zone Change

10.922 **Riparian Corridors, Applicability.**
A. The provisions of Sections 10.920 through 10.928, "Riparian Corridors," shall be applied to:
(1) Those waterways, or portions thereof, identified by the *Medford Comprehensive Plan* as being fish-bearing streams, and any other waterways, or portions thereof, specified in the *Medford Comprehensive Plan* as having riparian areas determined to be significant.
(a) Those portions of streams designated fish-bearing in the *Comprehensive Plan* include: Bear, Elk, Swanson, Lone Pine, Lazy, Larson, Gore, and Crooked Creeks. Specifically:
i. Bear Creek: all of Bear Creek in the city limits of Medford.
ii. Elk Creek: from Beall Lane south 0.05 miles.

iii. Swanson Creek: from Crater Lake Highway west 0.38 miles.
iv. Lone Pine Creek: from Bear Creek east 1.8 miles to Temple Drive.
v. Lazy Creek: from Bear Creek east 1.68 miles.
vi. Larson Creek: from Bear Creek east 3.9 miles to North Phoenix Road, and the south fork of Larson Creek from North Phoenix Road east. ~~1.2 miles.~~
vii. Gore Creek: from Bear Creek southwest 0.82 miles.
viii. Crooked Creek: from Bear Creek southwest 2.08 miles.

(2) The provisions shall apply regardless of whether or not a building permit, development permit, or plan authorization is required, and do not provide any exemption from state or federal regulations.

(3) Where riparian corridors are located within the Southeast (S-E) overlay zoning district, the provisions of Sections 10.920 through 10.928, "Riparian Corridors," shall take precedence.

(4) When a locally significant wetland is located within or adjacent to a riparian corridor, the riparian corridor setback will be applied, and shall be measured from the boundary of the wetland.

B. Applications for land use plan ~~authorizations~~approvals (except Annexations), development permits, or building permits, and plans for proposed public facilities on parcels containing a riparian corridor, or a portion thereof, shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels.

C. When reviewing plan authorization or development permit applications for properties containing a riparian corridor, or portion thereof, the approving authority should consider the purpose statements in section 10.920, "Riparian Corridors, Purposes" in determining the extent of the impact on the riparian corridor.

D. The Planning Commission shall be the approving authority for applications for exceptions to the provisions herein pertaining to Riparian Corridors. In addition to the provisions of Sections 10.251 through 10.254 "Exception Application," such a request shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

E. In lieu of the provisions of this section, the significance of individual stream reaches may be determined per the provisions in OAR 660-023-0090. Such a proposal shall be pursued through a Comprehensive Plan Amendment, consistent with Sections 10.181-10.184.

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000; Amd. Sec. 2, Ord. No. 2011-124, Oct. 6, 2011.]

10.924 **Permitted Activities within Riparian Corridors.**

A. Any use, sign, or structure, and the maintenance thereof, lawfully existing on the date of adoption of the provisions herein, is permitted within a riparian corridor. Such use, sign, or structure may continue at a similar level and manner as existed on the date of adoption of the provisions herein. The maintenance and alteration of pre-existing ornamental landscaping is permitted within a riparian corridor as long as no additional riparian vegetation is disturbed. The provisions of this section shall not be affected by any change in ownership of properties containing a riparian corridor.

B. The following activities, and maintenance thereof, are permitted within a riparian corridor, subject to obtaining applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers. All plans for development and/or improvements within a riparian corridor shall be submitted to the Oregon Department of Fish and Wildlife for a habitat

mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

(1) Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of road crossings, or water flow improvements.

(2) Restoration and enhancement of native vegetation, including the addition of canopy trees; cutting of trees which pose a hazard due to threat of falling if the tree is left in the riparian area after felling; or removal of non-native vegetation if replaced with native plant species at the same amount of coverage or density so that native species dominate.

(3) Normal farm practices, other than structures, in existence at the date of adoption of the provisions herein, on land zoned for Exclusive Farm Use.

(4) Normal flood control channel maintenance practices within a waterway, other than structures, necessary to maintain flow.

(5) Replacement of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein with a structure in the same location, if it does not disturb additional riparian area, and in accordance with the provisions of Sections 10.032 through 10.037 "Non-Conformities."

(6) Expansion of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein, if the area of the expansion is not within the riparian corridor, and in accordance with the provisions of Sections 10.032 through 10.037 "Non-Conformities."

(7) Perimeter mowing and other cutting necessary for hazard prevention.

(8) Improvements to, and maintenance of, the Medford International Airport and its runway protection zone, to meet the Federal Aviation Administration's regulations, advisory circulars, and guidelines.

(9) Maintenance and repair of existing driveways, roads and streets, including repaving and repair of existing bridges, and culverts, provided such practices avoid sedimentation and other discharges into the waterway.

(10) Emergency stream bank stabilization to protect threats to life or property. (State or Federal emergency authorization may be required for in-stream work.)

C. New fencing may be permitted subject to consideration by the Planning Director or designee in consultation with the Director of Public Works and applicable state and federal agencies. An application for new fencing within a riparian corridor shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels, and shall indicate why the proposal is necessary and how it minimizes intrusion into the riparian corridor.

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000; Amd. Sec. 4, Ord. No. 2011-124, Oct. 6, 2011.]

10.925 **Conditional Uses within Riparian Corridors.**

The following activities, and maintenance thereof, are allowed within a riparian corridor if compatible with Section 10.920, "Riparian Corridors, Purposes," and if designed to minimize intrusion. Such activities shall be subject to approval of a Conditional Use Permit, which may be considered separately or in conjunction with another plan authorization review. The approving

authority must determine that the proposal complies with at least one of the Conditional Use Permit criteria. Applicable permits, if any, from the Oregon Department of State Lands and the U.S. Army Corps of Engineers shall subsequently be obtained. All development and improvement plans shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy."

(1) Water-related or water-dependent uses, such as drainage facilities and irrigation pumps.

(2) Utilities or other public improvements.

(3) Streets, roads, or bridges where necessary for access or crossings.

(4) Multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture.[CGP1]

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000.]

10.926 **Prohibited Activities within Riparian Corridors.**

The following activities are prohibited within a riparian corridor, except as permitted in Sections 10.924 "Permitted Activities within Riparian Corridors" and 10.925 "Conditional Uses within Riparian Corridors."

(1) Placement of new structures or impervious surfaces.

(2) Excavation, grading, fill, stream alteration or diversion, or removal of vegetation except for fire protection purposes or removing hazardous trees.

(3) Expansion of areas of pre-existing non-native ornamental landscaping such as lawn, gardens, etc.

(4) Dumping, piling, or disposal of refuse, yard debris, or other material.

(5) Wireless communication facilities.

(6) Discharge or direct runoff of untreated stormwater.

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000; Amd. Sec. 7, Ord. No. 2008-04, Jan. 3, 2008.]

10.927 **Riparian Corridors, Reduction or Deviation.**

A request to reduce or deviate from the riparian corridor boundary provisions of this section may be submitted to the Planning Director or designee for consideration. A deviation request may be approved as long as equal or better protection of the riparian area will be ensured through a plan for restoration, enhancement, or similar means. Such a plan shall be submitted to the Oregon Department of Fish and Wildlife for a habitat mitigation recommendation pursuant to O.A.R. 635-415 "Fish and Wildlife Habitat Mitigation Policy." In no case shall activities prohibited in Section 10.926 (1) through (3), "Prohibited Activities within Riparian Corridors" be located any closer than 25 feet from the top-of-bank. The Planning Commission shall be kept advised of the outcome of deviation or reduction requests. Any decision of the Planning Director may be appealed to the City Council as provided in Chapter 10 of the Code of Medford.

[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000.]

10.928 **Conservation and Maintenance of Riparian Corridors.**

When approving applications for the following plan authorizations: Land Divisions, Planned Unit Developments, Conditional Use Permits, and Exceptions, or for development for properties containing a riparian corridor, or portion thereof, the approving authority shall assure long term conservation and maintenance of the riparian corridor through one of the following methods:

(1) The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, "Riparian Corridors," and any imposed by state or federal permits; or,
(2) The area shall be protected in perpetuity through ownership and maintenance by a private non-profit association by conditions, covenants, and restrictions (CC&Rs) prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, "Riparian Corridors," and any imposed by state or federal permits; or,
(3) The area shall be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in Sections 10.920 through 10.928, "Riparian Corridors," and any imposed by state or federal permits; or,
(4) The area shall be protected through other appropriate mechanisms acceptable to the City of Medford which ensure long-term protection and maintenance.
[Added, Sec. 1, Ord. No. 1999-215, June 1, 2000.]
10.929 thru 10.932 [Repealed - Sec. 1, Ord. No. 5918, July 16, 1987.]

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WETLANDS 10.940 – 10.952

10.940 Purpose Statements.
The purpose and intent of this section is:

1) To implement the goals and policies of the "Environmental Element" of the *Medford Comprehensive Plan* related to wetlands and achieve their purposes.
2) To protect and restore Medford's wetland areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.
3) To protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, preserve native vegetation, and reduce the effects of flooding.
4) To protect and restore the natural beauty and distinctive character of Medford's wetlands as community assets.
5) To enhance the value of properties near wetlands by utilizing the wetland as a visual amenity.
6) To enhance coordination among local, state, and federal agencies regarding development activities near wetlands.
7) To implement state and federal law with respect to protecting Medford's significant wetlands and the protection of clean water, pollution and flooding control, and preservation of endangered species.
8) To improve public awareness and appreciation of wetlands for their unique ecosystem functions and the visual and environmental benefits they provide.

10.941 Definitions.
See Sections 10.012 and 10.921 for defined terms

10.942 Applicability.

1) The provisions of this section apply to all lands containing wetlands.
2) State and federal wetland regulations apply within the City, regardless of whether or not these areas are mapped in the Local Wetland Inventories identified in the Comprehensive Plan. Nothing in this section shall be interpreted as superseding or nullifying state or federal requirements. In addition, the City shall provide notification to the Oregon Department of State Lands (DSL), as required by Oregon Administrative Rule, Division 23, for applications for development permits or other land use decisions affecting wetlands on the inventory.
3) It is the responsibility of the property owner to demonstrate compliance with this section is met or is not applicable for proposed uses, development activity, or land alterations. The Planning Director or designee may make a determination that a wetland is not located on a particular site or is not impacted by proposed development activity or uses based on the relevant local wetland inventory, site visit, and any other pertinent information. In situations where the location of the wetland(s) is unclear or disputed, the Planning Director or designee may require a survey, delineation prepared by a qualified surveyor or natural resource professional, or certified statement from a natural resource professional that no wetland(s) exist on the site.
4) Wetlands shall be protected from alteration and development, except as provided for in this section. No person or entity shall alter, use, or allow to be altered or use any real property identified as a wetland, except as set forth in an approved land use application or permit authorized in this section.
5) In the case where this section and any other ordinance, provision, or recorded document conflict or overlap, the one that imposes the more stringent restrictions shall prevail.

10.943 Inventory of Medford's Wetlands.

The approximate locations of Medford's wetlands within the City limits, Urban Growth Boundary, and Urban Reserve are identified in the Comprehensive Plan specifically the 2002 and 2016 Local Wetland Inventories (Ordinances 2003-135 and 2018-XXX). The location of these wetlands are recognized to be approximate. A more precise wetland boundary may be mapped, staked, delineated, and used for development review purposes without a modification of the maps contained in the Comprehensive Plan.

10.944 Wetland Protection Areas.

The City has conducted two separate wetland inventories for land within the city limits, the Urban Growth Boundary, and the Urban Reserve. The 2002 Local Wetland Inventory provides the location of wetlands within the city limits and 1993 Urban Growth Boundary limits. The 2016 Local Wetland Inventory provides the location of wetlands within the entire Urban Reserve and the 2018 Urban Growth Boundary limits. To date, wetlands have been reviewed and regulated through state and federal permits with no specific local protection regulations imposed. The following types of wetland protection areas are established to protect wetland resources.

The 2002 and 2016 Local Wetland Inventories (LWI), as summarized in the Comprehensive Plan, identify the approximate location of Locally Significant Wetlands and Other Identified Wetlands. The precise boundary of a wetland and associated wetland buffer shall be established through an on-site wetland delineation prepared by a natural resource professional and depicted on a site plan map or tentative plat map.

Wetland Buffer requirements for 2002 and 2016 Wetlands

1. Locally Significant Wetlands. For wetlands classified as Locally Significant on the inventories, the wetland protection area shall consist of all lands identified on the wetland delineation, plus a wetland buffer consisting of all lands within 50 feet of the upland edge of the wetland. Instead of completing a wetland delineation, a 50 foot buffer may be placed around the perimeter of the significant wetland identified on the LWI along with a detailed plan submitted by a natural resource professional demonstrating equal or better protection of the functions and values of the wetland resource will be ensured.
2. Other Identified Wetlands. For wetlands not classified as Locally Significant on the inventories, the wetland protection area shall consist of all lands identified on the wetland delineation, plus a wetland buffer consisting of all lands within 25 feet of the upland edge of the wetland. Other Identified Wetlands include all areas designated as such on the inventories and any unmapped wetlands discovered on site. Instead of completing a wetland delineation, a 25 foot buffer may be placed around the perimeter of the identified wetland found on the LWI along with a detailed plan submitted by a natural resource professional demonstrating equal or better protection of the functions and values of the wetland resource will be ensured.
3. Wetlands adjacent to Riparian Corridors. Any locally significant wetlands or other wetlands identified on the inventories that are adjacent to a stream or riparian corridor shall include either a 50 foot or 25 foot wetland buffer respectively measured from the upland edge of the wetland boundary.

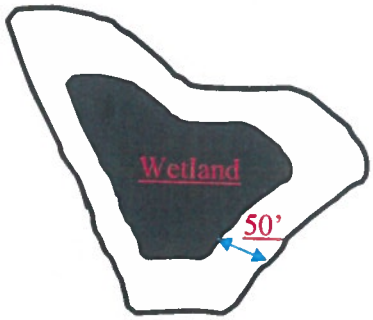

Figure 10.944.1
Wetland Protection Area
for Locally Significant Wetlands

Figure 10.944.2
Wetland Protection Area
for Other Identified Wetlands

10.945 Exempt Activities and Uses within Wetland Protection Areas.
The following activities and uses conducted in a Wetland Protection Area do not require a local permit or approval under this section.

1. Vegetation Maintenance, Planting and Removal.
   a. Landscaping and Lawn Maintenance. The continued maintenance of existing vegetation such as landscaping, lawn, gardens, and trees is exempt. Existing lawn shall not be expanded and new lawn shall not be installed.

b. Tree Pruning. Maintenance pruning of existing trees is exempt. In no case shall the maintenance pruning be so severe that it impacts the tree's health, longevity, or resource functions (such as shade, soil stability, erosion control and the like.)

c. Non-Native, Noxious, and Invasive Vegetation Removal. The removal of non-native, noxious, and invasive vegetation is exempt when replaced with local native plant species.

d. Hazardous Tree Removal. The removal of identified hazardous trees is exempt.

e. Routine Planting. The planting of local native plant species is exempt.

f. Publicly and Commonly Owned Properties. The routine restoration and enhancement of publicly and commonly owned properties such as public parks and private open spaces.

2. Site Investigation and Maintenance.

a. Testing. Site investigation work is allowed provided it has minimal surface area disturbance and is conducted by or required by a city, county, state, or federal agency. Site investigation work such as surveys, soil borings, and percolation tests.

b. Storm Water Treatment Facility Maintenance. Routine maintenance of storm water treatment facilities such as detention ponds, sediment traps, vegetated swales, and new wetland areas in order to maintain flow and prevent flooding when conducted in accordance with local, state, and federal permitting requirements and approved management plans is exempt.

3. City Emergency Activities. Emergency repair authorized by the City Manager or designee which must occur immediately, in order to address at least one of the following:

a. Prevent an imminent threat to public health, safety, or the environment.

b. Prevent imminent danger to public or private property.

4. Fire Hazard Prevention. Perimeter mowing or thinning of vegetation for fire hazard prevention consistent with a wetland mitigation plan approved by the Oregon Department of State Lands.

5. Driveway, Street Maintenance, and Paving. The maintenance, paving, and reconstruction of existing public and private streets, shared-use paths, and driveways is permitted.

6. Normal Farm Practices. Farming practices in existence prior to the adoption of these provisions conducted on land zoned Exclusive Farm Use.

7. Fencing. Fences limited to open wire or similar fence that will not collect debris or obstruct flood waters, but including wire mesh or chain link fencing may be installed in the wetland buffer. Solid wood fencing is prohibited in the Wetland Protection Area. Fencing in a designated floodplain may require a floodplain development permit per Chapter 9.

8. Nonconforming Structures and Uses. A structure or use legally established prior to adoption of this section, which would be prohibited or subject to limitations of this section, shall be considered a nonconforming structure or use and may continue subject to the following provisions.

a. Nonconforming structures or uses within or partially within a wetland

protection area may be maintained and used. A nonconforming structure may be replaced or expanded if the expansion of the footprint occurs outside of the wetland protection area and is in accordance with Sections 10.032-10.037.

10.946 Permitted Uses within Wetland Protection Areas.
The following uses conducted within a wetland protection area are allowed, reviewed, and permitted in accordance with the applicable land use application under review (e.g site plan, land division, transportation facility, etc.) and in accordance with the criteria outlined in Section 10.947. When a Permitted Use is requested independently of a land use application, the applicant shall submit a Type II application for a permit in accordance with Section 10.947. The submittal requirements for Permitted Uses are found in Section 10.950.

1. Construction and Grading Activities. Permanent alteration of the wetland protection area by grading or the placement of structures, fill, or impervious surfaces may be authorized for the following:
    a. New Public Access and Utilities. The location and construction of public streets, bridges, trails, shared-use path connections, and utilities deemed necessary to maintain a functional system and upon finding that no other reasonable, alternate location outside of the wetland protection area exists. The Comprehensive Plan, Transportation System Plan, adopted utility master plans, and other adopted documents shall guide this determination.
    b. New Private Access and Utilities. The location and construction of private streets, driveways, and utilities to provide a means of access to an otherwise inaccessible or landlocked property where no other reasonable, alternate location outside of the wetland protection area exists.
    c. Storm Water Treatment Facility Installation. Installation of public and private storm water treatment facilities such as detention ponds, sediment traps, vegetated swales, and new wetland areas.
2. Wetland Restoration and Enhancement. Wetland restoration and enhancement projects resulting in a net gain in wetland functions.
3. Public and Private Utility Maintenance and Replacement. Routine maintenance and replacement of existing public and private utilities that disturb lands within the wetland protection areas.
4. Airport. Improvements to, and maintenance of the Medford-Jackson County International Airport and its runway protection zone, to meet the Federal Aviation Administration's regulations and guidelines.

10.947 Permitted Uses Permit and Approval Criteria.
All permit uses within a wetland protection area as outlined in Section 10.946 above shall be approved if the proposal meets all of the following criteria.

1. The proposed uses shall be located as far away from the wetland protection area as practicable, designed to minimize intrusion into the wetland protection area, and minimize disturbance of the surface area of the wetland protection area.
2. The proposed uses shall be designed, located, and constructed to minimize adverse impacts on the wetland.
3. Excavation, grading, installation of impervious surfaces, and removal of native vegetation shall be avoided except where no practicable alternative exists, or where

necessary to construct public facilities or to ensure slope stability.

4. Water, storm drain, and sanitary sewer systems shall be designed, located, and constructed to avoid exposure to floodwaters when adjacent to a stream, and to avoid accidental discharge to the wetlands.
5. Wetland restoration and enhancement will be provided through the implementation of a mitigation plan prepared by a natural resource professional.
6. Long term conservation, management and maintenance of the wetland protection area shall be ensured through preparation and recordation of a management plan as outlined in Section 10.951. A management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

10.948 Wetland Protection Area Reduction.

A Wetland Protection Area may be reduced by up to 50 percent through a Type II procedure, if the proposal meets all of the following criteria.

1. The proposed use is designed to avoid intrusion into the Wetland Protection Area by varying a dimensional standard (e.g. setbacks, lot standards) to permit development as far outside of the wetland protection area as possible. Such variation to the applicable dimensional standards shall be reviewed as part of the requested reduction, and shall not be subject to a separate Exception application.
2. The alteration of the wetland protection area is the minimum necessary to efficiently perform the proposed use. The proposed development shall minimize disturbance to the wetland protection area by utilizing the following design options to reduce impacts of development.
    a. Multi-story construction shall be considered.
    b. Parking spaces shall be the minimum necessary for the proposed use.
    c. Pavement shall be minimized, and all pavement used shall be installed and maintained in a porous solid surface paving material (such as pavers, pervious pavement, etc.).
    d. Engineering solutions shall be used to minimize additional grading and fill.
3. The applicant has demonstrated that equal or better protection of the wetland will be provided through restoration, enhancement, and mitigation measures as implemented through a mitigation plan prepared by a natural resource professional.
4. Long term conservation, management and maintenance of the wetland protection area shall be ensured through preparation and recordation of a management plan as outlined in Section 10.951. A management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

10.949 Hardship Exception for Development in the Wetland Protection Area.

A Hardship Exception shall be subject to the Type III procedures and may be approved if the proposal meets all of the following criteria.

1. The application of this section unduly restricts the development or use of the lot, and renders the lot unbuildable.
2. The proposed use would have been permitted prior to the effective date of this ordinance.
3. The applicant has explored all other reasonable options available under this section and other applicable provisions of this ordinance to relieve the hardship.

4. Adverse impacts that would result from approval of the exception have been minimized and will be mitigated to the greatest extent possible through restoration, enhancement, and mitigation measures as implemented through a mitigation plan prepared by a natural resource professional.
5. Long term conservation, management and maintenance of the wetland protection area shall be ensured through preparation and recordation of a management plan as outlined in Section 10.951. A management plan is not required for residentially zoned lots occupied only by a single-family dwelling and accessory structures.

10.950. Application Submittal Requirements. The following information shall be submitted with the application for uses in the Wetland Protection Area which are required to be processed under a Type II or Type III procedure including Permitted Uses, Reductions, and Hardship Exceptions.

A. Required Plans and Information.

1. A narrative description of all proposed uses including the extent to which any Wetland Protection Area is proposed to be altered or affected as a result of the proposed development or use.
2. The amount of land disturbed in square feet and the cubic yards of overall disturbance shall be provided.
3. Written findings of fact addressing all applicable development standards and approval criteria.
4. Map, drawn to scale. The application shall include a site plan or tentative plat map of the subject property prepared by a licensed surveyor, civil engineer, or other design professional that includes the following information. Planning staff may request additional information based upon the site characteristics or proposal.
    a. All watercourses identified (including drainage ways, ponds, canals etc.)
    b. Surveyed location of the Wetland Protection Area, or the location of the Wetland Protection Area as identified in the Local Wetland Inventories with the additional buffer provided.
    c. A wetland delineation (with an accompanying site map) prepared by a natural resource professional and that has been concurred with by the Oregon Department of State Lands (DSL) or the wetland location as shown on the adopted Local Wetland Inventories with a detailed plan submitted by a natural resource professional demonstrating equal or better protection of the functions and values of the wetland resource.
    d. An aerial photograph with the wetland boundaries identified.
    e. Topographic information at two foot contour intervals identifying existing grade and proposed grade changes.
    f. Existing vegetation on site including trees and native and non-native vegetation species.
    g. Location of existing and proposed development, including all existing and proposed structures, any areas of fill or excavation, wetland crossings, alterations to vegetation, or any other site alterations.
    h. Erosion control plan to prevent encroachment and flow of material into the Wetland Protection Area.
    i. Scale and north arrow.

j. Any other applicable permits or information from federal, state, or local sources that help inform the proposed development plans.

5. Mitigation plan prepared by a natural resource professional.
6. Management plan as outlined in Section 10.951.

B. Building Permits and Other Activities. When approval of a land use action is not required, building permits or other activities on properties containing a Wetland Protection Area shall be reviewed by the Planning Director or designee to ensure that Wetland Protection Areas are accurately identified on a site plan and that Permitted Uses or other site disturbances will not be conducted within the Wetland Protection Area. An erosion control plan shall be submitted to prevent impacts to the Wetland Protection Area. When required, these erosion control measures shall be installed and site-verified by the Planning Director or designee before any permits are issued and prior to any grading, clearing, or construction commences on the land.

C. Required Information Waived. Applications under this chapter involving properties containing a Wetland Protection Area shall accurately indicate the locations of these features and all other information as described above. The Planning Director or designee may waive one or more of the required elements in Section 10.950(A) above if evidence is provided conclusively demonstrating that proposed excavation, grading, site clearing, construction, or similar actions resulting in changes to the property are not located within the boundaries of the Wetland Protection Area.

10.951 Management Plan. The applicant shall implement a management plan for the Wetland Protection Area to assure long term conservation and maintenance. The management plan shall detail proposed monitoring and maintenance, and shall include a schedule delineating how completed projects will be monitored and reported to the Planning Department. The management plan shall contain the following requirements.

1. The approved mitigation plan.
2. Identification of management practices to be conducted and proposed schedule.
3. Provisions for the ongoing removal and management of noxious and invasive vegetation and debris.
4. Provisions for the protection of protected plant and animal species in accordance with recommendations from applicable state and federal agencies.
5. No deviations to the management plan or alteration of the size, shape, or design of the Wetland Protection Area without prior approval by the City.
6. Provisions for the perpetual protection and maintenance of the Wetland Protection Area including but not limited to the following:
   a. Recordation of a conservation easement or Conditions, Covenants, and Restrictions (CC&Rs) which prescribe the conditions and restrictions set forth in the approved land use action, building permit, or public facility plans, and any imposed by state or federal permits.
   b. Transfer of ownership and maintenance responsibilities for the area to a willing public agency, non-profit association, or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in the approved land use action, building permit, or public facility plans, and any imposed by state or federal permits.

c. Other mechanisms addressing long term protection, maintenance, and mitigation consistent with the purposes and requirements of this ordinance as deemed appropriate and acceptable by the approval authority.

10.952 Performance Guarantee. In general, mitigation shall be implemented prior to final plat or certificate of occupancy for projects. Circumstances such as seasonal reasons may warrant additional time to complete the mitigation project. Installation may be deferred for up to six months following the issuance of the final plat or certificate of occupancy when a surety bond or cash in the amount of 125% of the estimated cost is provided to the City. The security is to guarantee the mitigation proposal will be carried out as approved, and to ensure the objectives are met through demonstration of compliance with measureable standards and that the site will be maintained to keep the wetland functioning properly.

10.953 Map Errors and Adjustments.
The Planning Director or designee may authorize a correction to a wetland on the adopted Local Wetland Inventories when the applicant has proven a mapping error has occurred or a correction is needed and the error or correction has been verified by the Oregon Department of State Lands (DSL). Delineations verified by DSL shall be used to automatically update the Local Wetland Inventories and a copy of the wetland delineation document shall be retained in the Planning Department. No formal plan amendment is required for map corrections where an approved delineation with a DSL letter of concurrence is provided. Approved delineations shall be subject to the terms of expiration set forth in the DSL approval.

Oregon
Kate Brown, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
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State Land Board

Kate Brown
Governor

Dennis Richardson
Secretary of State

Tobias Read
State Treasurer

January 18, 2017

The Honorable Gary Wheeler
411 West 8th St.
Medford, OR 97501

Re: Approval of the City of Medford Urban Reserves and Urban Growth Boundary Local Wetlands Inventory and Assessment

Dear Mayor Wheeler:

I am pleased to notify you that the Department of State Lands (DSL) has approved your Local Wetlands Inventory (LWI) and assessment. We appreciate your planning staff and the wetland consultant, SWCA Environmental Consultants, working with our staff to ensure that the inventory meets state LWI requirements (OAR 141-86-0180 through -0240) and the city's needs. The DSL-approved report and maps can be viewed and downloaded from our website at http://www.oregonstatelands.us/DSL/WETLAND/lwi_disclaimer_agreed.shtml?.

The DSL-approved GIS datasets are available for download from the Department's dropbox site at: https://www.dropbox.com/sh/0jkzo8933hvh257/AADsHKekco63UPbg-XYkPggFa/Website/lwi?dl=0&preview=Medford_UGB_UR_LWI_2017_01.gdb.7z

The final inventory requirement is for the City to notify property owners with wetlands mapped on their property within 120 days of this approval. Please provide us with a copy of the landowner notification, indicating the date when notification was completed.

Approval by DSL means that the LWI becomes part of the Statewide Wetlands Inventory. The LWI must now be used by the city instead of the National Wetlands Inventory for the Wetland Land Use Notification Process (ORS 215.350). Please note that mapped wetlands, "probable wetlands" (PW), and waterways may initiate a Wetland Land Use Notification to DSL. To submit a wetland land use notice, please use the online form available on the DSL website at: http://www.oregon.gov/dsl/PERMITS/Pages/forms.aspx#Wetland_Planning

The LWI and functional assessment also form the foundation for your wetland planning under Statewide Planning Goal 5, and the LWI must be adopted by the city per the Goal 5 requirements. Please note when significant wetlands are designated by the city, "non-significant" wetlands may be coded to distinguish them from "significant wetlands" but must not be removed from the approved LWI maps. These wetlands are still subject to state and federal permit requirements.

While considerable effort has been made to identify accurately most wetlands within the study area, DSL's approval does not guarantee that all regulated wetlands have been mapped. The mapped wetland boundaries are estimated boundaries, they have not been surveyed, and there are inherent limitations in mapping accuracy. DSL advises persons proposing land alteration on parcels containing mapped wetlands first to contact DSL or to obtain a wetland boundary delineation by a qualified consultant and submit it to DSL for approval prior to the land alteration.

It will be important to keep your LWI updated as new wetland delineations are completed and approved by DSL. One method is to annotate the LWI map with the DSL file number(s) on the affected tax lots. This may also be accomplished by creating a separate "refinement layer" within the digital dataset, per 141-085-0230(5). A few delineations may have been approved since the LWI review draft(s). Please contact us if you need copies of the delineation approval documents. Additionally, previous approval letters for delineations within the study area were sent to the County planning office and are noted in the LWI. If your office would like copies of these approval letters for your files, please let DSL know. Future wetland delineation approval documents will be provided to the Medford planning department for updating the LWI mapping.

We are pleased that the City of Medford has conducted a thorough wetlands inventory and has made wetland planning a high priority. We look forward to working with you and your staff as you continue on the Goal 5 wetland planning effort. Please feel free to contact Jevra Brown at 503-986-5297 with any questions you may have about the LWI or its use.

Sincerely,

Jevra Brown
Aquatic Resource Planner
Aquatic Resource Management Program

ec: Carla Angeli Paladino, City of Medford
Kelly Madding, Jackson County Development Services Director
Josh LeBombard, DLCD
Amanda Punton, Natural Resource Specialist, DLCD
C. Mirth Walker, SWCA Environmental Consultants
Yvonne Vallette, EPA
Heidi Firstencel & Omar Ortiz, Corps of Engineers
Shauna Ginger, Ecosystem Services Biologist, USFWS
Bill Kirchner, USFWS NWI
Joy Vaughan, Land & Water Use Coordinator, ODFW
Sara Christensen, 401 WQC Coordinator, DEQ
John Christy, Oregon Biodiversity Information Center
Bob Lobdell, Aquatic Resource Coordinator, DSL